



Exterior Elevated Elements (Balcony Inspection Bill; Senate Bill No. 721) Apartments

On September 17, 2018, Senate Bill 721 (California Health & Safety Code § 17973), the "Balcony Inspection Bill" or "Exterior Elevated Elements (E3) Bill," was signed into law for apartments. This bill requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. The bill requires the inspections, including any necessary testing, to be completed by **January 1, 2025**. This law went into effect in January 2019. This law is in response to a balcony collapse at an apartment complex at UC Berkeley in 2015, which tragically claimed the lives of six students.

"Exterior elevated element" means the following types of structures, including their supports and railings:

- D** Balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building.
- D** Have a walking surface that is elevated more than six feet above ground level.
- D** Are designed for human occupancy or use.
- D** Rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

City staff has prepared the following frequently asked questions to summarize the requirements of the law. This information is not a replacement for complete review and understanding of the law. Please consult a licensed professional for any questions related to compliance requirements.

What buildings are subject to Senate Bill No. 721?

Owners of apartment buildings with three or more units are subject to the law if their buildings have wood-framed exterior elevated elements that are located more than six feet above the adjacent grade, such as: balconies, walkways, decks, landings, railings, or stairways. For new apartment buildings that had a building permit application submitted after January 1, 2019, the first inspection shall occur no later than six years following the issuance of the certificate of occupancy. Subsequent inspections have the same cycle as existing buildings, once every six years.

Does this law apply to apartment and condominium buildings?

There are separate laws for apartment buildings and common interest developments (condominium) buildings. [Senate Bill No. 326](#) applies to common interest developments (condominiums), while [Senate Bill No. 721](#) applies to apartment buildings. The laws are very similar; however, there are differences. For condominiums, visit the City's condominium page.

Who is responsible for fulfilling the requirements of Senate Bill No. 721?

The law states that the owner of the building is responsible for fulfilling the requirements, including the safety inspection of the exterior elevated elements and the maintenance and/or repairs.

Who performs the required safety inspections?

A current employee of the City of Downey cannot perform the inspection. The inspection must be performed by one of the following:



- Licensed architect
- Licensed civil or structural engineer
- A contractor licensed by the Contractor's State License Board as a "A", "B", or "C-5" contractor, with a minimum of five years' experience in the construction of multistory wood frame buildings.
- Certified building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction

What does the inspection involve?

The purpose of the required inspection is to determine whether exterior elevated elements (balconies, walkways, decks, landings, railings, or stairways), associated waterproofing materials and methods are in a generally safe condition, adequate working order, and free from any hazardous defects caused by fungus, deterioration, decay, or improper alteration to the extent that the safety of the occupants, or welfare of the public is endangered.

The inspector shall perform visual inspections. If during the visual inspection the inspector observes building conditions indicating that unintended water or water vapor has passed into the associated waterproofing system, thereby creating the potential for damage to the load-bearing components, the inspector may conduct a further inspection. The inspector shall exercise their best professional judgment in determining the necessity, scope, and breadth of any further inspection.

What happens after the inspection?

The inspector will produce a report that includes their findings along with photos sufficient to document the conditions of the exterior elevated elements. The inspector must provide a stamped/signed written report of the evaluation to the owner of the building within 45 days of the completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

The inspector shall issue a written report containing the following information:

1. The identification of the building elements comprising the load-bearing components and associated waterproofing system.
2. The current physical condition of the load-bearing components and associated waterproofing, including whether the condition presents an immediate threat to the health and safety of the residents.
3. The expected future performance and remaining useful life of the load-bearing components and associated waterproofing system.
4. Recommendations for any necessary repair or replacement of the load-bearing components and associated waterproofing system.

The building owner must keep inspection reports available for two inspection cycles, or at least twelve years.

What are the next steps if the report identifies a condition that requires immediate repairs?



An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants or public and requires emergency repairs, including shoring, or both shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. The building owner shall prevent occupant access to the exterior elevated element until emergency repairs can be completed. Repairs of emergency conditions shall be inspected by the inspector, and reported to the local enforcement agency. Please notify the Building Division by emailing BuildingDept@downeyca.org, use *Exterior Elevated Elements* in the subject line. A building permit for repairs can be applied for online using the City's permitting portal, [Accela Citizens Access \(ACA\)](#).

What are the next steps when normal corrective work is required?

If an exterior elevated element requires corrective work and a licensed professional deems that it does not pose an immediate threat to the safety of the occupants or general public, the association must apply for a building permit within 120 days of receiving the inspection report. Once the permit is issued, the building owner shall have 120 days to make the repairs, unless an extension of time is granted by the Building Official.

If the owner of the building does not comply with the repair requirements within 180 days, the inspector shall notify the local enforcement agency and the owner of the building. If within 30 days of the date of the notice the repairs are not completed, the owner of the building shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day until the repairs are completed, unless an extension of time is granted by the local enforcement agency.

When should a report be submitted?

The inspection report shall be submitted to the building owner and City of Downey Building Division within 15 days of completion of the report, if the inspector advises that the exterior elevated element poses an immediate threat to the safety of the occupants or public and immediate repairs are recommended. The licensed professional who conducts the inspection must submit a stamped/signed inspection report to the City's Building Division by emailing: BuildingDept@downeyca.org, use *Exterior Elevated Elements* in the subject line.

Do I need to submit a report if repairs are not required?

To verify the required inspection has been completed, the inspection report must be kept on file at the property to prove compliance with the law during routine inspections or during a compliance investigation. The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with the law is the responsibility of the building owner.

How do I submit a report?

To submit a stamped and signed report, please contact the City's Building Division by emailing: BuildingDept@downeyca.org, use *Exterior Elevated Elements* in the subject.

How do I apply for a building permit?

Building permits can be applied for online using the City's permitting portal, [Accela Citizens Access \(ACA\)](#).