

Summary of California Senate Bill No. 721 for Inspection of Exterior Elevated Elements

In September 2018, Senate Bill No. 721 (SB 721) was approved by Governor Jerry Brown, requiring the inspection and repair of balconies, decks, and stairs that rely in whole or in substantial part on wood structural support (exterior elevated elements) in multi-family residential buildings with three or more dwelling units. This bill, commonly referred to as the “deck and balcony inspection” bill, went into effect on January 1, 2019. Provided is a synopsis, highlighting important actions and dates that California building owners should be aware of that pertain to the bill.



BACKGROUND

This bill was initiated in response to the tragic balcony collapse in Berkeley, California in June 2015, which resulted in six fatalities. The collapse was found to have been caused by wood decay (rot) of the structural wood framing that supported the balcony.



For additional information on the collapse and investigative findings, please see the *SB 465 Exterior Elevated Elements Working Group Report to the Legislature* (<https://www.documents.dgs.ca.gov/bsc/EEEs-SB465/SB465Report-Web.pdf>)

SCOPE

All multi-family residential buildings¹ with three or more dwelling units in California that have “exterior elevated elements” that rely in whole or in substantial part on wood structural support must comply with this law. It is important to note that local building departments may implement more stringent inspection requirements. SB 721 sets minimum inspection and repair requirements, so you should check with your local building department for the requirements in your area.

Do I have “Exterior Elevated Elements” requiring inspection?

SB 721 defines “exterior elevated elements” as:

“Exterior elevated element” means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support stability of the exterior elevated element.

If you’re still unsure if your building fits within the scope of the ordinance, use the questions below, which have been developed to help you determine if your building has “Exterior Elevated Elements” requiring inspection under SB 721:



Does your building have three or more dwelling units?

Do you have exterior balconies, decks, porches, stairways, walkways, entry structures, or other exterior elements with walking surfaces?



Does the element rely substantially on wood or wood-based products for structural support or stability?

Are the walking surfaces more than six feet above ground level?



YES

If you answered “YES” to **all** of the questions above, then your building is within the scope of SB 721 and you do have “exterior elevated elements” requiring inspection.

NO

If you answered “NO” to **any** of the questions above, then your building is not within the scope of SB 721 and you do not have “exterior elevated elements” requiring inspection.

If you are unsure of your answer to any of the questions above, you should contact a professional who can assist you with reviewing your property.

NEXT STEPS & TIMELINE

I have "Exterior Elevated Elements" requiring inspection, what do I do next?

1

Contact a professional who can discuss the potential scope of work for your property and perform the inspections.

2

Develop an inspection plan for your property that identifies all of the "Exterior Elevated Elements" and inspection scope for each element.

3

Your **first inspection** must be completed by January 1, 2025.

4

Subsequent inspections must be completed every six years.



BILL FAQ

1. My building is only 10 years old, does it really need to be inspected?

If you have a multi-family residential building¹ with three or more dwelling units, then it falls within the scope of the ordinance and the specified “exterior elevated elements” and associated waterproofing elements are required to be inspected. There are no inspection exceptions for buildings based on age.

2. What if my exterior elevated elements (EEEs) were recently inspected?

If your building was inspected within three years of January 1, 2019 and the inspection completed complied with the requirements of SB 721, no new inspections are required until January 1, 2025.



3. It looks like my EEE is concrete, could it be supported by wood?

It is possible your EEE is supported by wood. Many EEEs are constructed of concrete slabs, typically referred to as a topping slabs, supported by wood floor joists. If you are unsure if your building fits within the scope of SB 721, you should contact a professional.

4. Who can perform the inspections?

The professional performing the inspection must be hired by the building owner. Professionals who can perform inspections include:

- a. Licensed Architects;
- b. Licensed Engineers (Civil or Structural);
- c. An individual certified as a building inspector or building official from a recognized state, national, or international association;
- d. Building contractors with type “A”, “B”, or “C-5” license classifications, a minimum of five years’ experience while holding that license, and experience with multistory wood frame buildings.

5. What will it take to inspect my building?

This will vary by building and depends on a number of different factors. It's best to a contact a professional who can provide input and recommendations for your specific building. Keep in mind, if your "exterior elevated elements" are hidden behind finishes, some removal and replacement of finishes may be required in order to perform the required inspection activities.

6. What happens if the inspection identifies damage?

If damage is identified during the inspections, the inspector will need to identify if the damage presents an immediate safety risk.

- a. Immediate safety risks are required to be mitigated right away and may require emergency repairs, shoring, and/or preventing occupant access to the affected areas.
- b. Damage that does not present an immediate safety risk will need to be repaired. The building owner has 120 days from receipt of the inspection report to apply for a permit for the repair work and 120 days after approval of the permit to make the repairs needed. Local building departments do have the authority to grant time extensions, if requested by the building owner.

7. Do I need a permit to complete necessary repairs?

Yes, repairs need to comply with the requirements of the local building department, including applying for all required permits.

RESOURCES

California Building Standards Commission: Exterior Elevated Elements Subcommittee Resources
<http://www.bsc.ca.gov/Rulemaking/ExteriorElevatedElementsSubcommitteeResources.aspx>

California Senate Bill No. 721

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB721

City of Berkeley Exterior Elevated Elements (E3) Inspection Program

<https://www.cityofberkeley.info/E3/>

SB 465 EEE Working Group Report to the Legislature

<https://www.documents.dgs.ca.gov/bsc/EEEs-SB465/SB465Report-Web.pdf>

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¹ A limited number of multi-family residential buildings that are under the jurisdiction of the Federal government or other entities would be exempt because they fall outside of California law (e.g., National Parks, military bases, etc.). Additionally, "common interest developments", as defined by Section 4100 of the California Civil Code, are excluded from this ordinance.