



# California Balcony Inspection Laws: A Complete Guide [2022]

Last Updated on July 20, 2022 by Dan Cronk

***If you own or manage an apartment building, condominium, or other multi-family structure in California, you've probably been affected by one of the state's several deck and balcony laws.***



If you're like most building owners and property managers, you likely have questions about these bills, how to comply with them, and what the inspection requirements are.

In this blog, we break down everything you need to know about **California's balcony inspection laws**, namely SB-721, SB-326, San Francisco Section 604, and the Berkeley E3 program, how they impact your building, and how to avoid the fines and fees associated with noncompliance.

Let's dive in.

# Why Did California Pass These Balcony Inspection Laws?

One of the most common questions we get from property owners and managers is *why* these bills exist. The answer is simple:

They exist to **ensure the safety of residents, tenants, and visitors throughout California.**

Over the past hundred years, **building codes** have become the standard throughout the US.

While these codes have made buildings safer, they don't take steps to prevent accidents on some of a building's most dangerous elements, including balconies, porches, stairs, and decks.

As such, elevated structures like balconies cause several thousand injuries each year.



Image: Alberto Aldana via Wiki / CC by SA 3.0

## The Berkeley Balcony Collapse in 2015

One notable example in California was the Berkeley balcony collapse, **which took place in 2015**. The accident killed six college students and caused seven injuries.

After the collapse, state and local officials conducted forensic investigations into the property and the cause of the balcony failure.

During the inquiry, experts discovered that the balcony was improperly waterproofed, which caused dry rot in the wooden frame.

The investigation also found that the property manager was aware of the problems but delayed maintenance.

Sadly, the collapse could have been prevented if the building owner had taken steps to correct the structural issue.

## What Happened After the Collapse?

Following the Berkeley balcony tragedy and subsequent investigation, California began to focus on deck and balcony safety legislation.

The first law, [Senate Bill 465](#), passed in 2016. It required the California Building Standards Commission (CBSC) to conduct an extensive study and report the findings.

The [resulting report](#) recommended regular inspections to verify the stability and safety of exterior elevated elements.

After that report, the California legislature passed SB-721 in 2018 and SB-326 a year later – in 2019.

Today, California's balcony bills have a logistical and financial impact on people who own multi-family buildings with elevated decks, balconies, and walkways.

The bills require the inspection of balconies and other “exterior elevated elements” and levies fines, fees, and liens on properties that don't comply.

## What is Senate Bill 721?

[Senate Bill 721](#) affects buildings with 3 or more multifamily dwelling units and mandates safety and inspection standards for a building's exterior elevated elements (EEEs).

According to the bill, EEEs include stairways, porches, decks, walkways, and other elevated structures more than 6 feet above the ground.

Specifically, SB-721 focuses on wood-framed structures and requires inspections every six years.

Here's a breakdown of some of the bill's key points:

- The first SB-721 inspection must be completed by January 1st, 2025.
- A certified independent inspector must inspect a minimum of 15% of each type of elevated element (decks, porches, stairways, and walkways). The inspector gets to decide which elevated features to examine.
- The property owner must correct any exterior elevated element that requires repair or replacement.
- The more serious the structural issue, the sooner the building owner must complete repairs.
- Local building departments can assess penalties up to \$500 per day for non-compliant facilities.
- Re-inspections must occur every six years.
- If officials in the jurisdiction request the reports, the building inspector is legally required to make them available.
- Property owners are responsible for continued and [ongoing maintenance](#).

The requirements of SB-721 inspections are as follows:

- All SB-721 safety inspections must be completed by safety inspectors who are qualified under the provisions of SB-721. These professionals include general contractors with "A," "B," or "C-5" license classifications and at least five years of experience, architects, engineers, and certified building inspectors.
- If the inspection reveals problems with the EEE, the person who completes the repairs *cannot* be the same person who conducted the initial inspection.
- The inspection reports must meet three specific requirements: they must outline the current condition of the EEE, specify the expected service life of the elevated element, and provide recommendations for additional inspections if the inspector deems them necessary.
- Property inspectors must deliver their inspection reports within 45 days of the inspection date.

Learn more about SB-721 in our blog by clicking [here](#).

## Which Buildings are Affected by SB-721?



Currently, SB-721 affects all buildings in California with 3 or more multi-family units, including triplexes, fourplexes, quads, and larger apartment complexes.

The bill excludes condominiums (those buildings are covered under SB-326), [Common Interest Developments](#), and apartment projects.

The only time condominiums are affected by SB-721 is when an apartment building is being converted into condos. In this case, inspections must be completed before escrow closes on the first unit.

## What is Senate Bill 326?

[Senate Bill 326](#) was passed in 2019. This HOA balcony bill strives to prevent future deck and balcony collapses and ensure the stability and safety of balconies, walkways, and decks in condominium units and other buildings.

Here's a breakdown of some of the bill's key points:

- A 95% random, statistically significant sample of the exterior elevated elements must be inspected (95% confidence, +/- 5% error margin).
- Inspections assess the load-bearing components' current physical condition and their projected life span.
- Findings must be visually inspected by a licensed Architect or Engineer every nine years, according to [Civil Code §5551](#).
- The first inspection must take place by January 1, 2025.
- Any exterior elevated element found to need repair must be corrected.
- The greater the threat to life and safety, the sooner the repairs must take place.
- Local building departments can assess fees for non-compliant facilities.

An SB-326 report must include the following kinds of information:

- Complete identification of the building elements inspected.
- The current physical condition of all inspected components.
- Whether a building's elevated exterior elements pose dangers to the health or safety of the residents in a building.
- The projected service life of the inspected elements.
- Any repairs needed, including a categorization of non-emergency and emergency repairs.

Learn more about SB-326 [here](#).

## Which Buildings are Affected by SB-326?

SB-326 affects condominium buildings and other Common Interest Developments.

New condo associations that submitted a building permit application after January 1, 2020, must have their first SB-326 inspection within six years of receiving a Certificate of Occupancy.

Who Can Perform a California Balcony Inspection?

The answer to this question differs depending on which balcony inspection law you're complying with.

Here's a breakdown of each bill's requirements:

### Senate Bill 721

SB-721 requires all deck and balcony inspections to be completed by general contractors with "A," "B," or "C-5" license classifications (they must also have at least five years of experience), certified building inspectors, engineers, or architects.

Like SB-326, if problems are present, the person who conducted the inspection cannot be the one to complete the repairs.

### Senate Bill 326

A licensed architect or engineer must complete SB-326 inspections. If the inspection reveals problems with an EEE, the person who conducted the inspection cannot be



the one to complete the repairs.

## SB721 & SB326: What Are the Main Differences?

While SB-721 and SB-326 are similar in many ways, there are some key differences.

Mainly, those differences relate to who they affect and how frequently they require inspections.

While SB-721 applies to landlords of buildings with at least three multi-family dwelling units and requires inspections every six years, SB-326 applies to condominium associations and requires inspections every nine years.

The deadline for initial inspections under both SB-326 and SB-721 is January 1, 2025.

## What is an Exterior Elevated Element?

According to Civil Code §5551, Exterior Elevated Elements (EEEs) are the parts of a building defined as "load-bearing components together with their associated waterproofing systems," including sheet metal flashings and all membranes, sealants, or coatings.

To meet the definition of an EEE, the element must have the following properties: the element must extend beyond the exterior walls of a building, be designed for human use, and have a walking surface that's elevated more than 6' above the ground.

## What Elements Must be Inspected?

### SB-721

[SB-721 requires inspection](#) of exterior elevated elements and other associated waterproofing elements, including flashings, membranes, sealants, and similar structures.

SB-721's inspection requirements cover balconies, support railings, porches, stairways, walkways, entry structures, and any other structure that extends beyond the building's exterior walls and has a walking surface that's elevated more than 6' above the ground.

Affected EEEs are designed for human occupancy or use and are built on wood or wood-based frames.

### SB-326

SB-326, meanwhile, only applies to EEEs at condominium facilities.

This encompasses balconies, decks, patios, elevated walkways, and other structures elevated at least 6' above the ground and any associated waterproofing elements, including flashings, membranes, sealants, and similar systems.

The bill requires inspectors to review a "random and statistically significant" sample of EEEs.

If non-emergency repairs are required, the inspector will notify the owner or Board of Directors.

If emergency repairs are needed, the inspector will refer the case to the Local Building and Safety Department.

## What About Steel Structures?

Both SB-721 and [SB-326 mandate inspections](#) for structures built on wood or wood-based materials. According to that definition, inspections are not required for steel structures.

There are exceptions, however. And many of them depend on where your building is located.

Notably, the [Berkeley Housing Code Section 601.4](#) requires inspections for elevated wood *and* metal decks and balconies. Read more about the Berkeley E3 program requirements by [clicking here](#).

San Francisco, meanwhile, imposes [Housing Code Section 604](#), which requires an affidavit signed by a licensed inspector (in this case, architects, engineers, structural pest control experts, and general contractors all qualify as licensed inspectors) who inspected a variety of "weather-exposed" wood and metal elements (you can find a complete list of required elements [here](#)).

This code requires the affidavit to be signed and submitted every five years.

Read more about Section 604 in our blog by [clicking here](#).

## What Happens During a Deck & Balcony Safety Inspection?



When you request an SB-326 or SB-721 inspection from Deck and Balcony Inspections, Inc., we follow a three-step process to deliver a comprehensive, reliable inspection:

## 1. Free Initial Consultation

The first step in any inspection is a free, no-obligation consultation with you. During this consultation, we'll review your needs and provide an estimate to help you budget and plan for your inspection.

## 2. The Inspection

After the estimate, we'll schedule your inspection for a time that's convenient for you. Our team of licensed general contractors and engineers is qualified to perform both SB-721 and SB-326 inspections.

Depending on the California deck and balcony law you're complying with, we'll inspect the required percentage of EEEs and provide a report about all the conditions of the EEEs, as specified by the law.

Our report will also outline the expected service life and performance of your EEEs and a breakdown of the required non-emergency repairs.

If you're undergoing an SB-326 inspection, we'll be required to report dangerous damage to your building's waterproofing or load-bearing elements to the city's code enforcement agency within 15 days of our inspection, as per [Cal. Civ. Code § 5551\(5\)\(g\)\(1\)](#).

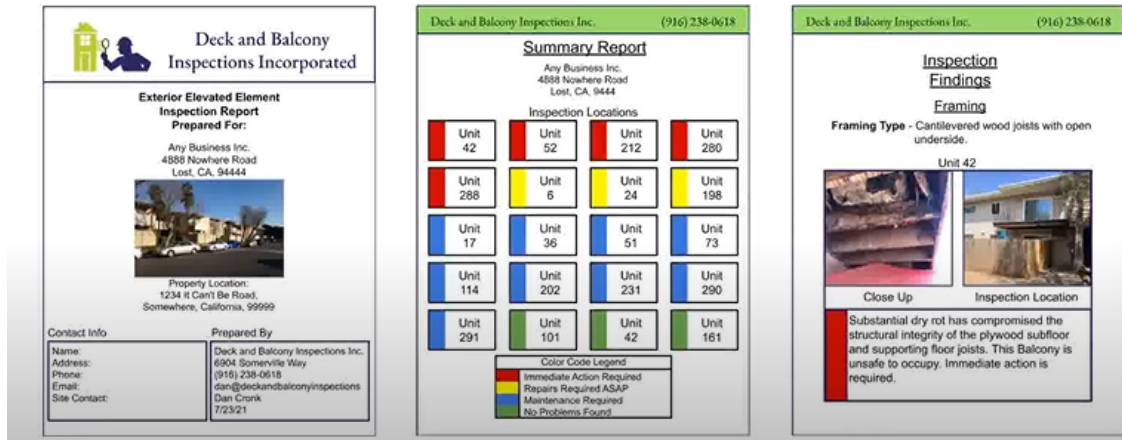
## 3. Provide Report

Once we complete your SB-326 or SB-721 inspection, we will draft a comprehensive report detailing our findings.



We make our reports available in either a PDF format or as a digital, interactive file for your convenience. The benefit of the interactive report is that it can be updated in real-time to reflect completed repairs and provide an accurate picture of the state of your building.

To make our reports as readable as possible, we color-code our findings as follows:



- **Red**– immediate action needed
- **Yellow**– Repairs should be completed as soon as possible
- **Blue** – Maintenance required
- **Green** – No problems identified

## Do I Have to Keep Inspection Records?

After an SB-721 inspection, property owners and managers must keep inspection reports available for 2 inspection cycles, or at least 12 years.

If you decide to sell your building, you must also make the reports to the buyer at the time of the sale. If you sell your building before its first EEE inspection, you'll need to disclose that at the time of the sale.

Additionally, all subsequent EEE inspection reports should incorporate copies of previous reports, including the types and locations of all EEEs inspected. Finally, local law enforcement agencies have the right to determine if you need to submit your report to them for any reason.

After an SB-326 inspection, the inspector will stamp your report and incorporate it into your HOA Reserve Study, where it will stay on the record.

## What are the Repair Requirements?

The repair requirements are similar for both laws. Here's a breakdown of each:

### SB-721 (Applies to Apartments)

SB-721 establishes regulations that require inspectors to present their inspection report within 45 days of the property inspection.

If the property requires immediate emergency repairs, inspectors have 15 days to present a report to the property owner and provide a copy to local code enforcement agencies.

Once a building owner receives the inspection report, they must apply for any needed repair permits for non-emergency repairs within 120 days.

When the building owner's permit is approved, they have an additional 120 days to complete the necessary repairs.

If the building owner doesn't comply with the repair requirements within 180 days, the building inspector shall notify local law enforcement agencies.

If the repairs aren't completed within 30 days, the building owner could be assessed a civil penalty.

## SB-326 (Applies to Condos)

Under SB-326, the inspector must provide a copy of the inspection report to the building owner immediately upon completion of the report.

The inspector must also submit the information to the local code enforcement agency within 15 days of completing the report.

If the inspection reveals issues that could threaten the health or safety of occupants or visitors, the bill requires the association to take preventive measures as soon as they receive the report.

These measures may include roping the affected area off to prevent occupant access to the area until repairs have been made, inspected, and approved by the local code enforcement agency.

If an EEE needs emergency repairs, SB-326 requires inspectors to send a copy of the inspection report to the property's local code enforcement agency within 15 days.

## What are the Deadlines to Comply with California's Balcony Laws?

Property owners have until January 1, 2025, to complete their first SB-721 and SB-326 inspections. The deadline to comply with [Berkeley's E3 program](#) is May 31, 2022, and the deadline to comply with [San Francisco Code Section 604](#) was April 1, 2022.

## How Often Should Balconies Be Inspected?

After the initial SB-721 inspection, building owners must participate in follow-up inspections every 6 years.

However, the one exception is if your building was inspected in a manner compliant with the requirements of SB-721 *after* January 1, 2016. In that case, no new inspections are required until January 1, 2025.

Under SB-326, EEE inspections must be completed every 9 years.

## 4 Common Deck and Balcony Inspection Methods



ENDOSCOPE



MOISTURE  
SENSOR



INFRARED  
IMAGERY

Here are a few of the most common methods building inspectors utilize during deck and SB-721 and SB-326 inspections:

### 1. Visual Inspection

Both SB-721 and SB-326 require visual inspection of EEEs, and for a good reason. This is one of the most critical components of any comprehensive deck and balcony inspection.

During this process, a skilled inspector visually inspects all exposed surfaces of a balcony or other load-bearing element. The inspector will also evaluate the EEE's guardrails, attachment points, and other components.

If any of these components are covered by siding, soffits, or stucco, a visual inspection won't be sufficient to comply with inspection requirements.

### 2. Endoscopic Testing

Endoscopic testing is one of our preferred testing methods. In addition to being less invasive than destructive testing tactics, it's also quieter, less messy, and less expensive.

During the endoscopic testing process, an inspector bores a small hole into the underside of a soffit or other covering and inserts an endoscopic camera into the hole.

This allows the inspector to evaluate concealed wood elements without making large investigative openings.

Once we've completed endoscopic testing, our teams seal the holes with specially-designed water- and airtight plugs.

### 3. Moisture Sensors

Moisture sensors are an effective way to check for moisture intrusion in an elevated element. They're particularly effective at identifying signs of dry rot and directing needed maintenance and repairs.

### 4. Infrared Imagery

Infrared imaging is used to visually inspect exposed wood surfaces and rule out the presence of water intrusion or damage.

While this method works well for exposed wood surfaces, it is not applicable for wood concealed behind vinyl siding, stucco, or another surface.

## How Much Does a Balcony Inspection Cost?

The cost of a balcony inspection depends, ultimately, on the inspection method. Non-destructive technology, like visual inspections, infrared imagery, or moisture sensors, are the most affordable evaluation methods and are usually billed on a per-balcony basis.

This is how Deck & Balcony Inspections, Inc. performs inspections, which makes our work quick, comprehensive, and affordable.

Some companies have minimum charge requirements for non-destructive testing methods and will generally deliver a final quote after the initial evaluation of the property.

Destructive exploration is another common inspection method. This method involves removing sections of exterior finish to expose wood-framed elements covered by inspection requirements.

Pricing for this service includes the inspection and the price of destructive exploration.

However, keep in mind that this pricing structure does not include the cost of repairs required for the construction work.

[Contact our team today](#) for more information on the exact cost of California balcony inspection services.

## How Long Do Balcony & Deck Inspections Take?

The time it takes to conduct a deck, and balcony inspection depends on a few factors, including the following:

- Whether the EEEs are exposed or covered by structural components like soffits.
- How tall the building is and how high the EEEs are above the ground.
- Whether the inspector needs to enter residences or dwelling units to conduct the inspection.
- If the balcony or deck to be inspected is empty or covered in furniture.
- How large the building is and how many elements there are to inspect.

In perfect conditions, most building inspectors could probably complete an EEE inspection in a few minutes.

In other cases, though, inspectors will take longer since inspectors will need to remove material, use lift equipment to access the EEE, or make investigative openings to expose the EEE.

## What are the Penalties for Not Complying with California's Balcony Laws?



### SB-721

When a building inspector provides an inspection report that outlines required repairs, the owner must begin the repair process within 180 days. If they don't, the building



inspector will notify the city building code enforcement agency and the building owner of the violation.

Once the notice is issued, the owner has a 30-day timeline to complete the needed repairs. Unless the local code enforcement agency doesn't grant an extension, the owner may be subject to civil penalties that range from \$100-\$500 a day until the repairs are complete. The local code enforcement agency may also issue a safety lien on the property.

## SB-326

If you don't comply with SB-326, the code enforcement arm of your local building department can initiate fees, legally recover relevant enforcement costs, and levy liens against your property.

Since building owners with dangerous EEEs are required to take preventative actions to limit occupant access to said EEEs until repairs have been completed, inspected, and approved by the local code enforcement agency, said agencies have the right to recover enforcement costs associated with the requirements of this section from the association.

## Need a California Balcony Inspection? Give us a Call Today!

Don't risk fines, fees, and liens by failing to comply with SB-326 or SB-721. If you need a reliable, professional California balcony inspection, look no further than Deck and Balcony Inspections, Inc.

While it may seem like you have plenty of time to comply with these laws, there are thousands of condominiums and apartments throughout California.

If you wait until the last minute to book your inspection, you might be placed on a lengthy waiting list or find yourself facing expensive fines and fees.

Deck and Balcony Inspections, Inc. will inspect the EEEs of your condominium or apartment building thoroughly, professionally, and affordably. We serve all of California, from San Diego to Redding and from San Francisco to Lake Tahoe.

**Avoid fees and penalties and keep your building in compliance. Request a FREE California balcony inspection quote by calling (916) 238-0618 or [filling out the form here](#).**



## AUTHOR BIO

Dan Cronk is the Founder & President of Deck and Balcony Inspections, Inc. Dan has 40+ years of experience in the construction industry. As a certified structural inspector and general contractor, Dan has extensive knowledge about California's deck and balcony laws and enjoys sharing his expertise with the community.

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