

**CALIFORNIA STATE BALCONY INSPECTION LAW
 CONDOMINIUMS**

SB 326 requires inspections of condominium buildings with Exterior Elevated Elements (EEE) be completed by January 1, 2025. EEE inspections, as well as any required maintenance or repair identified after inspection, are the responsibility of the homeowners association (HOA).

FREQUENTLY ASKED QUESTIONS

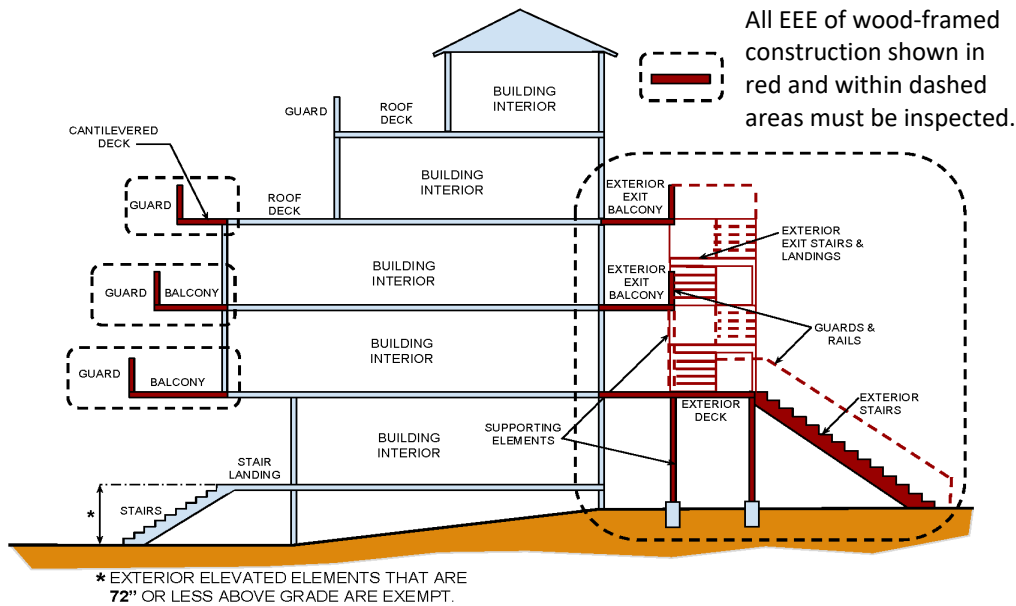
WHAT BUILDINGS MUST BE INSPECTED?

Condominium buildings with 3 or more units that have Exterior Elevated Elements.

WHAT ARE EXTERIOR ELEVATED ELEMENTS (EEE)?

EEE include the following:

- Balconies, decks, porches, stairways, walkways, railings, and entry structures that extend beyond exterior walls of the building; and
- That have a walking surface more than 6 feet above ground level; and
- Rely in whole or in substantial part on wood or wood-based products for structural support or stability.

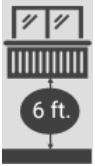


Source: Image adapted from City of Berkeley

ARE DUPLEXES IN CONDOMINIUM COMMUNITIES REQUIRED TO BE INSPECTED?

Duplexes are not required to be inspected, since each building has fewer than 3 units each.

ARE INSET DECKS SUBJECT TO EEE INSPECTIONS?



Yes, inset decks must be inspected if they are located beyond an exterior wall, are wood-framed, and have a walking surface more than 6 feet above the ground.

Source: Image adapted from City of Fremont

DO FIRE ESCAPES NEED TO BE INSPECTED?

Under this law, fire escapes do not need to be inspected by a private inspector. However, Oakland Fire Department will continue to inspect fire escapes.

WHEN MUST INSPECTIONS BE COMPLETED?

Inspections of Exterior Elevated Elements as described above must be completed **by January 1, 2025**. Subsequent inspections are required every 9 years (inspection cycle).

The inspection of buildings for which a building permit application has been submitted on or after January 1, 2020, shall occur no later than six years following the issuance of a certificate of occupancy.

WHO CAN PERFORM THE INSPECTIONS?

HOAs must hire a qualified inspector to conduct the inspection:

- Licensed architect (<https://www.cab.ca.gov>, <https://aiaeb.org/aiaeb-member-directory>, <https://aiasf.org/architecture/find-an-architect>) or
- Licensed structural engineer (<https://www.bpelsg.ca.gov>, <https://www.seaonc.org>) or
- The inspector *cannot* be a current employee of the City of Oakland.

WHAT MUST THE INSPECTION COVER?

Prior to conducting the first visual inspection, the inspector shall generate a random list of the locations of each type of Exterior Elevated Element. The list shall include all Exterior Elevated Elements for which the HOA has maintenance or repair responsibility. The list shall be provided to the HOA for future use.



“Statistically significant sample” means a sufficient number of units inspected to provide 95 percent confidence that the results from the sample are reflective of the whole, with a margin of error of no greater than plus or minus 5 percent.

“Visual inspection” means inspection through the least intrusive method necessary to inspect load-bearing components, including visual observation only or visual observation in conjunction with, for example, the use of moisture meters, borescopes, or infrared technology.

The inspector shall perform the **visual inspections** in accordance with the random list generated. 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, then 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 MUST THE INSPECTION REPORT INCLUDE?

Based upon the inspector’s visual inspections, further inspection, and construction and materials expertise, the inspector shall issue a written report containing the following information:

- The identification of the building components comprising the load-bearing components and associated waterproofing system.
- The current physical condition of the load-bearing components and associated waterproofing system, including whether the condition presents an immediate threat to the health and safety of the residents.
- The expected future performance and remaining useful life of the load-bearing components and associated waterproofing system.
- Recommendations for any necessary repair or replacement of the load-bearing components and associated waterproofing system.
- The report shall be **stamped or signed** by the inspector, presented to the HOA board, and incorporated into the study required by Civil Code Section [5550](#).

WHAT IF HAZARDS ARE FOUND?

If the inspector advises that the Exterior Elevated Elements pose an **immediate threat** to the safety of the occupants, the **inspector shall provide a copy of the inspection report to the HOA immediately upon completion of the report**, and to City of Oakland Code Enforcement Services within **15 days** of completion of the report.



The inspector shall email the report to BalconyCompliance@oaklandca.gov. City of Oakland Code Enforcement Services will begin the EEE Monitoring process.

Upon receiving the report, the HOA shall take preventive measures immediately, including preventing occupant access to the Exterior Elevated Element until repairs have been inspected and approved by the local enforcement agency.

WHO MAY PERFORM THE REPAIRS?

An Exterior Elevated Element found by the inspector to need repair or replacement is the responsibility of the HOA. It is recommended that any repair shall be performed by a licensed contractor *not* serving as the EEE inspector.

ARE BUILDING PERMITS REQUIRED?

A Building Permit is required to repair most parts of a typical wood deck, guard rail, or exterior stairway.

Please visit the Planning and Building Department's Permit Center:

<https://www.oaklandca.gov/departments/planning-and-building>

Please email BalconyCompliance@oaklandca.gov for more EEE specific information.

WHAT IF HOAS FAIL TO COMPLY?

Code enforcement proceedings under the Oakland Municipal Code will be initiated against HOAs that do not complete corrective work or if work is not completed on time.

WHO KEEPS THE INSPECTION REPORT?

Copies of all inspection reports shall be maintained in the HOA's permanent records for not less than two EEE inspection cycles.

REFERENCES

- [SB 326](#): Common Interest Developments
- Civil Code Sections [5551](#), [5986](#), and [6150](#)