



**CALIFORNIA STATE EXTERIOR ELEVATED ELEMENTS LAW
CONDOMINIUMS**

[SB 326](#) requires inspections of condominiums and other common interest developments with Exterior Elevated Elements (EEE) be completed by **January 1, 2025**.

The inspection will determine whether EEE and associated waterproofing are in good working condition, free of decay and other hazards, and safe for residents and visitors. *Future inspections are required every 9 years.*

If your building is an apartment or other multi-family building, then see “*Frequently Asked Questions for Apartment Buildings (SB 721)*” at <https://www.oaklandca.gov/e3web>.

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1. IF INSPECTION IS REQUIRED, IS THERE AN INSPECTION FORM?

Yes, please find the Inspection Form at <https://www.oaklandca.gov/e3web> or contact staff at balconycompliance@oaklandca.gov.

2. WHAT BUILDINGS MUST BE INSPECTED? WHAT ABOUT DUPLEXES AND SINGLE FAMILY HOMES?

Condominium buildings and other common interest developments with 3 or more units that have Exterior Elevated Elements.

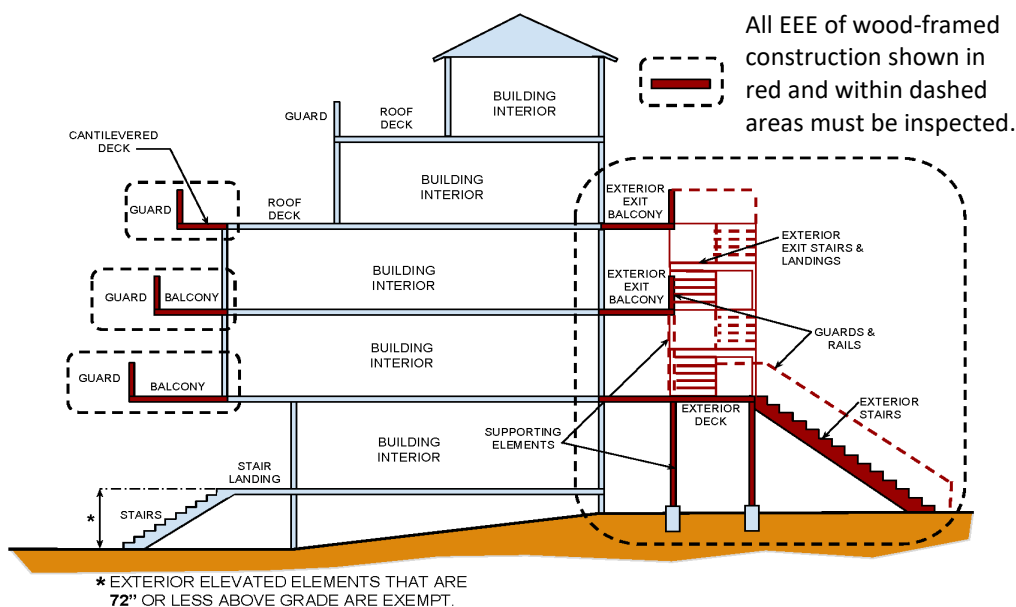
Duplexes or single-family homes are not required to be inspected, since each building has fewer than 3 units each. Please complete the Exemption Form: <https://oaklandca.gov/eee>.

If your building is an apartment or other multi-family building, then see “Frequently Asked Questions for Apartment Buildings (SB 721)” at <https://www.oaklandca.gov/e3web>.

3. 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 six (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

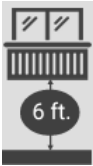
4. OUR BUILDING DOES NOT HAVE EXTERIOR ELEVATED ELEMENTS.

Please complete the EEE survey (<https://oaklandca.gov/eee>) for exemption.

5. OUR BUILDING DOES NOT HAVE RENTAL UNITS. DOES IT NEED TO BE INSPECTED?

Yes, if there are three or more residential units in the building.

6. DO INSET DECKS NEED TO BE INSPECTED?



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

7. OUR EXTERIOR ELEVATED ELEMENT IS COVERED. ONLY ONE SIDE OPENS OUTSIDE.

If the Exterior Elevated Element is wood-framed and is exposed to the weather from any side, then EEE inspection is required. If rain or other moisture can accumulate on the surface or at the joints/intersections, then EEE inspection is required.

8. DO FIRE ESCAPES NEED TO BE INSPECTED?

Fire escapes do not fall under SB 326. Oakland Fire Department will continue to inspect fire escapes. Please complete the Exemption Form: <https://oaklandca.gov/eee>.

9. OUR EXTERIOR ELEVATED ELEMENT IS DECORATIVE ONLY.

If the Exterior Elevated Element is wood-framed, has a walking surface more than 6 feet above ground level, and is designed for human occupancy or use, then EEE inspection is required. Otherwise, please complete the Exemption Form: <https://oaklandca.gov/eee>.

10. WHEN MUST INSPECTIONS BE COMPLETED?

Inspections of Exterior Elevated Elements must be completed **by January 1, 2025**. Future inspections are required every 9 years.

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 after final inspection approval.

11. WHO MAY PERFORM THE INSPECTION?

If inspection is required, then the HOA must hire a **qualified inspector**. After finding an inspector, then these websites help to confirm the inspector's license and years of practice:

- Licensed architect (<https://www.cab.ca.gov>)
OR
- Licensed civil or structural engineer (<https://www.bpelsg.ca.gov>)

12. 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.

13. 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:

- 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](#).

If the inspector advises that the Exterior Elevated Elements (EEE) 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.

Upon receiving the report, the HOA shall take preventive measures immediately, including blocking access to the EEE until repairs have been inspected and approved by the City.

14. WHO KEEPS THE INSPECTION REPORT?

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

15. IS A PERMIT REQUIRED TO DRILL SCOPING HOLES TO ASSESS FOR ROT/DECAY/DETERIORATION/WATER INTRUSION?

A permit is not required.

16. WHAT PERCENT OF THE STAIRS CAN BE OPENED TO ASSESS FOR ROT/DECAY/DETERIORATION/WATER INTRUSION?

No percentage allowed. Please drill scoping holes.

17. WHO MAY PERFORM REPAIRS? ARE PERMITS REQUIRED?

An Exterior Elevated Element found by the inspector to need repair or replacement shall be the responsibility of the HOA.

A Building Permit is required to repair most parts of a typical wood deck, guard rail, or exterior stairway. Please visit the Permit Center website:

<https://www.oaklandca.gov/departments/planning-and-building> or call (510) 238-3891.

Immediate Threat: An EEE that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the HOA shall perform required preventive measures immediately.

No Immediate Threat: The HOA for the building that requires corrective work to an EEE that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within **120 days of receipt** of the inspection report. Once the permit is approved, the HOA shall have **120 days** to make the repairs unless an extension of time is granted by City of Oakland Code Enforcement Services.

If the HOA does not comply with the repair requirements within **180 days**, the inspector shall notify City of Oakland Code Enforcement Services and the HOA. If within **30 days** of the date of

the notice the repairs are not completed, the HOA shall be assessed a civil penalty based on a fee of not less than \$100 and not more than \$500 per day until repairs are complete. If a civil penalty is assessed, a building safety lien may be recorded against the property.

18. ARE EXTERIOR ELEVATED ELEMENTS IN OLDER BUILDINGS REQUIRED TO BE REPAIRED OR REPLACED IF NO ROT OR DETERIORATION IS FOUND?

All legal non-conforming elements can be repaired as such and do not have to comply with current code. If repair is required, then “replace in kind” or “like for like” is allowed.

For example, railings already in use, which were up to code at the time of installation, are permitted to remain in use. Conditions that do not meet current code requirements do not, of themselves, constitute an unsafe condition.

19. WHAT IF THE HOA WANTS TO REMOVE A BALCONY, REPLACE IT WITH A JULIET BALCONY, OR REBUILD A BALCONY WITH A SMALLER FOOTPRINT?

Please call (510) 238-3911 for Zoning review and approval.

Applicants need to determine if the opening to the balcony is a required rescue opening and provide a current code compliant solution to maintain the rescue opening, such as in the case of removing the balcony door and installing an egress window.

REFERENCES

- [AB 2114](#) (2024): Building Standards: Exterior Elevated Elements. Inspection.
- [SB 326](#) (2019): Common Interest Developments
- Civil Code Sections [5551](#), [5986](#), and [6150](#)