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[Exterior Elevated Elements Inspection Program \(E3\)](#)

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Exterior Elevated Elements Inspection Program (E3)

Owners of multi-unit buildings with exterior elevated elements which are located more than six feet above adjacent grade, such as decks or stairways, must hire a licensed professional to perform a safety inspection and submit an Inspection

Certificate.

Owners of buildings with three or more dwelling or sleeping units must hire a licensed professional to inspect the building's exterior elevated elements to ensure they are in a general safe condition and free of deterioration that could pose a safety hazard. Complete the inspection and submit an [Inspection Certification \(/sites/default/files/2022-02/Inspection-Certification.pdf\)](/sites/default/files/2022-02/Inspection-Certification.pdf) form by May 31, 2022, or submit an [Exemption Declaration \(/sites/default/files/2022-02/Exemption-Declaration.pdf\)](/sites/default/files/2022-02/Exemption-Declaration.pdf) if the requirement does not apply to your property.

HAVE YOUR BUILDING INSPECTED AND SUBMIT AN INSPECTION CERTIFICATION

If you own a building with three or more dwelling or sleeping units that has exterior elevated elements which are located more than six feet above adjacent grade, you will need to comply with this program. To comply, follow the steps below:

- Hire a licensed professional to perform an inspection
- Have your licensed professional fill out an [Inspection Certification \(/sites/default/files/2022-02/Inspection-Certification.pdf\)](/sites/default/files/2022-02/Inspection-Certification.pdf)
- Submit the Certification by email, by postal mail or online
 - By email: [E3@berkeleyca.gov \(mailto:E3@berkeleyca.gov\)](mailto:E3@berkeleyca.gov)
 - By mail:
Housing Code Enforcement
Exterior Elevated Elements Program
1947 Center Street, 3rd Floor
Berkeley, CA 94704
 - Request to submit online
 - Complete [Online Form Request \(/sites/default/files/2022-04/Request%20for%20DocuSign%20Envelope%2003-24-22.pdf\)](/sites/default/files/2022-04/Request%20for%20DocuSign%20Envelope%2003-24-22.pdf)
 - You will receive an email from DocuSign within 72 hours with access instructions
 - Access the property specific form, complete and submit

If the inspection found issues that need correcting, you may need to apply for a building permit (refer to the [permit requirements handout \(/sites/default/files/documents/148%20E3%20Permit%20Requirements.pdf\)](/sites/default/files/documents/148%20E3%20Permit%20Requirements.pdf) for details). Follow the steps and deadlines below:

- Apply for a permit to correct the issue within 60 days of submitting the certification.
- Complete all corrective work within 90 days of obtaining the permit.
- Once work is complete, get a second inspection and submit a new [Inspection Certification \(/sites/default/files](/sites/default/files)

THE REQUIREMENT APPLIES TO MULTI-UNIT RESIDENTIAL BUILDINGS WITH EXTERIOR ELEVATED ELEMENTS

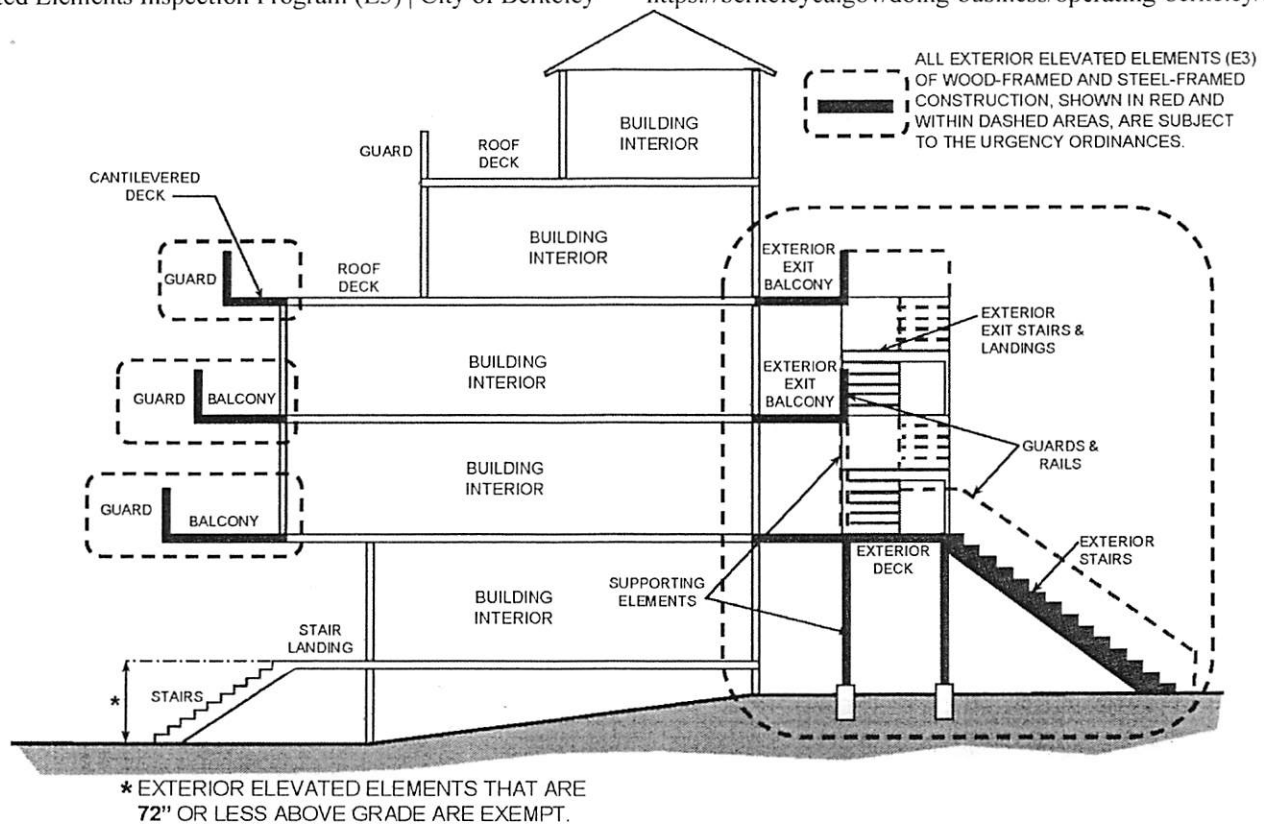
The requirement applies to all residential buildings with three or more sleeping or residential units. This includes:

- Apartment houses, tenants in common and live/work units
- Dormitories, fraternities, sororities, convents and monasteries
- Hotels, motels and vacation timeshare properties
- Boarding houses and congregate residences (transient with more than 10 occupants and non-transient with more than 16 occupants)
- Residential Assisted Living Facilities and Social Rehabilitation Residential Facilities

This requirement applies to all exterior elevated elements, which are defined as:

- weather-exposed (i.e., not interior)
- extend beyond exterior walls
- located more than six feet above adjacent grade
- wood or steel framed (not concrete)

Examples of exterior elevated elements include elevated wood and metal decks, balconies, decks, landings, stairway systems, walkways, guardrails, and handrails. Fire escapes are not included, since they are inspected annually by the Fire Department.



If the requirement does not apply to you because of the building type or because your building does not have exterior elevated elements, fill out and submit an [Exemption Declaration \(/sites/default/files/2022-02/Exemption-Declaration.pdf\)](/sites/default/files/2022-02/Exemption-Declaration.pdf) form.

Answers to questions about this program can be found under [Frequently Asked Questions \(/sites/default/files/2022-02/E3-FAQs.pdf\)](/sites/default/files/2022-02/E3-FAQs.pdf).

HIRE A LICENSED PROFESSIONAL TO INSPECT THE EXTERIOR ELEVATED ELEMENTS

To comply with the requirement, hire a licensed professional to perform the inspection and fill out an inspection certification form.

The City of Berkeley cannot provide recommendations for licensed professionals, but the [Directory of Licensed Professionals \(https://www.bpoa.org/news/e3-directory-of-licensed-professionals\)](https://www.bpoa.org/news/e3-directory-of-licensed-professionals) provided by the Berkeley Property Owners Association may be a helpful resource. Licensed professionals include the categories below, with current licensure in California:

- [Licensed general contractors \(http://www.cslb.ca.gov/\)](http://www.cslb.ca.gov/)
- [Licensed structural pest control operators \(http://www.pestboard.ca.gov/\)](http://www.pestboard.ca.gov/)
- [Licensed architects \(http://www.cab.ca.gov/\)](http://www.cab.ca.gov/)
- [Licensed civil engineers and licensed structural engineers \(http://www.bpelsg.ca.gov/\)](http://www.bpelsg.ca.gov/)

[Inspection-Guidelines.pdf](#)) to check that exterior elevated elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion, or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements.

GET A RE-INSPECTION EVERY SIX YEARS

Properties with exterior elevated elements are required to submit an inspection certification form verifying the property is in compliance by May 31, 2022 and every six years thereafter.

IN THIS SECTION RELATED DOCUMENTS

-  EXTERIOR ELEVATED ELEMENTS INSPECTION CERTIFICATION (137.74 KB)
-  **HOUSING CODE ENFORCEMENT**
EXTERIOR ELEVATED ELEMENTS EXEMPTION DECLARATION (159.59 KB)
-  Email: HCE@berkeleyca.gov (<mailto:HCE@berkeleyca.gov>)
EXTERIOR ELEVATED ELEMENTS REQUEST FOR ONLINE SUBMITTAL (47.35 KB)
-  Phone: Main: (510) 981-5444, Billing: (510) 981-5445
EXTERIOR ELEVATED ELEMENTS FREQUENTLY ASKED QUESTIONS (216.55 KB)
-  EXTERIOR ELEVATED ELEMENTS INSPECTION GUIDELINES (428.14 KB)
-  PERMIT REQUIREMENTS FOR EXTERIOR ELEVATED ELEMENTS (536.26 KB)

Related BMC

-  MUNICIPAL CODE 19.40.035

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CITY OF BERKELEY 2180 Milvia St, Berkeley, CA 94704



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HEALTH EFFECTS OF SECONDHAND SMOKE

The Surgeon General's 2006 report on the health effects of secondhand smoke (HHS, 2006) came to the following conclusions:

- There is no risk-free level of exposure to secondhand smoke.
- Exposure to secondhand smoke, a carcinogen that contains more than 50 cancer-causing chemicals, leads to disease and premature death in nonsmoking adults and children.
- Eliminating smoking in individual units and common areas is the only way to guarantee full protection from secondhand smoke indoors. Cleaning the air with air cleaning systems cannot prevent exposure.
- Shared heating, ventilating, and AC systems can circulate secondhand smoke throughout a residential building.
- Exposed children are more likely to suffer sudden infant death syndrome (SIDS), acute respiratory infections, more severe asthma, and ear problems.

The Surgeon General's most recent report on the Health Consequences of Smoking (HHS, 2014) adds the following information:

- Since the first Surgeon General's report was published in 1964, 20 million Americans have died from smoking. 2.5 million of these deaths were nonsmokers who died from exposure to secondhand smoke; 100,000 of those deaths were babies.
- Nearly half a million Americans die prematurely from smoking each year.
- 1 out of 3 cancer deaths is caused by smoking.
- Smoking impairs the functioning of the immune system.
- The tobacco epidemic was initiated and has been sustained by the tobacco industry, which deliberately misled the public about the risks of smoking cigarettes.

WHERE SMOKING IS PROHIBITED IN BERKELEY

Berkeley Municipal Code 12.70 prohibits smoking in the following places:

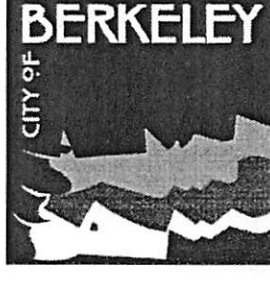
- Multi-unit housing including common areas
- Indoor and outdoor worksites with more than two employees
- Recreational areas, such as parks, athletic fields, hiking trails, bike paths and in other outdoor venues such as stadiums and parking garages
- Within 25 feet of doorways, windows, and vents of any building open to the public and within 25 feet of bus stops and other transit stops, service areas such as at ATMs, ticket lines, and cab stands
- Within 50 feet of any building used as a health care facility, hospital, licensed child or adult-care facility or senior center
- Bingo and gaming parlors
- Inside all public transit, including taxis, while operating in Berkeley
- Restaurants, including any outdoor seating area provided by or attached to a restaurant
- Commercial Area Sidewalks on: (1) Shattuck Avenue between Rose Street and Dwight Way; (2) Telegraph Avenue between Bancroft Way and Parker Street; (3) College Avenue between Russell Street and Webster Street; (4) Solano Avenue between The Alameda and Tulare Avenue; (5) 4th Street between Virginia Street and Addison Street; (6) Bancroft Way between College Avenue and Shattuck Avenue; (7) San Pablo Avenue between Channing Way and Parker Street; (8) Adeline Street between Fairview Street and 62nd Street; (9) Euclid Avenue between Hearst Avenue and Ridge Road; (10) Gilman Street between San Pablo Avenue and 4th Street; and (11) 10th Street between Gilman Street and Camelia Street, (12) University Avenue between Oxford Street and 4th Street, (13) Addison Street between Oxford Street and MLK Jr. Way, (14) Center Street between Oxford Street and MLK Jr. Way, (15) Allston Way between Oxford Street and MLK Jr. Way, and (16) Kittredge Street between Oxford Street and Milvia Street

Smoke-Free Laws in Berkeley

What you need to know about Berkeley's smoking ordinance.



This is an informational brochure only.
Please see Berkeley Municipal Code 12.70 for the full ordinance.



City of Berkeley
Public Health Division
Tobacco Prevention Program
1947 Center St. 2nd Floor
Berkeley, CA 94704
Tel: 510-981-5330

Email: quitnow@cityofberkeley.info
<http://www.ci.berkeley.ca.us/>

UPDATED DEFINITION OF SMOKE

As of December 17 2020, according to Ordinance No. 7,736-N.S., Berkeley Municipal Code Chapter 12.70 has been amended so that the **definition of "smoke" or "smoking" now includes medical cannabis** in order to align with the State of California Health and Safety Code.

ORDINANCE

The Berkeley City Council adopted an ordinance regulating secondhand smoke in all multi-unit residences and common areas.

As of May 1st, 2014, smoking will be prohibited in 100% of multi-unit housing with two or more units (e.g. apartments, co-ops, condominiums, common interest developments, etc.).

This also includes common areas such as private decks, balconies, and porches of units. The use of medical cannabis by a person for whom using medical cannabis is not a crime under California law is exempt from this law. This pamphlet provides an overview of the ordinance and compliance duties.

FILING A COMPLAINT

- You may report incidences of smoking occurring inside a unit or in a common area of your building.
- Pre-printed complaint forms are available at the mailing address below.
 - Complaint forms can also be downloaded at: https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Smoke_Free_MUH.aspx
 - Complaint forms can also be filed online at: <https://cityofberkeley.info/form.com/203656480701049>

Mail completed forms to:
City of Berkeley, Public Health Division
Tobacco Prevention Program
1947 Center Street, 2nd Floor
Berkeley, CA 94702

TIPS TO AID COMPLIANCE COMMERCIAL AND PUBLIC BUILDINGS

Owners and managers of buildings open to the public must post "No Smoking" sign(s) on their buildings, as follows:

1. Buildings open to the public, located in any commercial zone, must post a sign stating: "No Smoking in this Commercial Zone"
2. Buildings open to the public, which are not located in one of the zones noted below, must post a sign stating: "No Smoking within 25 feet of Doorways, Operable Windows or Vents"
3. Hospitals, health facilities {including doctor's offices}, mental health facilities, licensed childcare centers and senior centers must post a sign stating: "No Smoking within 50 feet of Doorways, Operable Windows or Vents"

- Inform your employees, customers, clients and/or office building tenants of the updated smoke-free ordinance.

- Do not allow smoking of cigarettes, pipes, cigars, etc. anytime inside your workplace or in outdoor restricted areas.

NO SMOKING SIGNS

No smoking signs can be downloaded and printed at:

https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Smoke_Free_MUH.aspx

Printed signs are available to businesses free of charge, while supplies last. Please contact the City of Berkeley Tobacco Prevention Program to inquire about availability 510-981-5330.

TIPS TO AID COMPLIANCE MULTI-UNIT RESIDENTIAL PROPERTIES WITH 2+ UNITS

All property owners must:

- Notify all existing tenants of the new ordinance no later than March 1, 2014 and offer a **voluntary** non-smoking lease addendum
- Post "No Smoking" signage no later than May 1, 2014 in common areas consistent with the signposting requirements of Berkeley Municipal Code Section 12.70.060. Signs can be downloaded at: https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Smoke_Free_MUH.aspx
- Notify all potential tenants after May 1, 2014 about the ordinance at the time of application
- Include non-smoking provisions for all new leases initiated after May 1, 2014

CONDOMINIUMS

Disclosure about the ordinance must be included in all condominium sales contracts after May 1, 2014

FREE SMOKING CESSATION SERVICES

- 8-session classes are available to the public for free several times a year
- Utilizes the American Lung Association's Freedom From Smoking curriculum
- For more information or to register call/email: (510) 81-5330 or quitnow@cityofberkeley.info
- The California Smokers Helpline provides free phone cessation services to California smokers at: 1-800-NO-BUTTS, www.nobutts.org