



## California Balcony Inspection Requirements: SB721 and SB326

You cannot expect your outside Exterior Elevated Elements (EEE) to provide years of enjoyment without making sure they are secure. Routine inspections as required by California's SB721 will provide you with the assurance that your balconies are safe for your tenants and their visitors.

Often referred to as the "Deck and Balcony Inspection Bill," California SB721 was enacted in response to the balcony collapse at Berkeley's Liberty Gardens Apartments, which resulted in multiple deaths and serious injuries. The bill went into effect on January 1, 2019

SB721 requires that buildings containing three or more dwelling units have their Exterior Elevated Elements inspected on a regular basis. To maintain compliance with the provisions of SB721, owners of buildings with three or more units must complete the first inspection by January 1, 2025, and re-inspect them at a minimum of every six years.

Inspection reports are required to be kept on premises by owners for a minimum of two inspection cycles. This means that at least the two most recent inspection reports (12 years) are required to be onsite to meet the standards set forth in SB721. If the owner decides to sell the building, the report should be sent to the new owner.

If you are not sure which California Balcony ordinance category your building would fall under, learn more [HERE](#) about the difference between SB326 and SB721.

### Qualified Inspectors

The Inspection Report of exterior elevated elements and associated waterproofing elements must be performed and certified by a licensed architect, civil or structural engineer, or a certified building inspector. Other acceptable inspections and reports may be performed by building contractors that hold specific licenses as a B General Contractor or C5 Framing. However, contractors may not perform the repairs of any deficiencies or repairs found during their inspection. Repairs need to be made by licensed contractors other than the one performing the inspection.

### Areas and Extent of Inspection

Inspectors must address the following areas and certify that they follow local, state and industry building codes by evaluating the condition and structural integrity of all components of the balcony or deck, including. Water intrusion or damage. Check edges, walls, and flashing for rust and corrosion and proper use and installation of waterproofing materials.

Inspect finishings and coatings for integrity and note cracks and other indications of water intrusion that may surface prior to the next inspection.



**Railings, banisters, stairs and supports must be securely fastened and structurally sound, including any support beams and inter-dependency with building support. Wood framing must be inspected for existing rot and damage that affects structural integrity.**

**Owners whose reports call for non-emergency repairs have 120 days to obtain applicable permits and undertake repairs. Inspectors are required to notify local enforcement agencies of repairs that are not completed or acted upon within 180 days of the inspection.**

**Owners who do not comply with an order of repair issued by local enforcement agencies are subject to civil penalties that could result in a building safety lien against the property.**

**A written report with photographic evidence must be completed with any damages that constitute an immediate threat to life and safety highlighted for immediate repair.**

**All reports that indicate life safety issues and the need for immediate repairs must be filed with the building officials of the local municipal or county building department. Owners with reports that note needed emergency repairs must apply immediately for emergency repair permits and undertake those repairs before continued use of the EEE.**

**It is strongly advised that you have a professional perform the inspection. However, you can do some basic checks yourself to determine the EEE's current structural integrity.**

**Here are the five warning signs of unsafe Exterior Elevated Elements:**

**Lost or missing connections – Your outdoor deck should be secured with nails, screws and proper connectors. Any missing pieces should be noted and photographed.**

**Loose connections – These are often difficult to see because the connections are still in place.**

**Loose or wobbly planks and boards are clear indicators of a problem.**

**Corrosion – Rusted nails and corrosion undermine the structural integrity of the deck.**

**Rotting wood – Pressure-treated wood for outdoor projects is designed to last a long time but not forever. Decay and rot happen because of external exposure to the elements.**

**Cracked wood – Cracks are similar to rotting wood. Cracks can also weaken a deck, rendering it unsafe.**

**If you are not sure your building's balcony, stairways, walkway or deck are safe for continued use, contact EEE Advisor, an expert with more than 30 years' experience in this industry.**

**It is strongly recommended you not attempt repairs on your own as doing so may prove dangerous to you and your family.**



**DISPUTE RESOLUTION AND ATTORNEY'S FEES:** Any controversy or claim arising out of or related to this Agreement involving an amount less than \$5,000 (or the maximum limit of the Small Claims court) must be heard in the Small Claims Division of the Municipal Court in the county where the Contractor's office is located. Any dispute over the dollar limit of the Small Claims Court arising out of this Agreement shall be submitted to an experienced private construction arbitrator that shall be mutually selected by the parties to conduct a binding arbitration in accordance with the arbitration laws of the state where the project is located. The arbitrator shall be either a licensed attorney or retired judge who is familiar with construction law. If the parties can not mutually agree on an arbitrator within 30 days of written demand for arbitration, then either of the parties shall submit the dispute to binding arbitration before the American Arbitration Association in accordance with the Construction Industry Rules of the American Arbitration Association then in effect. Judgment upon the award may be entered in any Court having jurisdiction thereof. The prevailing party in any legal proceeding related to this Agreement shall be entitled to payment of reasonable attorney's fees, costs, and post-judgment interest at the legal rate.

**ENTIRE AGREEMENT, SEVERABILITY, AND MODIFICATION:** This Agreement represents and contains the entire agreement and understanding between the parties. Prior discussions or verbal representations by Contractor or Owner that are not contained in this Agreement are not a part of this Agreement. In the event that any provision of this Agreement is at anytime held by a Court to be invalid or unenforceable, the parties agree that all other provisions of this Agreement will remain in full force and effect. Any future modification of this Agreement should be made in writing and executed by Owner and Contractor.

- RATE FEE'S:**
1. Inspection Minimum \$550.00 (Up to 3 Units)
  2. Additional Units \$250.00 Each
  3. Clerical \$80.00 per hour
  4. Permit Processing Fee's \$150.00 per hour
  5. Permit Fee's TBD
  6. Engineering Fee's TBD
  7. Drafting Fee's TBD

**DATE:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

**OWNER'S or PM SIGNATURE:** \_\_\_\_\_



**SB-721 & SB-326  
Balcony – Decks – Railings - Stairs**

# Inspection Report

Date: \_\_\_\_\_

Project Information	
<b>Name and Address of Owner and Property Management:</b>	
<b>Owner:</b>	_____
<b>PM:</b>	_____
<b>Project Address:</b>	_____
<b>Phone: #</b>	_____
<b>E-Mail:</b>	_____



**SB-721 & SB-326 BALCONY INSPECTION CHECKLIST**

Inspection Date: \_\_\_\_\_  
 Inspection Time: \_\_\_\_\_ Inspector: \_\_\_\_\_

Property Address: \_\_\_\_\_ City: \_\_\_\_\_  
 State: California Zip Code: \_\_\_\_\_  
 Building #: \_\_\_\_\_ Unit #: \_\_\_\_\_

Type of Building: \_\_\_\_\_ Number of Units: \_\_\_\_\_  
 Balcony: \_\_\_\_\_  
 Stairs: \_\_\_\_\_ Number of Levels: \_\_\_\_\_  
 Railing: \_\_\_\_\_  
 Decking: \_\_\_\_\_

**LEGEND**

**Inspected: IN**  
 I visually observed the item, component, or unit and if no other comments were made then it appeared to be functioning as intended allowing for normal wear and tear.

**Not Inspected: NI**  
 I did not inspect this item, component or unit and made no representations of whether or not it was functioning as intended and will state a reason for not inspecting.

**Not Present: NP**  
 This item, component or unit is not in this building.

**Tradesman Recommended: TR**  
 The item, component or unit is not functioning as intended, needs further inspection, replacement, or repair. Items, components, or units that can be repaired to satisfactory condition may not need replacement.

**Engineer Recommended: ENG**  
 The item, component or unit is not functioning as intended, needs further inspection, replacement, or repair. Items, components, or units that can be repaired to satisfactory condition may not need replacement.



**SB-721 & SB-326 BALCONY INSPECTION CHECKLIST**

The inspector will evaluate the condition, adequacy, and performance of load-bearing components together with their associated waterproofing system. "Load-bearing components"

The inspector will evaluate the condition, adequacy, and performance of the various items that that comprise elevated walkways, decks, balconies, landings or stairways, and railings with a focus on structural integrity, flashings, and waterproofing.

The inspectors will issue a report of their findings along with photos sufficient to document the conditions of the building elements as a baseline for future inspections and to create a historical record.

**BALCONY INSPECTION CHECKLIST - EXTERIOR ELEVATED ELEMENTS**

**BALCONY STYLES & MATERIALS**

Balcony Unit Number: \_\_\_\_\_ Balcony Dimensions: \_\_\_\_\_

Railing Height: \_\_\_\_\_ Railing Spacing: \_\_\_\_\_

Floor Structure (Structural): \_\_\_\_\_ Exterior Walls (Structural): \_\_\_\_\_

Balcony Ceiling (Structural): \_\_\_\_\_ Balcony Roof (Structural): \_\_\_\_\_

Waterproofing Materials: \_\_\_\_\_ Beams or Posts (Structural): \_\_\_\_\_



BALCONY LOAD BEARING COMPONENTS & ASSOCIATED WATERPROOFING SYSTEM			
Item	Status (IN/NI/NO/TR/ENG)	No. of Photos	Comments
Balcony Deck			
Balcony Floor Structure			
Exterior Wall Structure			
Balcony Ceiling Structure			
Balcony Roof Structure			
Balcony Beams			
Balcony Railing			
Balcony Handrail			
Adhesion of Waterproofing Materials			
Deck Waterproofing Membrane			
Deck Traffic Coating			
Deck Traffic Sealant			
Deck Metal Edges			

BALCONY LOAD BEARING COMPONENTS & ASSOCIATED WATERPROOFING SYSTEM			
Item	Status (IN/NI/NO/TR/ENG)	No. of Photos	Comments
Deck Transition Flashing			
Balcony Deck Moisture Content			
Balcony Roofing			
Balcony Roof Flashing			
Balcony Roof Drip Edge Metal			
Balcony Roof Facia Board			
Balcony Roof Apron for Gutters			
Balcony Roof Gutter Hangers			
Balcony Roof Rain Gutters			

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