

Balcony Inspections (SB 326: The Balcony Bill)

On August 30, 2019, Governor Newsom signed Senate Bill No. 326 (S.B. 326) into law, adding Civil Code section 5551 to the Davis-Stirling Act. This statute requires associations to perform inspections of balconies and other exterior elevated elements that the association has an obligation to maintain and/or repair.

Below is an overview of the important points associations should be aware of as they prepare to conduct their first round of inspections under this new law.

Q&A

The inspection requirements in the bill will look familiar to some, as it resembles Senate Bill No. 721 (S.B. 721), which imposed similar inspection requirements on apartment buildings and other multi-family projects throughout California. Common interest developments were excluded from S.B. 721, as the legislature tinkered with the inspection requirements to make for a more bearable burden on associations.

Which Associations Are Impacted?

Associations with buildings with three or more multifamily dwellings. Single family home communities are not affected.

Any “Exterior Elevated Elements” for which the association has a repair or maintenance responsibility – generally, this will be any load bearing components that extend beyond the exterior walls of the building to deliver structural loads to the building. Primarily this includes balconies, decks, stairways, walkways and railings that are supported by wood or wood-based products and are more than six feet above the ground.

Who Can Perform Inspections?

Inspections must be performed by a licensed structural engineer or architect. Larger associations may also need to use a statistician, as the statute requires a statistically relevant sample size be inspected (95% confidence level, with a 5% margin of error).

When Do Inspections Need to be Performed?

Inspections must be completed every nine years. The first inspection must be completed by the end of 2024. Buildings completing construction after this law went into effect on January

1, 2020 will need to complete their first inspection within six years of issuance of a certificate of occupancy.

What Must the Inspection Look For?

Visual inspections must confirm that areas are in a “generally safe condition” and “performing in accordance with applicable standards.” If the inspector sees signs that the waterproofing system has been compromised, or that there is risk of damage to the load bearing components of the building, they are to use best judgment to recommend further inspections. If there are any threats to safety of residents, the inspector must notify the association immediately and governmental inspection agencies within 15 days of issuing their report. The association must act immediately to prevent access to dangerous areas and take other appropriate preventive measures necessary to protect the safety of the residents.

What Reports Must be Generated from the Inspection?

The inspector must issue a written report that includes:

- Identification of the applicable building components subject to inspection;
- Current physical condition of the components and whether there is a present threat to health or safety of residents;
- Expected future performance of the components and remaining useful life; and
- Recommendations for any repairs.

The inspector’s report must be stamped or signed and included in the association’s reserve study. The reports generated must be preserved in the association’s records for a period of at least two inspection cycles.

The five-year window to complete the first inspection will allow associations to coordinate the first balcony inspections to take place with an upcoming reserve study inspection. The nine-year balcony inspection cycles will then coordinate with every third reserve study inspection going forward.

Prior to moving forward, an association should also confirm that there are no more stringent inspection requirements in its governing documents or required by local government or enforcement agencies, as the code allows for more stringent requirements to be adopted locally.

What Does an Association Do with the Report?

The inspector’s report must be stamped or signed and included in the association’s reserve study. The reports generated must be preserved in the association’s records for a period of at least two inspection cycles (or 6 years).