

Have You Complied with Berkeley's E3 Program? (Deadline May 31st)

The deadline to comply with the Exterior Elevated Elements (E3) Inspection Program is May 31, 2022. If you haven't complied yet, you're at risk of fines and code enforcement action!



Berkeley, CA, has its own deck and balcony law. While it's similar to SB-721, they're different laws with separate requirements. The deadline for the Berkeley law is **May 31, 2022**.

Apartment facilities must comply with BOTH laws, and out-of-compliance buildings risk hefty fines.

This article will explore the requirements of Berkeley's [Exterior Elevated Elements Inspection Program](#), the program's inspection standards, and what to do make sure you're compliant before the deadline.

Let's dive in.

What to Know About the City of Berkeley's Exterior Elevated Elements (E3) Inspection Program

[Section 601.4 to the Berkeley Housing Code](#) requires weather-exposed elevated elements to be inspected and certified every five years.

The program's purpose is to identify wood-framed elements that have been damaged by fungus, insects, or other wood-destroying organisms.

The program also seeks to identify compromised steel-framed elements, ensure load-bearing elements are structurally sound, and facilitate any needed repairs – before such issues threaten life and safety.

Who is Affected by this Program?

The law affects all [Group R-1 or R-2 buildings](#) with exterior elevated elements and all residential buildings with three or more dwelling or sleeping units.

This includes:

- Apartments, tenants in common, and live/work units.
- Dorms, sororities, convents, monasteries, and fraternities.
- Motels, hotels, and vacation timeshare properties.
- Boarding houses and congregate residences.
- Residential Assisted Living Facilities and Social Rehabilitation Residential Facilities.

According to Berkeley's E3 definition, affected elements include "all elevated decks, balconies, landings, stairway systems, walkways, guardrails, handrails, or any parts that are exposed to weather and with a walking surface more than 6 feet above grade/ground."

The program applies to all such elements, regardless of when they were built.

However, structural systems constructed of reinforced concrete are exempt from the program, as are E3s (such as roofs) located in areas only accessible to maintenance personnel.

When is the Deadline to Comply?

According to the law, property owners must hire a licensed professional to inspect their property and submit an inspection certification verifying its compliance **by May 31, 2022**.

Property owners who have not complied by that deadline are at risk of fines and code enforcement action, so it's critical to book your inspection and comply as quickly as possible.

What are the Inspection Requirements?

There are two inspection components under the E3 program: a comprehensive condition assessment of the E3's structural elements and a condition assessment of waterproofing systems.

Here's a detailed breakdown of each:

The Structural Screening

- A licensed professional will **visually review all E3s on the property** during the structural screening.
- The licensed professional must **select at least 15% of a building's E3s for inspection and create investigative openings in those E3s.**
- The inspection expert will **examine the E3 for wood-destroying pests, organisms, or corrosion.** If found, the inspector will initiate a more comprehensive Tier 2 evaluation (View the [E3 guidelines](#) to learn more about Tier 2 inspections).
- Once the inspection is finished, **the inspector will patch investigative openings** to match the existing surface.

The Waterproofing System Screening

- At a minimum, an initial screening of an E3s waterproofing system will include **a visual review of exposed surfaces.**
- If the inspector notes minor waterproofing defects that have NOT caused water intrusion or triggered a Tier 2 evaluation, the **defects will be reported to the building owner with recommended maintenance tasks.**
- **If no significant defects are found, a Certification form will be filed** with the City's Housing Code Enforcement Office.

Who Can Perform an Inspection?

Like SB-721, the law requires inspections performed by licensed professionals.

In this case, "licensed professionals" include:

- [Licensed general contractors](#)
- Licensed (branch 3) [structural pest control operators](#)
- Licensed [architects](#)
- Licensed civil engineers and licensed [structural engineers.](#)

Any professional performing an E3 inspection must have a current and clear license to practice in California.

If I Comply with Berkeley's E3 Program, Am I Automatically Compliant with California's SB 721 Law?

NO! SB-721 and The City of Berkeley's Exterior Elevated Elements Inspection Program are different laws with different requirements.

Fortunately, Deck & Balcony Inspections can help you comply with both.

Our team of expert building inspectors understands the inspection requirements of both laws and can help you stay in compliance and avoid fines.

Avoid Fees & Penalties – Book Your Inspection Today!

Don't wait another day to comply with The City of Berkeley's Exterior Elevated Elements Program!

Our team is here to provide comprehensive, minimally invasive inspections that help keep your building safe, sturdy, and in compliance with California balcony laws.

Contact Dan today to book your E3 inspection.

Author Bio:

Dan Cronk is the Founder & President of Deck and Balcony Inspections, Inc. Dan has over forty years of experience in the construction industry. He brings all that experience to every inspection he completes. Today, Dan operates as a certified structural inspector and general contractor. He specializes in helping California property owners comply with California's deck and balcony laws and enjoys sharing his expertise with the community.