

## President's Message

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What is "the balcony bill" and when does it take effect?

The balcony bill is actually 2 balcony bills, Senate Bill (SB) 721 and SB326, the former having to do with multi-family structures and the latter having to do with HOA's.

These balcony bills came into being as a result of a cantilevered balcony collapsing in Berkeley in 2015 during a birthday celebration where 13 people fell 5 stories, and 6 college students lost their lives. The housing provider had disregarded signs of issues such as the students reporting mushrooms growing on the balcony. The wood had rotted to the extent that it simply broke off.

The Legislature reacted and enacted the two Senate Bills listed above in response to public outcry and ensuing lawsuits.

I will concentrate on SB721 which governs multi-family structures. SB326 is similar but governs HOA's.

SB721 was enacted in 2019 and took effect on January 1, 2020. There was a five-year window in order to complete the first balcony inspection. Inspections and any necessary testing must be completed by January 1, 2025, with certain exceptions, and must have subsequent inspections every 6 years, except as specified.

Balcony inspections under SB721 must be performed by:

- a licensed architect,
- a licensed civil or structural engineer,
- a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the California Contractors' State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory, wood-frame buildings, or
- an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction.

**These individuals shall not be employed by the local jurisdiction while performing these inspections.**

The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

The types of structures that are regulated by these laws are **EXTERIOR, ELEVATED ELEMENTS (EEE)**, commonly observed, exterior wood-frame balconies, walkways and decks. SB721 applies to apartment buildings with three or more units.

EEE's that require inspection include:

- Any balcony, walkway or deck designed and intended for human use.
- Any walking surface of a balcony, walkway or deck that is more than 6 feet above ground-level.
- Any balcony, walkway or deck that extends beyond a building's exterior walls.
- Any balcony, walkway or deck that has load-bearing components made with wood or wood-based products.

If the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report must be delivered to the owner of the building within 15 days and emergency repairs must be undertaken, as specified, with notice given to the local enforcement agency. Non-emergency repairs would be required to be completed within 120 days, unless an extension is granted by the local au-



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thorities. If the repairs are not completed on time, the local enforcement agency is required to send a 30-day corrective notice to the owner of the building, and SB721 (which is now codified as Civil Code Section 1954) and the Health and Safety Code beginning with Section 17973, provides for civil penalties and liens against the property for the owner of the building who fails to comply with these provisions.

We are all familiar with Civil Code Section 1954, which specifies what is allowed on a housing provider's Notice to Enter as a reason to enter the dwelling. SB721 additionally authorizes a housing provider to enter the dwelling unit to comply with the requirements for balcony inspections and repairs.

SB721 imposes a state-mandated local program.

Because this is a state-wide program and there are a limited number of persons available to perform these inspections, it is advised that you secure the people required and schedule the inspections in order to be finished by the January 1, 2025 deadline. Most people did not begin this process in 2020 when the law went into effect so there are many people doing it now during the few remaining months when it must be completed.

As always, we thank you for your membership, your participation and your valuable input.

I hope you have an enjoyable Summer.

Betty L. Jeppesen, President SBRPA

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