

CALIFORNIA BALCONY LAWS - SB 326 & SB 721

UPDATE: [AB 2579](#) *extends* the inspection deadline for Exterior Elevated Elements (EEE) originally set by [SB 721](#) (**buildings with three or more multifamily dwelling units**) to **January 1, 2026**. The bill would also provide that no new inspection is required until **January 1, 2026**, if the property was inspected within 3 years prior to **January 1, 2019**, as specified.

Per [SB 326](#) (**Common Interest Developments**), Exterior Elevated Elements (EEE) inspections are still required for **Condominiums** and other common interest developments by **January 1, 2025**.

Link for AB 2579:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2579

Link for SB 326:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB326

Link for SB 721:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB721

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 OR CERTIFIED PROFESSIONAL TO PERFORM A SAFETY INSPECTION.

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 safe condition and free of deterioration that could pose a safety hazard. Inspections for multifamily rental properties shall be completed by March 31, 2022 and every six years thereafter. Condominium projects with exterior elevated elements containing three or more dwelling units shall be inspected by January 1, 2026, and then at least once every nine years.

HAVE YOUR BUILDING INSPECTED

- If the inspection found issues that need correcting, you may need to apply for a [building permit](#). Follow the steps and deadlines below:
- Apply for a permit to correct non-emergency repairs within 120 days of submitting the certification.
- Complete all corrective work within 120 days of obtaining the permit approval.
- Once work is complete, get a second inspection

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
Please review SB 326 and SB721 for legal requirements

- Condominium projects
- 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, handrails, and fire escapes.

HIRE A LICENSED PROFESSIONAL TO INSPECT THE EXTERIOR ELEVATED ELEMENTS

Inspection of condominium projects is limited to licensed structural engineers or architects.

The City of South San Francisco cannot provide recommendations for licensed and certified professionals. Please see below for helpful resources.

- [Licensed general contractors](#)
- [Licensed architects](#)
- [Licensed civil engineers and licensed structural engineers](#)

Certified professionals include the categories below:

- [Certified Building Inspectors, ICC B5 or equivalent](#)
- [Certified Building Officials, ICC CB or equivalent](#)

The licensed or certified professionals will 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.

CALIFORNIA BALCONY LAWS: FREQUENTLY ASKED QUESTIONS

1. What are “Exterior Elevated Elements”?

Exterior Elevated Elements are all elevated decks, balconies, landings, stairway systems, walkways, guardrails, handrails, or any parts thereof that are exposed to weather and with a walking surface more than 6 feet above grade/ground. This

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program applies only to wood-framed and steel-framed exterior elevated elements and not to concrete elements.

2. When did this become a requirement?

[SB721](#) passed in 2018, and [SB 326](#) passed in 2019. The first inspection for both must be done by January 1st, 2025.

****October 2024 Update:** [AB 2579](#) (Inspections: exterior elevated elements) extends the deadline for initial inspection until January 1, 2026. The bill would also provide that no new inspection is required until January 1, 2026, if the property was inspected within 3 years prior to January 1, 2019, as specified

3. Who are considered “licensed professionals”?

- Licensed general contractors (<http://www.cslb.ca.gov/>)
- Licensed (branch 3) structural pest control operators (<http://www.pestboard.ca.gov/>)
- Licensed architects (<http://www.cab.ca.gov/>)
- Licensed civil engineers and licensed structural engineers (<http://www.bpelsg.ca.gov/>)

All must have current and clear licensure in the State of California

4. How do I know that the balconies in my building are safe?

The balconies in your building were built in conformance to the Building Code requirements which were in effect at the time of original construction. The purpose and intent of the Building Code has always been life safety. To ascertain that the balcony supports have not been compromised over the years, the California Balcony laws require that all balconies be periodically inspected.

5. I live in a recently constructed building. Are the balconies in my building required to be inspected?

Newly constructed residential buildings are exempt from the inspection certification requirements for a period of three years following issuance of the Certificate of Occupancy.

6. What needs to be inspected to satisfy the inspection requirement?

All exterior elevated elements need to be inspected.

7. Do I need a permit to repair my balcony or stairway?

This depends on the nature of the repairs.

- Permits are not required for ordinary repairs to structures performed for the purpose of maintenance. The repair work is limited to work on the affected item and does not include reframing, replacement or any other alteration or new work.
- Permits are required for any code regulated activities, including but not limited to the following: cutting, notching or replacement of any structural framing elements or structural supports; replacement of membranes; replacement of exterior finishes; guardrail replacements; installation of ventilation openings; and similar activities.

8. If repairs are required, how long do I have to complete them?

IMPORTANT: The inspection shall be completed by January 1, 2026, and by January 1 every six years thereafter.

Contractor / Inspector Responsibilities	
Action Taken	Complete By
copy of the inspection report be presented to the owner of the building	within 45 days of the completion of the inspection
inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the owner of the building	within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency
if the owner of the building does not comply with the repair requirements within 180 days	the inspector shall notify the local enforcement agency and the owner of the building

Owner Responsibilities	
Action Taken	Complete By
an exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition	owner of the building shall perform required preventive measures <u>immediately.</u> Immediately preventing occupant access to the exterior elevated element until emergency repairs can be completed constitutes compliance
the owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants	shall apply for a permit within 120 days of receipt of the inspection report

Once the permit is approved

the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.