



City of Kingsburg

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BUILDING INFORMATION BULLETIN 2024-001

Effective Date: 6/1/2024
To: Architects, General and Trade Contractors, Associations & Citizens of Kingsburg
Subject: California SB 721 and SB 326 – California State Balcony Inspection Law
From: AJ O'Connell, MCP, CBO, CCEA – Building Official
Policy:

In 2015, a group of young adults gathered in a Berkeley apartment to celebrate a birthday. What started as a joyous occasion ended with the death of six people and injuries to six others when the balcony they were on collapsed onto the street below. It was discovered that rot in the load-bearing elements of the balcony led to the structure becoming unsafe. Furthermore, it was reported that the renters of the apartment had brought concerns about the condition of the balcony to the building managers, but no repairs had been made.

As a result of this tragedy, the State of California legislature passed two separate balcony safety bills, SB 721 and SB 326, in an attempt to prevent this disaster from happening again. These two bills require inspections of the Exterior Elevated Elements (“EEE”) by certain licensed professionals by January 1, 2025.

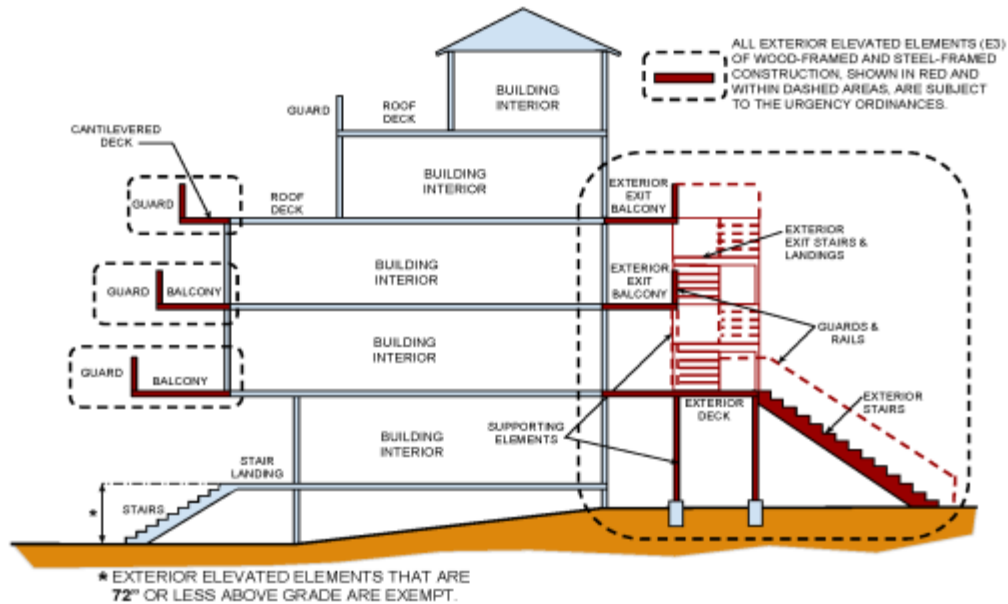
This Information Bulletin is intended to educate property owners who are affected by this legislation as to the requirements for the inspection, who can perform the inspection, what the inspection must cover, retention of the documents, and what is required if repairs are needed.

What Buildings Must Be Inspected?

Buildings with 3 or more units that have:

- Balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and that rely in whole or in substantial part on wood or wood-based products for structural support or stability; and,
- A walking surface that is elevated more than 6 feet above the ground level; and,
- Balconies designed for human occupancy or use.

***SEE THE ILLUSTRATION BELOW FOR MORE INFORMATION.



Source: City of Berkeley

When Must the Buildings be Inspected?

Buildings that are proposed for conversion to condominiums to be sold to the public after January 1, 2019 must be inspected prior to the first close of escrow. Otherwise, inspections of the balconies, decks, porches, stairways, walkways, and entries as described above must be inspected by **January 1, 2025**, with certain exceptions, and requires subsequent inspections every 6 years.

The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than 6 years following issuance of a certificate of occupancy from the City of Kingsburg and shall otherwise comply with the provisions of this law.

If the property was inspected within 3 years prior to January 1, 2019, by an inspector as described in the law and a report of that inspector was issued stating that the EEE and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection shall be required until January 1, 2025.

Who Can Perform the Inspections?

- A licensed architect,
- Licensed civil or structural engineer,
- General Contractor holding any or all A, B, or C-5 Licenses issued by the Contractors State License Board (CSLB), with a minimum of 5 years' experience in constructing multi-story wood frame buildings,
- Individuals certified as a building inspector or building official, as specified; (these individuals cannot be employed by the City of Kingsburg while performing these inspections).

What Must the Inspection Cover?

The inspection required by this law must, at a minimum, include:

- Identification of each EEE or associated waterproofing elements that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

- “Associated waterproofing elements” are defined to mean flashings, membranes, coatings, and sealants that protect the load-bearing components of EEE from exposure to water and the elements.
- Assessments of elevated elements using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.
- The evaluation and assessment shall address each of the following as of the date of the evaluation:
 - The current condition of the EEE.
 - Expectations of future performance and projected service life.
 - Recommendations of any further inspection necessary.
 - Recommendations of any necessary repair or replacement.

The Report

The inspector conducting the inspection shall produce an initial report and a final report indicating that any required repairs have been completed.

A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner’s designated agent within 45 days of completion of the inspection.

The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, EEE poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

A copy of the inspection report must be presented to the owner of the building within 45 days of the completion of the inspection. The law requires that 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 be undertaken, as specified, with notice given to the City of Kingsburg Building Division.

Who Keeps the Report?

Copies of all inspection reports shall be maintained in the building owner’s permanent records for not less than two inspection cycles and shall be disclosed and delivered to the buyer at the time of any subsequent sale of the building.

What if Repairs are Required?

Immediate Threat – An EEE 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 and the owner of the building shall perform required preventive measures immediately.

Immediately preventing occupant access to the EEE until emergency repairs can be completed constitutes compliance with this paragraph. Repairs of emergency conditions shall comply with the requirements of the law, be inspected by the inspector, and reported to the City of Kingsburg Building Division.

No Immediate Threat – The owner of the building that requires corrective work to an EEE that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a building 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 City of Kingsburg Building Division.

If the owner of the building does not comply with the repair requirements within 180 days, the inspector shall notify the City of Kingsburg Building Division and the owner of the building. If within 30 days of the date of the notice the repairs are not completed, the owner shall be assessed a civil penalty of not less than \$100 or more than \$500 per day until the repairs are completed, unless an extension of time is granted by the City of Kingsburg Building Division. If a civil penalty is assessed, a building safety lien may be recorded against the property.

For additional information regarding this please consult the Building Division website at <https://www.cityofkingsburg-ca.gov/149/Building-Department> or contact the Building Division at 559-897-5328.