



**SB721**

## **Balcony Inspections and Testing**







- ✓ **SB721 Qualified Inspector**
- ✓ **Construction Management**
- ✓ **Technical Architecture**
- ✓ **Facilities Consulting**

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# WELCOME!

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- ✓ Are you an apartment owner or manager?
- ✓ Are you a leasing agent?
- ✓ Are you part of the maintenance staff?
- ✓ Were you dragged here?



# SB721



## PRESENTATION OBJECTIVES

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- ✓ Background: What prompted SB721 "Balcony Bill"?
- ✓ Moisture Damage: How and when does wood decay occur?
- ✓ Requirements: What the bill requires from apartment owners and managers.
- ✓ How it affects you: How passage impacts apartment owners and managers.





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# BERKELEY BALCONY COLLAPSE



- **Library Gardens Apartments – “new” construction completed in 2006**
- **June 16, 2015: Fourth floor balcony collapsed**
- **13 people fell 40 feet**
- **6 died and several injured**



# INDEPENDENT INVESTIGATION

## CSLB Investigation Findings of Collapse

- ***Not a structural overload*** "...imposed load of the (13) students was well within the design limits of the balcony structure".
- ***Water damage*** "Dry rot along the top of the joists suggests long-term moisture saturation...of OSB Oriented Strand Board in direct contact with the joists".
- ***Contractor*** used an inferior composite that was expressly prohibited in the plans... also neglected to wrap the wood in a waterproof membrane.

# Berkeley Inspection Ordinance

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- Emergency Ordinance-On July 14, 2015, 28 days after the balcony collapse, Berkeley City Council passed an emergency ordinance: (Section 601.4 of the Berkeley Housing Code).
- Inspections Required-existing multi-family exterior elements.
- Ongoing Inspections-every five years of **all balconies and other weather-exposed structures** in all multi-unit buildings.
- Property Owners-must prove compliance by filing an affidavit signed by inspector.





# State Wide Response-SB465

- Early 2016 bill, also a result of the Berkeley collapse. Purpose of law is to identify “bad actors” and increase building standards.
- Required the California Building Standards Commission (CBSC) to study the question if consumers would be better protected if General Contractors are required to report construction defect settlements.
- Berkeley contractor had history of private settlements due to construction defects in the amount of \$26.5 million.
- California Building Code Emergency Supplement (Jan 2017) related to new construction special inspections/design details of wood framing.



# Wood decay

**Wood decay is caused by moisture that gets trapped and has nowhere to escape.**

**Deterioration of wood is not always visible until wood framing is exposed.**

**Common for wood framing to be hidden inside stucco soffit (underside of wood component).**

**Stucco soffit becomes a bathtub if exposed to high moisture content.**

**Water damage can be prevented.**





# **SB721**

## **Senate Bill Overview**

- **Signed into law September 17, 2018; Effective January 1, 2019**
- **Initial inspection completed before January 1, 2025**
- **Re-inspected every six years thereafter.**
- **Allow property owner or manager to take reasonable steps to identify and repair deterioration that poses a potential safety concern.**



## Inspection Purpose

- The purpose of the inspection is to “determine that building assemblies 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”.



## What is Inspected?

**“Exterior elevated elements” (EEE) defined as “balconies, decks, porches, stairways, walkways, entry structures, and their supports and railings”.**

- Multi family with three or more dwelling units
- Extends beyond exterior walls of the building
- Elevated walking surfaces of 6 feet or more above ground level (potential fall hazard)
- Elevated walking surfaces are supported by wood or wood based products i.e. joists, beams or posts
- Walking surfaces are designed for human occupancy or use



## Does My Building Qualify?

- ✓ Extends beyond envelope of building
- ✓ Guardrail systems and supports
- ✓ Exterior breezeways
- ✓ Wood support elements
- ✓ Designed for human occupancy or use.
- ✓ Walking surface 6 ft or more above ground (how far to fall?)



## Inspection Categories

- **“*Load-bearing components*”** are “components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.”
- **i.e. Cantilever joists, wood beams, exterior posts, columns.**
- **Inspector looks for deterioration or alteration to framing.**





## Load Bearing Components





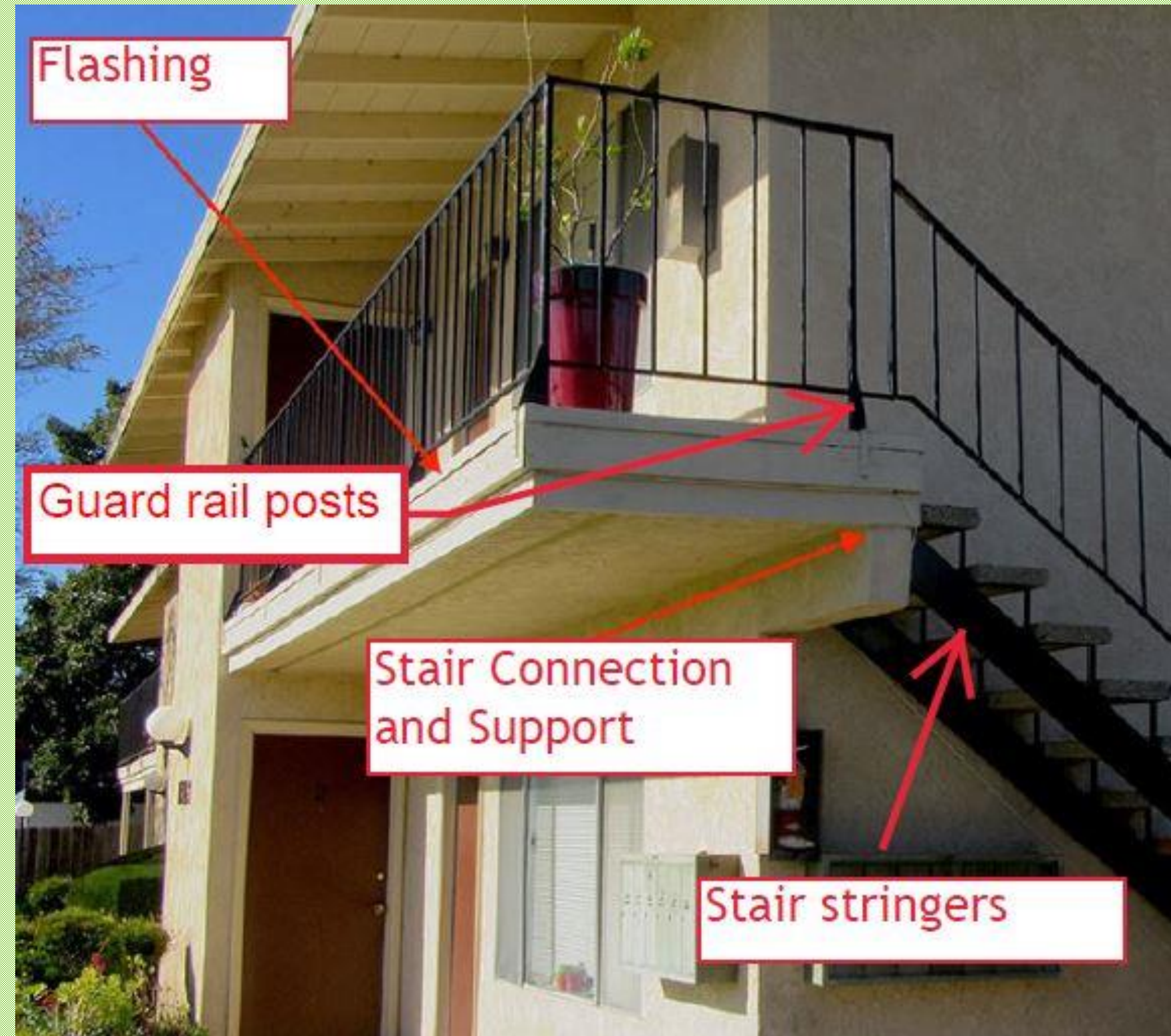
**Destructive testing may be needed  
to find hidden damage.**





## Inspection Categories

- ***“Associated waterproofing elements”*** that protect the load-bearing components of exterior elevated elements from exposure to water and the elements”.
- Include “flashings, membranes, coatings, and sealants.
- Inspector looks for problem installations and signs of moisture intrusion.





**Stucco cracking at wall connection  
allowing water penetration.**



**Railing support connections that are  
not sealed properly.**





**Cracks in concrete decks allow moisture to penetrate wood below.**



**Concrete topping slab can contain hidden damage.**





## Who Can Inspect?

- A licensed architect, civil or structural engineer, or
- A General Contractor has “A”, “B” or “C5” license for a minimum of 5 years (cannot make the repairs), or
- An individual certified as a building inspector or building official” from a recognized association (CalBO, ICC).



## What is Timeline of Inspection?

- **The initial inspection must be completed by January 1, 2025, and every six years thereafter. (E.G: If inspected 2022, next inspection would be 2028, 2034, etc.)**
- **Following initial report, inspector must submit “a final report indicating that any required repairs have been completed”.**



## Safe/Structural/Sample

- **Safe for Occupancy?** “each exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would . . . constitute a threat to the health or safety of the occupants”.
  - Inspector should take responsibility to ID.
- **Structurally Sound?** Assess the load-bearing components and associated waterproofing elements of the exterior elevated elements “using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance “, destructive testing may be required.
- **How many?** “A sample of *at least 15 percent* (we recommend 20%) of each type of exterior elevated element shall be inspected”.
- **Over-inspect**, don’t *under-inspect*.



## Minimum Requirements cont'd

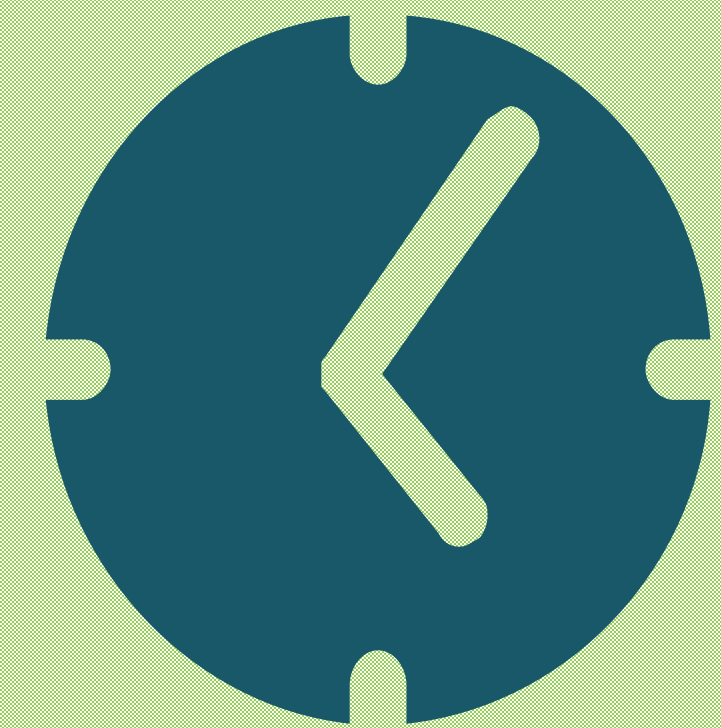
### Inspection Report Must Address:

- Current condition of the exterior elevated elements
- Expectations of future performance and projected service
- Recommendations for further inspection, beyond the initial 15%
- Recommendations for necessary repair or replacement



## Repairs Timeline

- **If inspector determines element poses immediate threat:**
  - Inspector must deliver report to owner within 15 days.
  - Building owner must begin emergency repairs.
  - Inspector required to notify building department.
- **If no immediate threat to the safety of the occupants:**
  - Inspector must provide final report within 120 days.
  - **Owner must apply for a permit within 120 days of receipt of the inspection report.**
  - After permit approval, you have 180 days to complete repairs.





## Things to Keep in Mind

- What does “**determine**” really mean?
- Is destructive testing of 15% of building assemblies enough to “**determine**” the condition of all assemblies?
- What does the testing and inspection of 15% percent really mean?
- Will multiple construction professionals be needed?
  - Architect (waterproofing)
  - Engineer (load-bearing capability)
  - Destructive testing and implementation of repairs



## Things to Keep in Mind

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- Budgeting the costs of destructive testing?
  - Budgeting the costs of unforeseeable repairs?
  - What are the risks of noncompliance to apartment owners and managers?
  - How do you factor in inconvenience to tenants?
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## Summary of Process

- Hire a qualified inspector-don't wait until the availability decreases and cost increases.
- Inspect a minimum of 15% of balconies and decks - may require destructive testing.
- Inspector to provide report, makes recommendations for repairs.
- Apply for any permits needed for repairs.
- Make repairs.
- Inspector signs off on repairs and provides final compliance report.





## Common Questions:

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**Q: I have a newly constructed building. Do I still need to inspect?**

***A: Yes, any building constructed before January 2019 requires inspection. Even “new” construction can have concerns.***

**Q: Can a technician without a license inspect if the report is reviewed by a licensed professional?**

***A: The technician can be a part of the inspection team, however, the licensed professional should be overseeing the process.***

**Q: How much will my inspection cost?**

***A: It varies building by building depending on the inspection components, time spent accessing units, destructive testing/openings needed, etc.***

**\*\*SCPC will provide proposal to perform inspections at no charge.**





## Common Questions:

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Q: Will the inspector check for total building code compliance?

**A: No, but the inspector should alert you of major non-conformance.**

Q: What if all elements inspected exhibit serious damage?

**A: You will need to inspect past the initial 15%.**

Q: What if only minor deterioration is found in localized areas?

**A: It is left up to the judgement of the inspector.**

Q: What are the risks if I don't comply on time?

**A: 30-day corrective notice will be sent by the local enforcement agency and you may receive liens, civil penalties. Also, consider insurance carrier's requirements.**







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