

# EXTERIOR ELEVATED ELEMENTS (3E) INSPECTION PROGRAM

## Handout

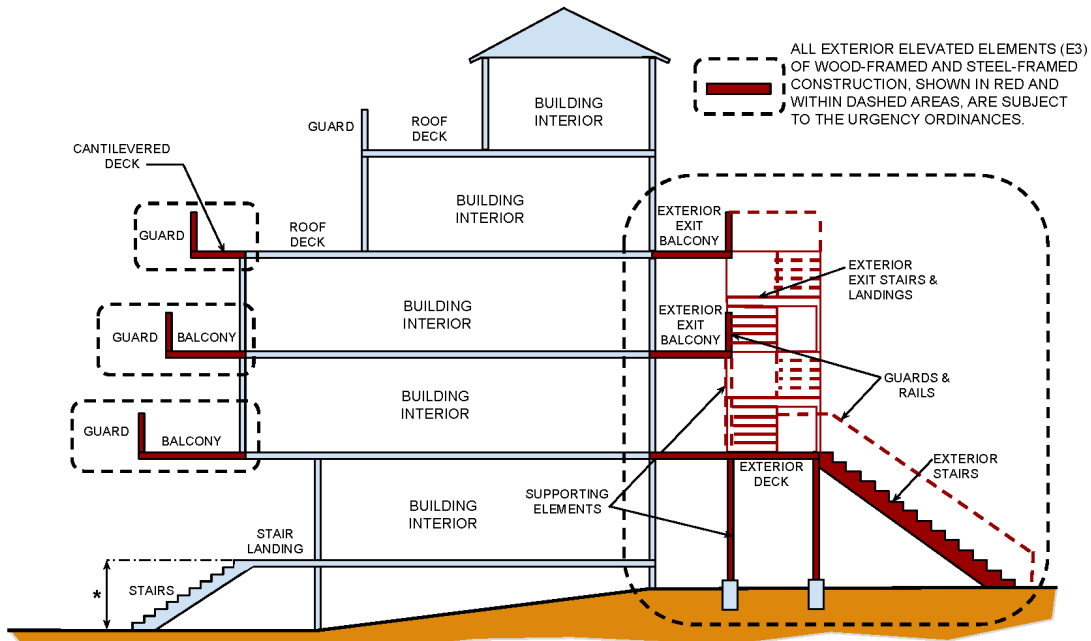


### Introduction

Senate Bill No. 721 ([SB 721](#)), which went into effect on January 1, 2019, requires the inspection and repair of balconies, decks, and stairs that rely in whole or in substantial part on wood structural support (exterior elevated elements, or 3E) in multi-family residential buildings with three or more dwelling units. This bill, commonly referred to as the “deck and balcony inspection” bill, was initiated in response to a balcony collapse in Berkeley, California in June 2015, which resulted in six fatalities. The collapse was found to have been caused by wood decay (rot) of the structural wood framing that supported the balcony. [SB 326](#), a similar bill for condominiums, was signed into law on August 30, 2019.

Does my building have “Exterior Elevated Elements” requiring inspection?

“**Exterior elevated elements**” or **3Es** means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support stability of the exterior elevated element.



\* EXTERIOR ELEVATED ELEMENTS THAT ARE 72" OR LESS ABOVE GRADE ARE EXEMPT.

If you're still unsure if your building fits within the scope the inspection program, use the questions below, which have been developed to help you determine if your building has "Exterior Elevated Elements" requiring inspection:

1. Does the building have three or more dwelling units?
2. Does the building have exterior balconies, decks, porches, stairways, walkways, entry structures, or other exterior elements with walking surfaces? For buildings with condominiums, the program applies to 3Es in the common area only.
3. Are any of the walking surfaces more than six feet above ground level?
4. Does the element rely substantially on wood or wood-based products for structural support or stability?

If you answered "YES" to all the above questions, then your building is subject to the 3E Inspection program.

If you answered "NO" to any of the questions above, then your building is not subject to the 3E Inspection Program. You are required to submit the [3E Exemption Declaration](#). However, as many 3Es are constructed of concreted slabs but are supported by wood joists, if you answered "YES" to the first three questions above, you will be required to have a qualified professional—see below—submit a verification letter that details the materials of support for the exterior elevated elements. You are required to submit the verification letter along with the required [3E Exemption Declaration](#). Upon receipt and review, your property will be removed from the program's database.

If you are unsure of your answer to any of the questions above, you should contact a professional who can assist you with reviewing your property.

### I have 3Es requiring inspection, what now?

1. Contact a professional who can discuss the potential scope of work for your property and perform the inspections. The professional performing the inspection must be hired by the building owner. Professionals who can perform inspections include:
  - a. Licensed Architects
  - b. Licensed Engineers (Civil or Structural)
  - c. An individual certified as a building inspector or building official from a recognized state, national, or international association—they may not work for the City of Albany
  - d. Building contractors with type "A", "B", or "C-5" license classifications, a minimum of five years' experience while holding that license, and experience with multistory wood frame buildings
2. The inspector will provide a written report of the evaluation to the building owner. The report will address the current condition of the exterior elevated elements and their associated waterproofing elements, expectations of future performance and projected service life, and recommendations for any further inspection necessary. Building owners should keep the inspection report for no less than two inspection cycles (12 years). Inspection reports shall

be disclosed to the buyer during the sales transaction. Keep in mind, if your “exterior elevated elements” are hidden behind finishes, some removal and replacement of finishes may be required in order to perform the required inspection activities.

3. You must submit the inspection to the City **within 15 days of completion**. The preferred means of submittal is as an electronic attachment to an email sent to [3EProgram@albanyca.org](mailto:3EProgram@albanyca.org)
4. The first inspection for condominium buildings **must be completed by January 1, 2025**. The first inspection for multi-family rental buildings **must be completed by January 1, 2026**. You must have the qualified professional submit the required [3E Inspection Certification](#) by these dates.
5. Subsequent inspections must be completed every six years for rental buildings and every nine years for common areas of condominium buildings.

### What happens if the inspection identifies damage?

If damage is identified during the inspections, the inspector will need to identify if the damage presents an immediate safety risk.

- a. Immediate safety risks are required to be mitigated right away and may require emergency repairs, shoring, and/or preventing occupant access to the affected areas.
- b. Damage that does not present an immediate safety risk will need to be repaired. The building owner has 120 days from receipt of the inspection report to apply for a building permit for the repair work and 120 days after approval of the permit to make the repairs needed.

### How do I apply for a building permit?

The Albany Building Department utilizes electronic permit submittals. All [Building Permit Applications](#) and supporting documents/plan sets can be emailed in PDF format to [permits@albanyca.org](mailto:permits@albanyca.org) for processing. Documents can be scanned into PDFs with the use of an [iPhone](#) or [Android device](#).

### What happens if I do not comply with the 3E Program requirements?

You may be subject to the following penalties:

1. **Fines of up to \$500 per day.** Non-compliant facilities could face penalties of \$100-\$500 per day for every day they are not in compliance.
2. **Assessment of safety liens.** If a civil fine or penalty is assessed, the City can choose to issue a safety lien against the facility. If a building owner refuses to pay non-compliance fines, the local jurisdiction can satisfy the lien through foreclosure.
3. **Recovery of enforcement costs.** Local enforcement agencies can recover enforcement costs from landlords, property owners, and property managers.

4. **Impacts on a landlord's insurance eligibility.** If a facility does not comply with the 3E Program, it may impact the landlord's insurance eligibility and make it more difficult (or impossible) to secure adequate insurance coverage.