

Get Ready for the SB 721 and SB 326 Compliance Deadline by Omid Ghanadiof

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By Israel Pereda

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December 31st, 2024 is the deadline for compliance with both [SB 721](#), and [SB 326](#) for multifamily housing, condominiums and buildings with more than three dwelling units. Residential property owners and HOAs across California have other seemingly more important things to consider. Consequently, EEE Advisor aims to help property managers and owners to prepare and beat the deadline by getting them familiar with the inspection criteria and process to ensure compliance with the California Balcony Law.

Exterior Elevated Elements (EEEs)

These two ordinances are designed for buildings that have three or more dwelling units. [SB 326](#) is for condominium, and SB 721 is for apartments and multifamily dwellings.

The term emerged following the Berkeley balcony collapse and according to these ordinances, is now used in the law to address any elevated element structures, including their waterproofing system, supports and railings, such as balconies, decks, porches, stairways, and walkways that extend beyond the exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level.

Load-Bearing Components

According to SB 721, load-bearing components are “those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element (EEE) to the building.” SB 326 gives a more descriptive definition as components that extend beyond the exterior walls of the building to deliver structural loads to the building from decks, balconies, stairways, walkways, and their railings, all designed for human occupancy or use, supported in whole or in substantial part by wood or wood-based products, and associated waterproofing systems including flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water.

Visual Inspection

According to SB 721, the minimum requirements for inspection include *“identification of each type of exterior elevated element 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.”*

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SB 326 defined visual inspection as *“inspection through the least intrusive method necessary to inspect load-bearing components, including visual observation only or visual observation in conjunction with, for example, the use of moisture meters, borescopes, or infrared technology.”*

The Inspection

The inspector for balconies provides a written report that lists the components that have been checked and describe their condition – estimating the components’ remaining functional life, any necessary repairs, and reporting any immediate dangers to occupants. The SB 326 report will be incorporated into the HOA’s next reserve study, and they will be required to keep at least two inspection cycles, that is, up to 18 years.

If, in the report, the inspector clarified any type of threat that required repair, but the owner or board member of the homeowner association decides not to make the repair, then the inspector has to notify the local jurisdiction. However, if a building element fails and someone is injured, there could be severe liability for the HOA and board.


The distinctions between the assessment of SB 721 and SB 326 are striking. The timeframe under SB 326 is at least once every nine years except for new common interest buildings, but SB 721 subsequent inspections need to be completed by January 1st every six years thereafter. Also, SB 326 does not specify any fines; although, because the inspection report is incorporated into the reserve study, it will almost likely be subject to the same penalties as failure to comply with the Davis-Stirling Act. Local enforcement agencies have the ability to collect enforcement expenditures, according to SB 721 and SB 326.

Sample Size

Described as “the biggest divergence between the law meant for apartments and the law meant for condos for HOAs, sample size is defined by SB 721 as “a sample of at least 15 percent of each type of exterior elevated element shall be inspected.” SB 326 is a bit more elaborate, defining sample size as “a sufficient number of units inspected to provide 95 percent confidence that the results from the sample are reflective of the whole, with a margin of error of no greater than plus or minus five percent.”

Understanding the terms of the law and subsequently ensuring compliance can sometimes be a daunting task, especially for inexperienced engineers and even for property managers. Consequently, it is imperative to hire the best hands to ensure safety and of course, compliance.

	SB721	SB326
Building Type	Multifamily, Apartments	Condominiums & HOA's
Units	+3	+3
Deadline	December 31, 2024	December 31, 2024
Sample Size	15% of each element	"Statically Significant sampling of all elements" to have 95% confidence
Time frame	Every 6 years	Every 9 years
Repair Contractor	Same company that did the inspection is NOT eligible to do the repair.	One company can be inspector and contractor at the same time.
Inspector	Structural and Architect engineer, general contractor (B1), Certified Home Inspector	Structural and Architect engineer

 **EEE Advisor**
info@eeeadvisor.com
805-312-8513 • 805-312-8508

Omid Ghanadiouf is co-founder of EEE Advisor, an engineering firm specializing in engineering structural inspections. The firm is active in Southern California to assist owners and HOAs to comply with balcony inspection ordinance SB721 and SB326. For more information, please contact Omid at: 805-312-8513, email or visit www.eeeadvisor.com.