

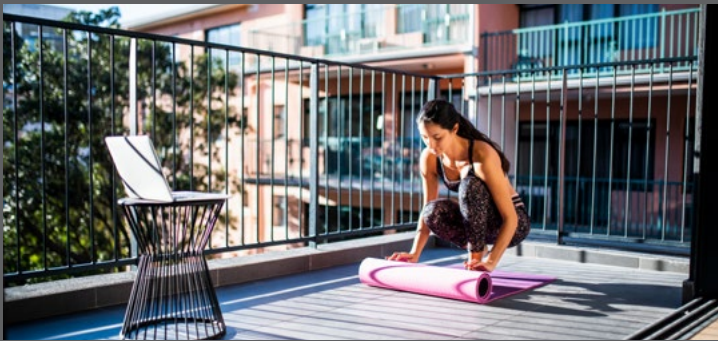


YOUR GUIDE TO

**SB 326**

NAVIGATING THE CALIFORNIA "BALCONY BILL"

## What is SB 326?



On August 30, 2019, California Governor Gavin Newsom signed into law Senate Bill No. 326 (SB 326) which created Civil Code Section 5551, adding a requirement for Associations and multi-family properties to conduct regular inspection of balconies and other exterior structural elements supported by wood or wood-based products. The law went into effect on January 1, 2020.

Commonly referred to as the “balcony bill,” the legislation requires that “exterior elevated elements” be evaluated, inspected and, if necessary, repaired. The impetus for SB 326 was a tragic accident that claimed six lives and injured several others due to the failure of building components like balconies and railings as a result of deterioration and corrosion. The State of California seeks to prevent future injuries and loss of life by having these critical building components evaluated – and if necessary repaired – on a regularly scheduled basis. Any Association with three or more dwelling units in a building must comply with this law.



Any Associations building or buildings with three or more dwelling units must comply with this law.

## What must be inspected?

Wood or wood-based load-bearing and associated life safety components extending beyond the primary exterior walls of a building must be evaluated. Building components affected by this law may include balconies, decks, stairways, walkways, railings, guardrails and similar building elements six feet or more above the ground, and also, any waterproofing or other building weatherization products that might negatively affect the performance of structural elements if not properly maintained.

A structural engineer must evaluate load-bearing and related life safety components (balconies, railings, etc.) in order to determine if they are in “generally safe condition” and performing as intended. If immediately dangerous concerns are identified, the Association and government authorities must be notified within 15 days, and prompt corrective action must be taken to address the dangerous conditions. In addition, the team evaluating your property will also make recommendations for important but less critical maintenance and repairs needed to uphold generally safe conditions free from excessive deterioration or corrosion.

SB 326 established a **five-year** window to complete the first inspection. Inspections must be completed by the end of **2024**, and every nine years thereafter. Buildings being constructed after the law was enacted need to complete their initial inspection no later than six years after completion of construction and issuance of the certificate of occupancy for the property.

This timing provides Associations the opportunity to coordinate their first balcony inspections with their upcoming reserve study update. **However, the sooner-the-better is a good rule of thumb for SB 326 inspections and repairs. The more information you have, the easier it will be to plan for any repairs or renovations and include these costs within your reserve study and capital improvement plan.**

**When** are we required to do these inspections?





# The Bergeman Group turnkey solution FOR SB 326 COMPLIANCE

SB 326 is complex, and the legislation is not entirely clear, leaving room for misinterpretation. This has caused confusion and left Associations with uncertainty over what exactly is – or is not – needed and what steps should be followed. The team at Bergeman Group is here to help.

To bring clarity to your Association, Bergeman Group has developed a turnkey solution to address the requirements of SB 326, including evaluation by a structural engineer and management of any repairs found to be necessary. We offer this organized process to simplify SB 326 for your Association giving you confidence and peace of mind.



## STEP 1 Contact us for a free initial consultation

To schedule an initial site visit to walk your property and discuss SB 326 with your Association, contact us at [SB326@bergemangroup.com](mailto:SB326@bergemangroup.com) or by calling any of our offices:

LOS ANGELES 213.432.5110 | ORANGE COUNTY 949.669.8010 | SAN DIEGO 619.639.9600

## STEP 2 Plan approval

After our free initial consultation, a proposal for SB 326 evaluation tailored specifically to your property is created and presented to your Association and property manager. Our proposal will include the structural engineering evaluation and documentation needed to comply with SB 326.

## STEP 3 Visual evaluation & scope development

Once your Association reviews and approves our evaluation proposal, we then conduct a site walk with our team's structural engineer to identify and quantify the exterior elevated elements requiring a more detailed examination. SB 326 requires a statistically relevant sample size be examined; however, it does not specify a universally accepted measure of the relevant sample size. Instead, determination of the sample size is left up to the structural engineer. For this reason, it greatly benefits your Association that our team first conducts a visual site walk with the structural engineer to confirm the scope of invasive inspections to be performed before proceeding with detailed analysis. This simple step will help your Association more accurately budget and control invasive testing costs. The information gathered during this visual assessment is shared with the Association and property manager and is used to calculate the cost of destructive testing, if necessary.

## STEP 4 Access and evaluate structural components

Upon your approval to proceed with step four, the destructive analysis specified by the structural engineer on our team is completed. During this step limited areas of the building(s) are opened, as determined previously in step 3, exposing the structural elements inside for evaluation by our team's structural engineer.

In order to expose areas for examination by a structural engineer, Bergeman Group will procure and provide **three (3) competitive bids** from local contractors, enabling you to select the contractor of your Association's choosing for the destructive testing scope of work. We may recommend the installation of access panels at the locations where wooden structural components must be inspected. Since SB 326 requires ongoing inspections in the future, the installation of access panels, where possible, will allow for immediate access today and in the future, saving you money by reducing the cost of future inspections.

Once the structural components are exposed, the evaluation by our team's structural engineer is conducted to determine if the relevant sample areas are in a "generally safe condition" and "performing in accordance with applicable standards." At this time, we will also determine if waterproofing and related building weatherization systems that protect wooden structural elements from decay have been compromised or are in need of repair.

## STEP 5 Reporting

After completion of our field evaluation, we will assemble a written report for your Association. Our written report will include:

- Identification of the applicable building components subject to inspection.
- Current physical condition of the components.
- Determination of whether there is an immediate threat to the health or safety of residents.
- Expected future performance of the waterproofing components and remaining useful life.
- Recommendations for and suggested timing of preventive maintenance and repairs.
- If there are any possible threats to the safety of residents, we notify the Association and the appropriate governmental authorities as required by SB 326.

Our final report will be stamped or signed by the licensed California structural engineer or architect on our team and shared with the Association and local building code enforcement agency as required by SB 326.

## STEP 6 Repairs and preventative maintenance

We recommend that repairs and maintenance identified in step 5 be included in the Association's reserve study and capital improvements plan in order to correct any life safety and building component concerns. This will prevent future deterioration of wooden structural elements that may otherwise be compromised if not repaired and properly maintained.

Should any repairs, remediation or preventative maintenance be needed to keep your structural elements in a "generally safe condition," our team can provide your Association and property manager with a separate proposal to plan the scope of work, procure contractor bids, present competitive bids to your Association and manage your construction project through to completion.

To schedule your free initial site visit  
contact us at [SB326@bergemangroup.com](mailto:SB326@bergemangroup.com)  
or by calling our team.

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