



EXTERIOR ELEVATED ELEMENTS FREQUENTLY ASKED QUESTIONS

The inspection requirements described in this FAQ are State of California requirements established by Senate Bill 721 (Health & Safety Code Section 17973, as amended by AB 2579) and Senate Bill 326 (Civil Code Section 5551, as amended by AB 2114). This information is provided as a courtesy to property owners. Construction-related answers are general guidance only, and final determinations are made through the building permit process. This FAQ is not legal advice. Property owners and associations should consult a qualified licensed professional regarding compliance.

1. What are “Exterior Elevated Elements” (E3)?

Exterior Elevated Elements are all elevated decks, balconies, landings, stairway systems, walkways, guardrails, handrails, or any parts thereof that are exposed to weather and with a walking surface more than six 6 feet above grade/ground. This program applies only to wood-framed exterior elevated elements.

2. I’ve never had this inspection before. When did this become a requirement?

These requirements are mandated by the State of California under Senate Bill 721 for apartments, which went into effect January 1, 2019, and Senate Bill 326 for condominiums, which went into effect January 1, 2020.

3. By when are inspections required?

The State of California deadlines for initial inspections:

- **Apartments (SB 721):** The initial inspection deadline was January 1, 2026 (extended from January 1, 2025, by AB 2579). Subsequent inspections are required every six years thereafter.
- **Condominiums (SB 326):** The initial inspection deadline was January 1, 2025. Subsequent inspections are required at least once every nine years thereafter.

Both initial-inspection deadlines have passed. Owners and associations that have not yet completed their initial inspection are out of compliance with State law and should arrange an inspection as soon as possible.

4. Does this inspection requirement apply to my building?

SB 721 applies to buildings containing three (3) or more multifamily dwelling units, such as apartment houses. SB 326 applies to condominium projects and other common interest developments with three (3) or more units. Whether other residential occupancies (such as dormitories or congregate residences) are subject to inspection depends on whether the building contains three or more dwelling units; consult a qualified professional if you are unsure. Single-family homes and duplexes are exempt.

5. Is there a cost associated with the E3 Inspection compliance?

The City of La Cañada Flintridge does not currently charge an E3 fee. However, property owners are responsible for all costs associated with hiring private inspectors and securing building permits for any required repairs.

6. Who are considered “licensed or certified professionals”?

Inspections of condominium projects (SB 326) must be conducted by a licensed structural engineer, licensed civil engineer, or licensed architect. (Assembly Bill 2114, enacted in 2024, added licensed civil engineers to the professionals authorized to perform these inspections.) Inspections of all other buildings subject to these requirements (SB 721) shall be performed by a licensed architect; a licensed civil or structural engineer; a building contractor holding an “A,” “B,” or “C-5” license classification issued by the Contractors State License Board, with a minimum of five years’ experience constructing multistory wood-frame buildings; or an individual certified as a building inspector or building official by a recognized state, national, or international association. These individuals may not be employed by the City of La Cañada Flintridge while performing these inspections.

All professionals must have current and clear licensure or certification in the State of California.

- Licensed structural engineers (<http://www.bpelsq.ca.gov/>)
- Licensed architects (<http://www.cab.ca.gov/>)
- Licensed civil engineers (<http://www.bpelsq.ca.gov/>)
- Licensed general contractors (<http://www.cslb.ca.gov/>)
- Type B Certified Building Inspectors (excluding City of La Cañada Flintridge employees) (<https://www.iccsafe.org/verify>)
- Building Officials (excluding City of La Cañada Flintridge employees) (<https://www.iccsafe.org/verify>)

7. I live in a multi-unit residential building with many balconies. Are the balconies in my building safe?

The balconies in your building were built in conformance to the Building Code requirements which were in effect at the time of original construction. The purpose and intent of the Building Code has always been life safety. To ascertain that the balcony supports have not been compromised over the years, the State of California requires that all balconies be periodically inspected.

8. I live in a recently constructed building. Are the balconies in my building required to be inspected?

For newly constructed residential buildings, inspections shall occur no later than six years following issuance of the Certificate of Occupancy.

9. What needs to be inspected to satisfy the inspection requirement?

Per California Health and Safety Code Section [17973](#), the inspection of buildings subject to E3 Inspection Program requirements (excluding condominium projects) shall at a minimum include:

- A. 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.
- B. Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. A sample of at least 15 percent of each type of exterior elevated element shall be inspected.
- C. The evaluation and assessment shall address each of the following as of the date of the evaluation:
 - The current condition of the exterior elevated elements.
 - Expectations of future performance and projected service life.
 - Recommendations of any further inspection necessary.

10. Are inspection requirements for condominium projects different?

Yes, inspection requirements for condominium projects are different than other multi-family buildings and must comply with California Civil Code Section [5551](#):

- A. At least once every nine years, a reasonably competent and diligent visual inspection shall be conducted by a licensed structural engineer or architect of a random and statistically significant sample of exterior elevated elements.
 - A “statistically significant sample” means 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 5 percent.
- B. The inspection shall determine whether the exterior elevated elements are in a generally safe condition and performing in accordance with applicable standards.
- C. Prior to conducting the first visual inspection, the inspector shall generate a random list of the locations of each type of exterior elevated element. The list shall be provided to the association for future use.
- D. The inspector shall perform the visual inspections in accordance with the random list generated.
 - If during the visual inspection the inspector observes building conditions indicating that unintended water or water vapor has passed into the associated waterproofing system, thereby creating the potential for damage to the load-bearing components, then the inspector may conduct a further inspection.
 - The inspector shall exercise their best professional judgment in determining the necessity, scope, and breadth of any further inspection.

11. Do I need to submit my inspection report to the City?

The City does not currently require routine filing of inspection reports. Under SB 721, the inspector provides the report to the building owner, who must retain it; under SB 326, the report is provided to the association's board. However, if an inspection reveals an exterior elevated element that poses an immediate threat to the safety of occupants, State law requires the inspector to notify Building & Safety Division within 15 days of completing the report, and emergency repairs and preventive measures (such as restricting access) are required.

12. Is forensic investigation or probing required for inspection of open framing?

This will depend on the licensed or certified professional the property owner hires to conduct the inspection(s) and the observed conditions. The expectation is for the licensed or certified professional to collect that information necessary for the licensed professional to complete and sign an Inspection Certification.

13. Will invasive or destructive investigation be needed?

If the framing elements are visible and accessible, destructive investigation may not be necessary. If the framing is concealed, the licensed or certified professional may need to cut openings in the soffits, other exterior finishes and possibly interior finishes to expose framing elements and assess the observed conditions.

14. What can I do so invasive or destructive investigation is not required next time this inspection is required?

Property owners may wish to consider having vents or access panels installed at the locations of the investigative openings created in the course of the initial inspection(s). Access panels or vents will enable future inspections to be conducted with relative ease. This work will require a permit.

15. How much of the stucco soffit will need to be opened up?

For the most part this is left to the discretion of the licensed or certified professional hired to conduct the inspections.

- A. To enable verification of the conditions at the enclosed framing, the licensed or certified professional hired to conduct the inspections will likely create some investigative openings on the underside of the soffits of sufficient size to assess the framing conditions. The openings will need to be created at the locations where moisture is most likely to penetrate into the enclosed framing cavities; typically at the intersection with the exterior wall plane, at the outer edge, under the guardrail posts, under the built-in gutters, etc.
- B. If the owner also desires that the enclosed balconies/decks be retrofitted to facilitate cross-ventilation of the enclosed cavities and to provide access for future inspections, continuous strip vents would need to be installed on at least two sides of the enclosed soffits perpendicular to the direction of the framing elements. This will facilitate cross flow of air within each enclosed cavity. It is recommended at least one side to be provided with a continuous removable soffit vent 4 inches minimum in width, which will have the added benefit of facilitating future inspections.

16. My deck is only a few feet off of the ground. Does it still need to be inspected?

If the exterior elevated element is more than 6 feet above grade/ground, inspection is required.

17. My exterior elevated element is covered and only has one side open to the outside. Does the Inspection Certification requirement still apply?

Yes, if the exterior elevated wood-framed deck, balcony, landing, stairway system, walkway, guardrail or handrail is exposed to the weather from any side. If the rain can fall upon the surface, or if the moisture can accumulate on the surface or at the joints or intersections, you must complete the Inspection Certification form.

18. My exterior elevated element is cosmetic only. Does this apply to me?

If the exterior elevated element can be used as a walking or standing surface and is more than 6 feet above grade/ground, then YES, the inspection requirement does apply.

19. The exterior of the building is a fire rated assembly. What if the fire rated assembly is compromised during the inspection process?

You are required to maintain the integrity of all fire-resistive rated assemblies and restore all disturbed elements/membranes following completion of the investigation with the exception of soffit vents, which may be provided on the underside of the projecting elements.

20. If I decide to install a vent in a horizontal fire-rated soffit assembly, is the vent required to be fire-protected?

Any vent installed shall be listed for use within the Wildland-Urban Interface (WUI) zone, please see the City's Fire Hardening program for additional information.

20. Are soffit vents allowed in exterior balconies and similar projections when the fire-resistance rated protection of the balcony is required?

Yes, soffit vents are allowed in balconies and similar floor projections which are required to be of fire-resistance rated construction based on the building construction type.

21. How do ventilation opening requirements differ for projecting elements located in close proximity to private property lines?

Soffit vents, where provided, shall be located at least five or more feet from the side or rear private property lines.

22. How do ventilation opening requirements differ for projecting elements facing public ways?

For the purpose of determining fire separation distances, the centerline of a public way is considered as a property line. Therefore, soffit vents at concealed balconies/decks facing on public ways are permitted.

23. Do I need a permit to perform an investigation?

No, exploratory work for investigative purposes is exempt from permit requirements.

24. Do I need a permit to repair my balcony or stairway?

This depends on the nature of the repairs.

- Permits are not required for ordinary repairs to structures performed for the purpose of maintenance. The repair work is limited to work on the affected item and does not include reframing, replacement or any other alteration or new work.
- Permits are required for any code regulated activities, including but not limited to the following: cutting, notching or replacement of any structural framing elements or structural supports; replacement of membranes or waterproofing; replacement of exterior finishes; guardrail replacements; installation of ventilation openings; and similar activities.

25. How can I improve the waterproofing of my existing deck?

Consult with a waterproofing specialist.

26. Who is exempt from the E3 inspection requirement?

Single family homes, duplexes, commercial and industrial properties without residential units or with two or fewer residential units.

27. My property does not have rental units. Does this apply to me?

Yes, if there are three or more residential units in the building.

28. I own and live in a residential condominium, does this apply to me?

Condominiums must be inspected every nine years. Per SB 326, condominium projects containing three or more dwelling units shall be inspected by January 1, 2025, and then at least once every nine years thereafter.

29. How should I go about hiring a licensed or certified professional?

You can visit the following websites:

- Contractor's State Licensing Board at:
http://www.cslb.ca.gov/Consumers/Hire_A_Contractor/ for information on hiring a general contractor.
- California Architect's Board Guide to Finding an Architect:
http://www.cab.ca.gov/pdf/publications/consumers_guide.pdf Find an architect:
<https://architectfinder.aia.org/>
- Board for Professional Engineers, Land Surveyors and Geologists Consumer Guide:
http://www.bpelsq.ca.gov/pubs/consumer_guide.pdf or
http://www.bpelsq.ca.gov/consumers/lic_lookup.shtml
- International Code Council (Certified Building Inspectors, ICC B5 or equivalent; Certified Building Officials, ICC CB or equivalent): <https://www.iccsafe.org/verify>

30. What if my stairway is made of concrete, but has metal railings? Do I need to have it

inspected?

Concrete stairs with metal rails are exempt. However, if the exterior concrete stairs are connected to wood framing, the condition of wood framing at the connection of the stairs would need to be inspected for signs of hazardous deterioration, decay or similar damage.

31. Consequences of Noncompliance

Failure to comply can lead to serious enforcement actions by local building departments. Penalties for non-compliance may include daily fines ranging from \$100 to \$500 until violations are corrected. In some cases, local authorities have the authority to perform required repairs and place a safety lien on the property for costs incurred.