
SENATE COMMITTEE ON HOUSING

Senator Nancy Skinner, Chair

2023 - 2024 Regular

Bill No: AB 2579 **Hearing Date:** 6/24/2024
Author: Quirk-Silva
Version: 4/9/2024
Urgency: No **Fiscal:** No
Consultant: Max Ladow

SUBJECT: Inspections: exterior elevated elements

DIGEST: This bill provides a 30-month extension to the deadline for performing inspections of exterior elevated element in all buildings containing three or more multifamily dwelling units, thereby delaying the inspection deadline from January 1, 2025, to July 1, 2027.

ANALYSIS:

Existing law:

- 1) Requires owners of all buildings containing three or more multifamily dwelling units to have inspections of exterior elevated elements that include load-bearing components by specified professionals.
- 2) Specifies that the purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition as specified to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered.
- 3) Defines “exterior elevated element” as specified types of structures, including their supports and railings.
- 4) Requires the inspection to include, at a minimum:
 - a) Identification of each type of exterior elevated element that constitute a threat to the health or safety of the occupants;
 - b) Assessment of the load-bearing components and associated waterproofing elements of a sample of at least 15 percent of each type of exterior elevated element;

- c) The current condition of the exterior elevated elements, expectations of future performance and projected service life, and recommendations of any further inspection necessary; and
 - d) A written report of the evaluation that includes certain specified information and is stamped or signed by the inspector and presented to the building owner within 45 days.
- 5) Requires the initial inspection to be completed by January 1, 2025, and requires subsequent inspections every six years.
- 6) Requires the inspector to produce an initial report and, if requested by the owner, a final report indicating that any required repairs have been completed. The inspector must provide a copy of any report that recommends immediate repairs or finds severe safety issues to the building owner and the local enforcement agency within 15 days.
- 7) Requires the building owner to correct an exterior elevated element found by the inspector to be in need of repair or replacement. All repair and replacement work must follow certain prescribed timelines and be performed by a qualified and licensed contractor in compliance with the recommendations of a specified licensed professional, any applicable manufacturer's specifications, applicable building standards, and local jurisdictional requirements.

This bill provides a 30-month extension to the deadline for performing inspections of exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units, thereby delaying the inspection deadline from January 1, 2025, to July 1, 2027.

COMMENTS:

- 1) *Author's statement.* "When California issued a state-of-emergency for COVID-19 in March of 2020, unforeseen challenges emerged, including barriers to accessing dwelling units for necessary balcony inspections under SB 721. Because of these unavoidable delays, allowing additional time for balcony inspections is not just a necessity, but is crucial for the safety of residents with balconies. AB 2579 provides building owners a much needed thirty-month extension for inspections, bringing these properties in line with existing law, ensuring the safety of the public, and preventing avoidable collapses or, worse yet, tragic losses of life."
- 2) *Background:* In 2015, a wooden balcony collapsed at the Library Gardens apartment complex located in the City of Berkeley, near the University of California, Berkeley campus. The balcony collapse killed six young adults and

injured seven others, and investigations later revealed the balcony had decayed wooden joists caused by wood dry rot left untreated because of poor building maintenance.

Ultimately, the Contractor's State License Board revoked the license of Segue Construction, Inc., the general contractor responsible for building the apartment complex where the collapse occurred, as it was alleged that the contractor company "willfully departed from or disregarded building plans or specifications, and willfully departed from accepted trade standards for good and workmanlike construction."

As a result of that collapse, the Legislature passed SB 465 (Hill, Chapter 372, Statutes of 2016), which, in addition to requiring additional oversight for contractors, also required the California Building Standards Commission (CBSC) to establish a working group to study the failure of exterior elevated elements. The bill directed the CBSC to submit a report to the Legislature containing findings and possible recommendations for statutory or other changes to the California Building Standards Code. In 2017, the CBSC approved emergency regulations to accelerate the adoption of higher construction standards.

In 2018, SB 721 (Hill, Chapter 445) established a requirement to perform regular inspections of exterior elevated elements of certain multi-unit residential buildings. The bill required building owners to have those elements and other load-bearing components and waterproofing elements inspected at least every six years by certain licensed persons, to determine that the exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous conditions. That bill also required any identified repairs to be made within a designated timeframe and provided penalties for building owners who do not complete the required repairs.

- 3) *Building inspection timeline delays.* The first inspection deadline is January 1, 2025, or six years after the effective date of the balcony legislation (January 1, 2019). The COVID-19 stay-at-home order and associated business shutdowns occurred in the middle of this six-year period, and according to the author, the state of emergency lasted for 1,091 days, during which it was difficult, if not impossible for building owners to bring third parties into their apartment buildings to complete these required balcony inspections. This bill extends the inspection deadline from January 1, 2025, to July 1, 2027, to provide a roughly proportionate amount of time as the state of emergency for building owners to complete their inspection obligations.

Since the 2015 balcony collapse, there have been subsequent balcony collapses throughout California, often resulting in injuries. These include balcony collapses in San Francisco in 2018, Malibu in 2021, Daly City in 2022, and Isla Vista in 2024. While some delay may be necessary to account for interruptions as a result of COVID-19, delaying the inspection of balconies by 30 months could increase the risk of further collapses leading to more property damage, injury, and death. **The author has agreed to amend the deadline extension down from 30 months to 12 months.**

4) *Double-referral.* This bill was also referred to Business, Professions, and Economic Development Committee.

RELATED LEGISLATION:

AB 1101 (Flora, 2023) — would have authorized a Branch 3 registered company licensed by the Structural Pest Control Board with a minimum of five years of experience to perform exterior elevated element inspections. *This bill was held in the Assembly Appropriations Committee.*

SB 607 (Min, Chapter 367, Statutes of 2021) — deleted a prohibition on repairs of exterior elevated elements being performed by a licensed contractor serving as the inspector of those elements.

SB 721 (Hill, Chapter 445, Statutes of 2018) — established minimum inspection requirements for the exterior elevated elements, including balconies and decks, of buildings with three or more multifamily dwelling units, as specified.

SB 465 (Hill, Chapter 372, Statutes of 2016) — In addition to requiring additional oversight for contractors, also required the CBSC to establish a working group to study the failure of exterior elevated elements and to submit a report to the Legislature containing findings and possible recommendations for statutory or other changes to the California Building Standards Code.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 19, 2024.)

SUPPORT:

Building Industry Association of Southern California
California Apartment Association

California Business Properties Association

OPPOSITION:

None received.

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