Balcony Bill Implementation Guidelines for Campus-Owned Buildings

1. Introduction

1) These guidelines provide direction for the implementation of California Health and Safety Code Section (HSC) 17973, more commonly referred to as the "Balcony Bill". The requirements of the code take precedence over the UC Guidelines except in areas where UC Guidelines are stricter.
2) These guidelines apply to UC-owned facilities, National Laboratories, Agriculture and Natural Resources (ANR), or Natural Reserve System (NRS).
3) While these guidelines apply to existing buildings, campuses are encouraged to minimize the impact of these guidelines on new multifamily projects that could have future impacts by these guidelines. Consideration should be given to reducing and/or eliminating wood-supported balconies and walkways in the original design to reduce the need for ongoing inspections. In instances where wood-supported features cannot be eliminated from the design, thought should be given to the integration of features that will make Balcony Bill inspections easier, such as observation hatches.

2. Background

1) Pursuant to HSC Section 17973, the only structures that are subject to this statute are multi-family residential buildings (multi-family being defined as three or more dwelling units) ("Covered Properties"). For UC this might include dormitories, apartments, graduate student and staff housing, condominiums, and/or fraternity/sorority houses. While the code does not apply to non-residential buildings, campuses are encouraged to perform voluntary, visual inspections of eligible elements of all buildings.
2) For any condominium projects that are managed by an association, those projects must comply with the inspection requirements of California Civil Code Section 5551(b).

3. Definitions

ASSOCIATED.WATERPROOFING.ELEMENTS¿include flashings, membranes, coatings, and sealants that protect the load-bearing components of E3s from exposure to water and the elements.

DESTRUCTIVE.INSPECTIONS¿Any investigation that necessitates the temporary removal or alternation to permanently installed building materials and/or systems.

EXTERIOR.ELEVATED.ELEMENTS.(E9s)¿the following structures, including their supports and railings, 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, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the E3:

1) balconies
2) decks
3) porches
4) stairways
5) walkways
6) entry structures

4. Relevant Timelines

1. New Buildings (constructed January 1, 2019 and after): Inspections must be completed every 6 years from the Notice of Completion (NOC).
2. Existing Buildings (constructed prior to January 1, 2019): First inspection must take place before January 1, 2026, then every six years from initial inspection date.

Campuses are encouraged to complete inspections well in advance of the 2026 deadline as the law applies to all of California and thus inspection services may be in high demand and more expensive as the deadline approaches. Inspections cannot be conducted by University employees.

5. Guidelines and Compliance

A¡ HSC Section 17973 requires that all “exterior elevated elements” (E3s) be inspected in compliance with the timelines stated above.

B¡ Every inspection should include the following:

a) Identification of each type of E3 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 and safety of the occupants.

b) Assessment of the load-bearing components and “associated waterproofing elements” of the E3s identified in paragraph (1) using methods allowing for evaluation of their performance by direct.visual.examination.or.comparable.

means.of.evaluating.their.performance. Please consult with your inspector to assure that their inspection scope is in compliance with these requirements (i.e. allowing direct visual examination of all associated waterproofing elements). In the event an inspector proposes a "comparable means" of evaluating the performance of these elements without direct visual examination, please contact UCOP for approval of equivalency.

c) At least 15 percent of each type of E3 shall be inspected. For example, if a building has balconies, stairwells, and exterior decks that qualify for inspection, a minimum of 15 percent of each.of these E3s must be inspected. Campuses should work with their inspectors and use best judgement in determining locations on each building where potential damage is most likely to occur (i.e. weather facing elevations, E3s on lower portions of each elevation). Preliminary visual inspections should be conducted to identify E3s that may be exhibiting visual signs of underlying damage. Any location identified during these inspections as having signs of damage should be inspected under the guidelines included herein. The 15% calculation shall be determined as follows:
    i. Inspections shall be calculated and performed on a per-building or per-project basis. For instance, if multiple buildings were constructed under a single contract and by the same designer and contractor, the 15% calculation may be applied to the multiple buildings of a project as a whole.
    ii. The total number of E3s inspected shall be 15% of each different type of qualifying E3 rounded down to the nearest whole number and shall include at a minimum of one. For instance, if a building has 14 balconies and 2 stairways, a total of 2 balconies and 1 stairway must be inspected.

E3s Table	
Total # E3s	**Total E3s required for inspection**
1-13	1
14-19	2
20-26	3
27-33	4

34-39	5
Etc.	

If visual inspections necessitate further inspections above the 15% calculation required by statute, the campus should undertake all necessary inspections to assure the safety of all identified E3s.

If destructive inspections reveal a defect that is identified at multiple locations on particular building, or a defect is identified that is indicative of an error in the original design and thus has a likelihood of being present at other locations, further destructive inspections beyond the 15% may be necessary to determine the extent of the issue on a given building. The campus should assure that any such incidents are reported by the inspector prior to conclusion of their work so that revisions to the scope can be made before the final inspection report is issued.

d) The evaluation and assessment shall address each of the following as of the date of evaluation:
    i. The current condition of the E3
    ii. Expectations of future performance and projected service life
    iii. Recommendations of any further inspection necessary

C¡ A written report of the evaluation stamped or signed by the inspector should be presented to the owner within 45 days of completion of inspection. The report shall include all of the following:

a) Photographs
b) test results (if applicable)
c) narrative sufficient to establish a baseline of the conditions of the components inspected that can be compared to the results of subsequent inspections
d) identification of which, if any, E3s pose an immediate threat to safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.
e) copies of all subsequent inspection reports

D¡ Written reports must be kept for the life of the structure.

a) All work associated with the destructive testing and patchback shall be performed by the third-party vendor.

6. Inspection Best Practices

Inspections will be required to occur every 6 years, specifically in areas that were identified previously as potentially having issues. Campuses should consult with inspectors on ways to make future inspections easier and more cost effective. For example, if the underside of a balcony is being removed to allow visual inspection of the framing and waterproofing elements, the campus should consider the installation of a removable panel at that location to allow for easier future inspections. Please consult with your campus building official and/or fire marshal to assure that any changes made to these E3s complies with all applicable codes and standards, as well as preserving any extended warranties for any building products included in said E3.

7. Inspector Qualifications and Hiring

A¡ .These.inspections.shall.not.be.conducted.by.individuals.employed.by.the.local. jurisdiction¡ For University purposes, this precludes Campus Building Officials, Campus Fire Marshals, facilities staff, and third-party inspectors currently under contract with the University.

B. All inspections shall be performed by any of the following:

1) A California licensed architect
2) A California licensed civil or structural engineer
3) A building contractor holding any or all of the "A", "B", or "C-5" license classifications issued by the California Contractor's State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory, multifamily, wood framed buildings, or
4) An individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by a local jurisdiction.

C. Office of General Counsel has developed a contract template for these inspections as they may require a combination of professional services and construction work. The contract is a modified PSA with a work authorization for the construction (i.e. destructive testing) work. It can be modified to allow the consultant to subcontract that work or perform it themselves if they have that capability.

D. Specifications or scope of work documents for retained inspectors/repair contractors should note in such documents that any inspector/contractor retained to perform services shall be bound first by the requirements of HSC Section 17973, and where anything included in the UC Guidelines that are stricter in nature, the stricter requirement governs.

E. Inspectors whose services will include destructive testing must comply with all insurance requirements contained in the Balcony Bill PSA Agreement. Campuses must provide any necessary waterproofing warranty information to inspectors so that inspectors can certify their inspections will not void the warranties.

8. Necessary Repairs Guidelines

A. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

1) The recommendations of the inspector.
2) Any applicable manufacturer's specifications.
3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.
4) Campus Standards
5) All applicable codes and standards
6) A permit must be granted by the campus

B. Any person or entity who participates in any Balcony Bill inspection is precluded from contracting to perform any recommend repairs arising from said Balcony Bill inspection.

C¡ .Any recommended repair shall be undertaken by the campus as follows:

1) Any E3 that the inspector advises poses an immediate threat to the safety of the occupants, prevents occupant access, or requires emergency repairs, including shoring, shall be considered an emergency condition and the campus shall perform required preventative measures immediately. Immediately preventing occupant access to the E3 until emergency repairs can be completed constitutes compliance with this requirement.
2) Any E3 that the inspector advises does not pose an immediate threat to the safety of the occupants shall be repaired as soon as reasonably possible, but they have no longer than 120 days of receipt of the inspection report to apply for a permit. Once the permit is approved, repairs must be completed within 120 days. Please notify UCOP Design and Construction at Balconybill@ucop.edu if any recommended repair cannot be completed within this 240-day period.

9. Reporting Requirements

A. Inventory

Campuses must maintain an inventory of all Covered Properties and their inspection status. All new projects that include E3s must be added to the inventory.

B. Annual Report

Campuses must file an Annual Report by April 1st to UCOP certifying that they are in compliance with the requirements of the Balcony Bill Guidelines as specified. The Report template is available online.

C. Campuses must keep inspection and repair records for the lifetime of the building.

10. Balcony Bill PSA page

Use the link above to access the Balcony Bill PSA and associated documents.

11. Balcony Bill Real Estate Page

Use the link above to access the Balcony Bill Requirements for Privately-Owned Properties under the Jurisdiction of UC.

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