





Planning and Development Department  
Building and Safety Division  
E3 Inspection Program

## **Exterior Elevated Elements Inspection Requirements for Balconies, Stairways, Decks, Walkways and other Exterior Elevated Elements**

The State of California requires inspection and certification of weather-exposed elements elevated more than six feet above adjacent grade, a requirement enforced by the City of Berkeley (per California Civil Code Section 5551 and Berkeley Municipal Code (BMC) 19.40.040).

The association of a condominium project must either hire a licensed engineer or architect to inspect and submit the Inspection Certification for the property *or* complete the Exemption Declaration if BMC 19.40.040 inspection and certification requirements for exterior elevated elements do not apply to the property. For condominium projects without an established homeowner's association, individual owners will be required to meet all inspection requirements. Pursuant to California Civil Code Section 5551, exterior elevated elements of condominium projects containing three or more dwelling units shall be inspected by January 1, 2025, and then at least once every nine years. The City of Berkeley has granted associations an extension to comply with E3 Inspection Program requirements. The inspection certification is due no later than **January 1, 2026**. Visit [www.berkeleyca.gov](http://www.berkeleyca.gov) (search *Exterior Elevated Elements*) for answers to Frequently Answered Questions (FAQs) and periodic updates regarding program requirements and deadlines.

**What is the Inspection Requirement?** The City of Berkeley requires condominium projects with exterior elevated elements to be inspected by a licensed structural engineer or architect. A random and statistically significant sample of elevated wood-framed and steel-framed decks, balconies, landings, stairway systems, walkways, terraces, guardrails, handrails, or any parts thereof in weather-exposed areas at the subject building must be inspected in accordance with California Civil Code Section 5551 by a licensed professional to verify the elements are in a general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements.

**Does the Inspection Requirement apply to my building?** Yes, if your building is a residential condominium project containing three or more dwelling with exterior elevated elements.

**Are there fees associated with the E3 Inspection Program?** Yes, there is a \$750 E3 Inspection Program fee plus a \$37.50 technology fee associated with every 9-year cycle for buildings subject to BMC 19.40.040.

**Why do I have to submit the Exemption Declaration if the Inspection Requirement does not apply to my building?** The Exemption Declaration is needed to inform the City the requirement does not apply to your building and for you to avoid potential penalties.

**Enforcement for Failure to Comply:** Code enforcement proceedings under BMC Chapter 19.40 will be initiated against property owners subject to E3 Inspection requirements who do not file an Inspection Certification or complete corrective work within the established timeframe. If corrective work is required, owners must apply for a permit within 120 days of the date of the certification, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 120 days of permit approval.

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