

HOA Balcony Inspections: SB 326



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What SB 326 Requires

Senate Bill 326 added California Civil Code §5551 to the Davis-Stirling Act. It mandates periodic inspections of certain exterior elevated elements in condominium associations. These inspections focus on the structural integrity and waterproofing of elevated components such as balconies, decks, stairways, walkways, and railings that are load-bearing and supported in whole or substantial part by wood or wood-based products.

Who Must Comply

Civil Code §5551 applies to condominium projects with buildings that contain three or more dwelling units where the association is responsible for maintenance and repair of exterior elevated elements that are wood-supported and more than six feet above ground level.

Who Can Perform the Inspection

Inspections under SB 326 must be conducted by either:

- A licensed structural engineer, or
- A licensed architect

These professionals are required to provide a stamped or signed inspection report, ensuring a competent and diligent visual assessment of both load-bearing components and associated waterproofing systems. Unlike some other inspection programs, SB 326 does not allow general contractors or building inspectors for these specific condominium inspections unless their license qualifies them as a structural engineer or architect.

Deadline and Repeated Inspection Cycle

The first inspection was required to be completed by January 1, 2025. After the initial inspection, SB 326 requires subsequent inspections at least once every nine years, typically aligned with the reserve study cycle.

What If Your Association Missed the 1/1/25 Deadline

Missing the statutory deadline does not mean the obligation goes away. In fact, failure to complete the initial inspection by January 1, 2025 can expose an association and its board members to legal risk, including claims of breach of fiduciary duty. If the deadline has passed, boards should:

- Immediately engage a qualified inspector (licensed structural engineer or architect) and schedule the inspection without delay.
- Document outreach and engagement steps, showing the board acted promptly once aware of non-compliance.
- Coordinate with legal counsel to evaluate liability exposure and communicate status to homeowners.
- Consider a board resolution acknowledging the missed deadline and outlining corrective actions.

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Inspection Scope and Report Requirements

The inspection must include a random and statistically significant sample of exterior elevated elements sufficient to provide 95 percent confidence that the results reflect the whole with a margin of error no greater than plus or minus five percent. The written report must:

- Identify the current physical condition of inspected elements
- Evaluate remaining useful life
- Provide recommendations for repairs or maintenance
- Be incorporated into the association's reserve study
- Be maintained as part of association records for at least two inspection cycles (eighteen years)

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Immediate Threats to Safety

If the inspector determines that an element poses an immediate threat to occupant safety, the inspector must provide the report to the board immediately and to local code enforcement within 15 days of completion. Once received, the association must take preventive measures such as restricting access until repairs are completed and approved by enforcement authorities.

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Board Best Practices for SB 326 Compliance

- Do not treat SB 326 as only an inspection requirement. It is a safety and planning requirement.
- Coordinate early with a licensed structural engineer or architect to avoid future deadline risk.
- Integrate inspection findings into long-term reserve planning and budgeting.
- Maintain detailed records of inspections, reports, and any repair contracts.
- Communicate proactively with homeowners about inspection results and expected maintenance.

How Packard Can Help

PMG helps boards engage qualified professionals, organize access for inspections, integrate findings into reserve studies, and plan for necessary repairs while keeping the process compliant and well documented.

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