



EXTERIOR ELEVATED ELEMENTS INSPECTION PROGRAM EXEMPTION DECLARATION

Planning & Development Department
Building and Safety Division
E3 Inspection Program

Property owners or property managers: Please complete this declaration only if the inspection certification requirements of BMC Section 19.40.040 do not apply to your property. Submit this declaration via email to e3@berkeleyca.gov or by mail to Exterior Elevated Elements (E3) Program at 1947 Center Street, 3rd Floor, Berkeley, CA 94704 to be removed from the City's inventory of buildings subject to the program.

PROPERTY INFORMATION:

Building Address: _____

Building Type: (Select one)

- Apartment House
- Congregate/Boarding/Dormitory/Fraternity/Sorority
- Other (Live/work, Tenants in Common, Clubhouse, Convent, Residential Assisted Living Facility, Social Rehabilitation Residential Facility)
- Residential Condo Building
- Hotel/Motel
- N/A (See Below)

REASON FOR EXEMPTION:

Inspection Certification requirements do NOT apply to this building because (select all that apply):

- Wood-framed or steel-framed exterior elements (i.e. exterior balconies, decks, stairs, landings, terraces, walkways, guardrails, handrails, or similar appurtenances) elevated more than six feet above adjacent grade DO NOT EXIST at this building.
- This building does not have 3 or more dwelling units and is not one of the building types listed above.
- There are more than 2 units on the parcel BUT no more than 2 units in any building.
- This a Single Family Dwelling (SFD) or Duplex.

PROPERTY OWNER:

Name of Property Owner: _____

Name of Property Management Company (if applicable): _____

Mailing Address: _____

Phone #: _____ E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name	Signature	Date
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If you have any questions, contact E3 Program staff at (510) 981-7526. **Submit completed & signed declarations via email to e3@berkeleyca.gov or mail to Exterior Elevated Elements (E3) Program at 1947 Center Street, 3rd Floor, Berkeley, CA 94704.**



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

Berkeley Municipal Code (BMC) 19.40.040 requires inspection and certification of weather-exposed elements elevated more than six feet above adjacent grade.

As the property owner, you must either hire a licensed or certified professional to inspect and submit the Inspection Certification for your property or complete the Exemption Declaration if the requirements of BMC 19.40.040 do not apply to your property. Inspection requirements apply to buildings containing three or more dwelling units as defined in the most recent edition of the California Building Code. The inspection certification shall be completed by March 31, 2022 and every six years thereafter. Condominium projects with exterior elevated elements 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 for condominium projects is due no later than January 1, 2026. Visit www.berkeleyca.gov and search Exterior Elevated Elements for answers to Frequently Answered Questions (FAQs) and periodic updates.

What is the Inspection Requirement? BMC 19.40.040 requires property owners to have all projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof inspected by a licensed or certified professional, verifying that 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 building containing three or more dwelling or sleeping units with exterior elevated elements listed below:

- Apartment houses, condominiums, tenants in common and live/work units
- Dormitories, fraternities, sororities, convents and monasteries
- Hotels, motels and vacation timeshare properties, boarding houses and congregate residences (transient with more than 10 occupants and nontransient with more than 16 occupants)
- Residential Assisted Living Facilities and Social Rehabilitation Residential Facilities

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.

Residential Condominiums: In most cases, the homeowner's association (HOA) is responsible for exterior maintenance. Occasionally, balconies are not part of the common interest and the individual owner is responsible. The responsible party must hire a professional to complete the inspection certification.

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.