



(CA) SENATE BILL 721: DECK INSPECTIONS AND RESERVE STUDY INSPECTIONS



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In California in the first half of 2017, Senate Bill 721 has been proposed, a bill which requires all exposed decks/walkways more than 6 ft above ground, in structures containing three or more multi-family units, to be inspected before 1/1/2023 and every six years thereafter. This inspection requirement is designed to ensure that these surfaces are in generally safe condition and in adequate working order. As written, the inspection is to be conducted by “a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official”.

I do not have an opinion on the merit of this new inspection requirement. That is for others to discuss. My concern is the arguments I have heard challenging this new law, specifically with regard to condominium associations. Some have argued this law is not necessary, as all the common areas are required to be evaluated by a “diligent, visual site inspection” as part of a Reserve Study update at least every third year ([CA Civil Code §5550\(a\)](#)). So why would an association need a specific deck inspection now and every six years into the future when they have a Reserve Study inspection every three years?

Because even the best Reserve Study site inspectors, including those with the “Reserve Specialist” (RS) or “Professional Reserve Analyst” (PRA) designation are generalists, looking at the cyclical deterioration of the common areas. Reserve Study professionals are looking for where the roof is in its life cycle, where the fence is in its life cycle, where the pool heater is in its life cycle, and (specifically) where the deck sealant is in its life cycle. Even the best and most experienced Reserve Study professionals are not inspecting for moisture intrusion, inappropriate flashing or coatings, fundamentally flawed design (or sloping), etc. The bottom

line is that Reserve Study professionals are not inspecting for safety or the well-being of the residents. Reserve Study professionals are inspecting for budget purposes.

In conclusion, if safety inspections are needed for the elevated decks and walkways of residential buildings in the State of California, don't expect that task has been, or will be performed as part of the association's every-three-yr With-Site-Visit Reserve Study inspection.