

Condo Insights

#70 – Understanding the Structural Inspection

On January 8th, 2024 New Jersey Governor Phil Murphy signed into law S2760/A4384, commonly known as the Structural Integrity Act (the “Act”). Why is the Structural Integrity Act important? According to the United States Census Bureau, in 2024 there are almost 3.5 million multi-family housing units in New Jersey. Over 85% are in buildings that are over 25 years old. Over 63% are in buildings more than 45 years old. As buildings get older, they are likely to require more attention to periodic maintenance and replacement of roofs, windows & doors, and to prevent moisture infiltration into and subsequent deterioration of the exterior walls, façades, and balconies.

Prior to the Act, associations were not required to have a structural inspection. The Act requires that buildings of a specific type are inspected by a licensed professional engineer and that the inspection report is provided to the local municipality. The Act is intended to ensure that residential condominium buildings are regularly inspected and properly maintained.

What exactly is a structural inspection? A structural inspection under the New Jersey Structural Integrity Act is a mandatory visual review of a building's primary load-bearing systems by a licensed structural engineer. The inspection covers the structural elements that support the weight of the building, including foundations, walls, floors, roofs, and connected balconies. These inspections, required for certain buildings (defined as “covered buildings”), aim to assess the building's structural health and identify any necessary repairs or maintenance.

“Covered buildings” are defined as residential condominiums with a primary load-bearing system constructed of non-combustible materials like steel, concrete, masonry, or heavy timber, or buildings with podium decks. Within the covered building definition set forth in the law, the term “primary load bearing system” means the assemblage of structural components within a building comprised of columns, beams, or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation. The foundation as well as any connected or attached balconies are included as part of the primary load bearing system evaluation.

The inspection focuses on identifying signs of deterioration, damage, or other issues that could compromise the building's structural integrity. The inspections are intended to protect building occupants and ensure compliance with the structural integrity requirements outlined in the law. The inspection report will provide recommendations for necessary repairs and/or maintenance to address identified structural concerns.

The inspection is a visual review, not a comprehensive or invasive, destructive assessment. Surface imperfections like cracks, distortion, fading or peeling finishes are only considered if they indicate substantial structural deterioration. For covered buildings over 15 years old, an initial structural inspection must be completed within two years of January 8, 2024. The frequency of subsequent inspections depends on the age of the building and the findings of the initial inspection. If a building exhibits observable damage, a structural inspection must be conducted within 60 days.

Standard wood-frame buildings (like single-family homes and townhomes) are generally excluded from the inspection requirements unless they sit on top of a podium deck. A podium deck, in the context of building construction, is a raised, level platform that serves as a base for a building, particularly a mid-or-high-rise structure. It's often used in condominium developments where the lower floor is used for parking, and the upper floors are for residential use. The lower portion, the “podium”, is typically a single story built of a robust structural system, such as steel or reinforced concrete. The lower floor often requires a stronger structural system for long open spans and a more fire-resistant system for more vulnerable uses, such as automobile parking. The upper portion is built of a more economical structural system, such as wood light frame construction (WLFC). The upper floors are generally residential where long spans aren't required, since the average condominium is comprised of multiple small spaces (living/dining, kitchen, bedrooms, bathrooms, etc.) that require relatively short spans.

Structural inspections must be conducted pursuant to the protocols established by the American Society of Civil Engineers or similar standards by another recognized structural engineering organization. A construction or post-occupancy structural inspector who performs duties in good faith and according to established protocols will not be held liable for any associated injuries, according to the Act.

The structural engineer must provide a written report assessing the covered building's condition and detailing the inspection findings, any required repairs or maintenance needed to maintain the primary load bearing system, and a timeline for completion. The report must also identify when the next structural inspection must occur.

All structural inspection reports must be made available to association members and copies of the report must be sent to the local construction official or municipal enforcing agency. The report will outline the necessary maintenance and/or repairs needed to address any identified structural issues. Local enforcing agencies do not enforce this law but can expect to start to receive reports regarding covered buildings. Associations should retain their inspection reports along with documentation that the association has undertaken measures identified in the report as necessary to maintain the structural integrity of the building.

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