

**CALIFORNIA BUILDING STANDARDS COMMISSION
GREEN BUILDING WORKSHOP
September 26, 2013 - Agenda Item 3a**

301.3 Additions and Alterations for Civil Code 1101.1

- **Statement of specific purpose, problem, rationale and benefits:**

The CBSC proposes to enact new building standards to implement the provision in Civil Code 1101.5 enacted by Senate Bill 407 (Padilla; Chapter 587, Statutes of 2009). The law becomes operative January 1, 2014. The Civil Code requires the replacement of non-compliant plumbing fixtures in specific additions and alterations. Without this proposed regulation design professionals and enforcement agencies would be required to refer to State law.

- **Proposed code language for the 2013 Intervening Cycle**

LEGEND FOR PROPOSED LANGUAGE
1. Proposed California language and modified language is <u>underlined</u> .
2. Repealed text: All such language appears in strikeout .
3. <i>[Information for the reader is bracketed and in red italics]</i>

301.1 Scope. *[Text shown for clarity. No change to text]*

Buildings shall be designed to include the green building measures specified as mandatory in the application checklists contained in this code. Voluntary green building measures are also included in the application checklists and may be included in the design and construction of structures covered by this code, but are not required unless adopted by a city, county, or city and county as specified in Section 101.7.

301.1.1 Additions and alterations. [HCD] *[Not all text shown]*

...
Note: ...

301.2 Low-rise and high-rise residential buildings. [HCD] *[Not all text shown]*

...

301.3 Nonresidential additions and alterations. [BSC] *[Text shown for clarity. No change to text]*

The provisions of individual sections of Chapter 5 apply to newly constructed buildings, building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above (for occupancies within the authority of California Building Standards Commission). Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

A code section will be designated by a banner to indicate where the code section only applies to newly constructed buildings [N] or to additions and alterations [AA]. When the code section applies to both, no banner will be used. *[Text shown for clarity. No change to text]*

301.3.1 Nonresidential additions and alterations that cause updates to plumbing fixtures only:
See Civil Code Section 1101.1, et seq.; Section 1101.5 is reprinted here for clarity.

Civil Code 1101.5.

"(a) On or before January 1, 2019, all noncompliant plumbing fixtures in any multifamily residential real property and in any commercial real property shall be replaced with water-conserving plumbing fixtures.

(b) An owner or the owner's agent may enter the owner's property for the purpose of installing, repairing, testing, and maintaining water-conserving plumbing fixtures required by this section, consistent with notice requirements of Section 1954.

(c) On and after January 1, 2019, the water-conserving plumbing fixtures required by this section shall be operating at the manufacturer's rated water consumption at the time that the tenant takes possession. A tenant shall be responsible for notifying the owner or owner's agent if the tenant becomes aware that a water-conserving plumbing fixture within his or her unit is not operating at the manufacturer's rated water consumption. The owner or owner's agent shall correct an inoperability in a water-conserving plumbing fixture upon notice by the tenant or if detected by the owner or the owner's agent.

(d) (1) On and after January 1, 2014, all noncompliant plumbing fixtures in any multifamily residential real property and any commercial real property shall be replaced with water-conserving plumbing fixtures in the following circumstances:

(A) For building additions in which the sum of concurrent building permits by the same permit applicant would increase the floor area of the space in a building by more than 10 percent, the building permit applicant shall replace all noncompliant plumbing fixtures in the building.

(B) For building alterations or improvements in which the total construction cost estimated in the building permit is greater than one hundred fifty thousand dollars (\$150,000), the building permit applicant shall replace all noncompliant plumbing fixtures that service the specific area of the improvement.

(C) Notwithstanding subparagraph (A) or (B), for any alterations or improvements to a room in a building that require a building permit and that room contains any noncompliant plumbing fixtures, the building permit applicant shall replace all noncompliant plumbing fixtures in that room.

(2) Replacement of all noncompliant plumbing fixtures with water-conserving plumbing fixtures, as described in paragraph (1), shall be a condition for issuance of a certificate of final completion and occupancy or final permit approval by the local building department."

(e) On and after January 1, 2019, a seller or transferor of multifamily residential real property or of commercial real property shall disclose to the prospective purchaser or transferee, in writing, the requirements of subdivision (a) and whether the property includes any noncompliant plumbing fixtures. This disclosure may be included in other transactional documents."