

BUILDING STANDARDS COMMISSION

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BUILDING STANDARDS INFORMATION BULLETIN 13-06

DATE: December 30, 2013

TO: LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS
INTERESTED PARTIES

SUBJECT: Water Conservation – Required Replacement of Plumbing Fixtures

The purpose of this information bulletin is to alert local building departments, state agencies and departments and interested parties of requirements in California Civil Code relating to water conservation measures enacted by [Senate Bill 407 \(Padilla, Chapter 587, Statutes of 2009\)](#). These Civil Code provisions require the replacement of noncompliant plumbing fixtures in certain residential real property and commercial real property subject to specific conditions. This bill was chaptered in 2009 and enacted on January 1, 2010.

Please note that the focus of this information bulletin is the replacement of plumbing fixtures in commercial real property, which includes a hotel and motel that is not a single-family residential real property or multifamily residential real property.

- For information regarding replacement of plumbing fixtures in single-family and multifamily real property, refer to the Department of Housing and Community Development's [Information Bulletin 2013-07 \(SHL\)](#) dated December 3, 2013.

Background

[Senate Bill 407 \(Padilla, Chapter 587, Statutes of 2009\)](#) added in the California Civil Code Article 1.4 commencing with [Section 1101.1](#) and added [Section 1102.155](#). Article 1.4 established requirements for replacing specific plumbing fixtures that are not water conserving, as defined as “noncompliant plumbing fixtures” in commercial real property built and available for use **on or before January 1, 1994**. The legislation established implementation dates discussed herein.

The 2013 Housing Omnibus Bill ([Senate Bill 745, Chapter 183, Statutes of 2013](#)) made amendment to Civil Code Section 1101.5 to clarify that the water conservation provisions enacted by Senate Bill 407 apply to commercial real property as defined in Section 1101.3 (a) of the Civil Code.

This summary of the Civil Code provisions of sections listed above offered in this information bulletin is not intended to be a complete summation of these provisions of law. Persons affected by these provisions must review the entire text to ensure a complete understanding of these laws.

Noncompliant Plumbing Fixtures

Civil Code Section 1101.2 defines “noncompliant plumbing fixture” as:

- (1) Any toilet manufactured for use more than 1.6 gallons of water per flush.
- (2) Any urinal manufactured for use more than 1 gallon of water per flush.
- (3) Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute.
- (4) Any interior faucet that emits more than 2.2 gallons of water per minute.

Civil Code Section 1101.3 defines “water conserving plumbing fixture” as any fixture that is in compliance with current building standards applicable to a newly constructed real property of the same type.

Important Dates

Following is a summary of important dates established in Civil Code Section 1101.5 as applicable to commercial real property:

- **On or before January 1, 2019**: All noncompliant plumbing fixtures in any commercial real property shall be replaced with water-conserving plumbing fixtures.

To this end, the Civil Code further provides for the replacement of noncompliant plumbing fixtures with water-conserving plumbing fixtures in commercial real property **on and after January 1, 2014**, subject to the conditions as follows:

- For building additions in commercial real property 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.
- For building alterations or improvements in commercial real property 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.
- For any alterations or improvements to a room in a commercial real property 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.

Local Effect

These provisions of Civil Code have effect upon a city, county, city and county, and retail water suppliers. Civil Code Sections 1101.6, 1101.7, 1101.8 and 1101.9 should be reviewed and applicable provisions applied as appropriate.

Additionally, the replacement of all noncompliant plumbing fixtures with water-conserving plumbing fixtures, as described in Section 1101.5(d)(1), is a condition for issuance of a certificate of final completion and occupancy or final permit approval by the local building department.

Exclusions

Certain exclusions apply to the replacement of noncompliant plumbing fixtures pursuant to Civil Code, Section 1101.7. Please review these exclusions carefully to determine whether applicable.

Disclosure to Prospective Purchaser or Transferee

On and after January 1, 2019, a seller or transferor of commercial real property shall disclose to the prospective purchaser or transferee, in writing, the requirements of Civil Code Section 1101.5(a) and whether the property includes any noncompliant plumbing fixtures.

Guidance

The California Building Standards Commission requests that local building departments share this information bulletin with other agencies and any interested or affected party, and consult, as appropriate, with counsel in determining appropriate oversight.

Questions regarding water conservation standards for commercial real property should be directed to the local authority having jurisdiction.

Questions regarding water conservation standards for single-family and multi-family residential real property should be directed to the local authority having jurisdiction or the Department of Housing and Community Development, Division of Codes and Standards at (916) 445-9471 or through its "Submit a Comment" website using the following link:

<http://www.hcd.ca.gov/comments/index.php>



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