

**PLANNING AND DEVELOPMENT SERVICES****PLUMBING FIXTURE REPLACEMENT (SB 407)****SCOPE: RESIDENTIAL AND COMMERCIAL**

CODES ENFORCED: Senate Bill 407 (2009), California Civil Code Sections 1101.1 through 1101.8, 2022 California Green Building Standards Code (CALGreen) Section 301

POLICY

Per Civil Code Section 1101.4, for any single-family residential property, on or before January 1, 2017 all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures.

Per Civil Code Section 1101.5, for any multifamily residential property and any commercial property, on or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures.

INTERPRETATION FOR DUPLEX (TWO-FAMILY DWELLING) AND SECOND UNIT

Civil Code Section 1101.3 defines "single-family residential real property" as any real property that is improved with, or consisting of, a building containing not more than one unit that is intended for human habitation. It also defines "multifamily residential real property" as any real property that is improved with, or consisting of, a building containing more than one unit that is intended for human habitation.

To maintain consistency with the scope and application of the building and residential code, for purposes of applying Civil Code Sections 1101.1 through 1101.8, a real property consisting of a duplex (two-family dwelling) will be considered a single-family residential real property. Alterations to one dwelling unit will trigger plumbing fixture upgrades within that unit only and not the adjacent unit.

A real property consisting of a single-family residence with either a detached or attached second unit will also be considered a single-family residential real property. Alterations to the residence will trigger plumbing fixture upgrades within the residence only and not the second unit, and vice versa.

DEFINITIONS

For the purpose of this policy:

- "Commercial real property" means any real property that is improved with, or consisting of, a building that is intended for commercial use, including hotels and motels, that is not a single-family residential real property or a multifamily residential real property.
- "Multifamily residential real property" means any real property that is improved with, or consisting of, a building containing more than one unit that is intended for human habitation, or any mixed residential-commercial buildings or portions thereof that are intended for human habitation. Multifamily residential real property includes residential hotels but does not include hotels and motels

that are not residential hotels.

- "Noncompliant plumbing fixture" means any of the following:
 - Any toilet manufactured to use more than 1.6 gallons of water per flush.
 - Any urinal manufactured to use more than one gallon of water per flush.
 - Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute.
 - Any interior faucet that emits more than 2.2 gallons of water per minute.
- "Single-family residential real property" means any real property that is improved with, or consisting of, a building containing not more than one unit that is intended for human habitation. (e) "Water-conserving plumbing fixture" means any fixture that is in compliance with current building standards applicable to a newly constructed real property of the same type.

CLARIFICATION OF "NON-COMPLIANT PLUMBING FIXTURE"

Please note that according to the definition of "non-compliant plumbing fixture" in Civil Code Section 1101.3(c), the existing plumbing fixture water usage/flow rate must exceed the amount shown to be considered non-compliant. If the existing plumbing fixture water usage/flow rate is equal to or lower than the amount shown, it is not required to be upgraded.



**Water-Conserving Plumbing Fixtures
Certificate of Compliance by Property
Owner**

Owner Name _____ Permit No. _____

Address _____

**PERMIT CANNOT BE FINALED AND COMPLETED UNTIL THIS
CERTIFICATE HAS BEEN SIGNED AND RETURNED TO THE INSPECTOR**

Please refer to the attached California Civil Code Sections 1101.1 – 1101.8 which are part of this Certification form.

1. Is your real property a registered historical site?
 Yes. Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.
Owner's Signature _____ Date _____
 No. Go to Question 2.
2. Does your real property have a licensed plumber certifying that, due to the age or configuration of the property or its plumbing, installation of water-conserving plumbing fixtures is not technically feasible?
 Yes. Civil Code Sections 1101.1 through 1101.8 do not apply.
 The licensed plumber's certification has been provided to the Building Division.
Sign below and skip the rest of the form.
Owner's Signature _____ Date _____
 No. Go to Question 3.
3. Is water service permanently disconnected for your building?
 Yes. Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.
Owner's Signature _____ Date _____
 No. Go to Question 4.
4. Is your real property built and available for use or occupancy on or before January 1, 1994?
 No. My real property is built and available for use or occupancy after January 1, 1994.
Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.
Owner's Signature _____ Date _____
 Yes. My real property is built and available for use or occupancy on or before January 1, 1994.
Civil Code Sections 1101.1 through 1101.8 apply. Refer to the attached.
 My property is a *single-family residential* real property. See Civil Code Section 1101.4.
On or before January 1, 2017, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).
 My property is a *multifamily residential* real property. See Civil Code Section 1101.5.
On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures throughout the building (regardless of whether property undergoes alterations or improvements).
 My property is a *commercial* real property. See Civil Code Section 1101.5.

On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures throughout the building (regardless of whether property undergoes alterations or improvements).

I/We, the owner(s) of this property, certify under penalty of perjury that non-compliant plumbing fixtures have been replaced with water-conserving plumbing fixtures in accordance with Civil Code Sections 1101.1 through 1101.8, the current California Plumbing Code and California Green Building Standards Code, and manufacturer’s installation requirements, and that the water-conserving plumbing fixtures comply with the requirements as indicated in the table below.

Owner’s Signature _____ Date _____

Fixture Type	Non-Compliant Plumbing Fixture ¹	Water-Conserving Plumbing Fixture (Fixture Complying with Current Code Applicable to New Construction)		
	Water Usage /Flow Rate	Maximum Water Usage/Flow Rate		
		2022 CPC Ch. 4 2022 CALGreen Div. 4.3	2022 CPC Ch. 4 2022 CALGreen Div. 4.3	2022 CPC Ch. 5 2022 CALGreen Div. 5.3
		Single-Family Residential	Multifamily Residential	Commercial
Water Closets (Toilets)	Exceed 1.6 gallons/flush	Single flush toilets: 1.28 gallons/flush Dual flush toilets: 1.28 gallons/flush effective flush volume (the composite, average flush volume of two reduced flushes and one full flush)		
Urinals	Exceed 1.0 gallon/flush	Wall mounted: 0.125 gallons/flush Floor mounted: 0.5 gallons/flush		
Showerheads	Exceed 2.5 gallons per minute	1.8 gallons per minute @ 80 psi. Also certified to the performance criteria of U.S. EPA WaterSense Specification for Showerheads. (A hand-held shower is considered a showerhead.) For multiple showerheads serving one shower, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute @ 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.		
Faucets – Lavatory Faucets	Exceed 2.2 gallons per minute	Maximum 1.2 gallons per minute @ 60 psi; minimum 0.8 gallons per minute @ 20 psi	Within units: Maximum 1.2 gallons per minute @ 60 psi; minimum 0.8 gallons per minute @ 20 psi In common and public use areas: 0.5 gallons per minute @ 60 psi	0.5 gallons per minute @ 60 psi
Faucets – Kitchen Faucets	Exceed 2.2 gallons per minute	1.8 gallons per minute @ 60 psi May temporarily increase up to 2.2 gallons per minute @ 60 psi, and must default to maximum 1.8 gallons per minute @ 60 psi Where faucets meeting the above are unavailable, aerators or other means may be used to achieve reduction.	1.8 gallons per minute @ 60 psi May temporarily increase up to 2.2 gallons per minute @ 60 psi, and must default to maximum 1.8 gallons per minute @ 60 psi Where faucets meeting the above are unavailable, aerators or other means may be used to achieve reduction.	1.8 gallons per minute @ 60 psi May temporarily increase up to 2.2 gallons per minute @ 60 psi, and must default to maximum 1.8 gallons per minute @ 60 psi Where faucets meeting the above are unavailable, aerators or other means may be used to achieve reduction.

1. If the existing plumbing fixture water usage/flow rate is equal to or lower than the figure shown, it is **not** required to be upgraded.