



**BUILDING CODE MANUAL
COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY DIVISION
Based on the 2014 LACBC**

**#145
106.4
Article 3
04-01-14
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PLUMBING FIXTURE REPLACEMENT

ISSUE:

This policy is for the application of Senate Bill (SB) 407 enacted in 2009 and codified in California (CA) Civil Code Sections 1101.1 – 1101.8. This legislation sets broad criteria triggering plumbing fixture replacements. In accordance with CALBO Legislative Analysis published on October 30, 2013, this policy establishes enforcement procedures for SB 407 and provides clarification and implementing instructions for this legislation.

BACKGROUND:

As of January 1, 2014, SB 407 requires that noncompliant plumbing fixtures in residential and commercial properties built on or before January 1, 1994, be replaced with water-conserving plumbing fixtures when the property is undergoing additions, alterations or improvements. Applicants obtaining permits for additions, alterations or improvements shall be required to replace noncompliant fixtures prior to final permit approval or issuance of a certificate of occupancy by the local building department.

Per CA Civil Code Section 1101.4, on and after January 1, 2014, any building addition, alteration or improvement for any single-family residential real property, shall require all non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. On or before January 1, 2017, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether the property undergoes alterations or improvements).

Per CA Civil Code Section 1101.5, on and after January 1, 2014, specified building addition, alteration or improvement for any multifamily residential real property and any commercial real property, shall require non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).

POLICY:

Consistent with CALBO's analysis of SB 407 and based on the definitions in the California Building Code, alterations and improvements are interpreted as any construction to an existing structure that enhances or improves the structure. Construction related to repairs or maintenance of the structure is not considered to be an alteration or improvement, therefore, repair or maintenance shall not trigger plumbing fixture upgrades.

Additionally, in CA Civil Code Section 1101.4(a), the improvements to a single-family real property are interpreted to refer to the work on the building, not the land. For a multifamily residential or commercial real property, CA Civil Code Section 1101.5(d)(1)(A), (B), and (C) refers to the work on the building as the trigger. It is interpreted that the same intent was meant for single-family real

property. Therefore, work on the land (work that does not require entry into the structure) shall not trigger plumbing fixture upgrades in the structure. Also, work that does not involve construction to the structure itself shall not trigger plumbing fixture upgrades in the structure.

Furthermore, work related to renewable energy systems, such as solar photovoltaic installations and electric vehicle charging stations shall not trigger plumbing fixture upgrades as it would conflict with the State's goal of promoting and streamlining these permits.

Legislation implementation shall be as follows:

Proposed addition and /or alteration of an existing single-family residential, multifamily residential and commercial building built on or before January 1, 1994 are required to replace non-complaint plumbing fixtures with water-conserving plumbing fixtures as stated below:

Single-family residential (includes one- and two-family dwellings):

All noncompliant plumbing fixtures will be required to be upgraded with water-conserving plumbing fixtures throughout the building. [CA Civil Code Section 1101.4(a)] Note that alterations/additions to a two-family dwelling shall trigger plumbing fixture upgrades within the residence of proposed work only, and not to the other unit.

Multifamily residential and commercial:

For building additions, if the sum of concurrent building permits by the same permit applicant would increase the floor area of the building by more than 10%, then all noncompliant plumbing fixtures will be required to be upgraded with water-conserving plumbing fixtures throughout the building. [CA Civil Code Section 1101.5(d)(1)(A)] This would include all common area plumbing fixtures as well as plumbing fixtures in the private individual dwelling units or tenant units owned by the same owner.

For building alterations or improvements, if the valuation of the building permit exceeds \$150,000, then all noncompliant plumbing fixtures that service the specific area of the alteration or improvement will be required to be upgraded with water-conserving plumbing fixtures. [CA Civil Code Section 1101.5(d)(1)(B)]

Any alteration to a room that contains noncompliant plumbing fixtures will require all the fixtures in that room to be upgraded to water-conserving plumbing fixtures. [CA Civil Code Section 1101.5(d)(1)(C)]

Work not associated with an addition and/or alteration permit is exempted from this legislation. As such, a permit may be issued, inspected and finalized for said work without the owner having to demonstrate compliance with SB 407. However, it is highly recommended to install water-conserving plumbing fixtures and participate in addressing the State's water-supply concerns. The following is a list of exempted work considered to be maintenance/repair and site work only:

Maintenance/Repair:

1. Re-roofing
2. Siding/stucco work
3. Replacement of water heater
4. Replacement of HVAC, furnace, and duct work
5. New solar heating system
6. New solar photovoltaic system
7. Electrical work
8. Sewer line repair
9. Window replacement
10. Chimney repair
11. Damage repair such as dry rot, termite, and foundation repair.
12. Seismic retrofit.
13. Building signs
14. Barrier removal (Voluntary accessibility upgrades)
15. Other work as determined by the Building Official to be maintenance/repair.

Sitework:

1. New/addition/alteration of detached accessory structures with no plumbing fixtures
2. New/addition/alteration of patio, shed, deck, and similar structures with no plumbing fixtures and such use is not a habitable space.
3. New/addition/alteration of pool/spa structures
4. New/addition/alteration of site walls
5. Ground-mounted solar photovoltaic system
6. Monument signs
7. Electric vehicle charging station
8. Grading and drainage work.
9. Other work as determined by the Building Official to be sitework.

CONCLUSION:

Once it is determined, that the building was built and available for occupancy on or before January 1, 1994, and such proposed work is not considered maintenance/repair or sitework, compliance with this policy is required and will be enforced as follows:

The plan check engineer shall attach the Water-Conserving Plumbing Fixtures Certificate of Compliance form to the approved plans and inform the applicant that the form is to be completed prior to permit final.

The building inspector shall verify that the form is complete, and no upgrade is required per SB 407 before permit final. If upgrades are required, then inform the applicant to apply for a plumbing permit for all necessary upgrades (in this case, the Certificate of Compliance form will not be required to be completed), perform the inspection, and final the permit after verifying that such work is in compliance with the current codes.

CODE REFERENCES AND NOTES:

Senate Bill 407 (2009) / California Civil Code Sections 1101.1 through 1101.8
2014 County of Los Angeles Green Building Standards Code - Section 301

Noncompliant plumbing fixtures consist of:

Water closet – Exceeds 1.6 gallons per flush

Urinal – Exceeds 1.0 gallon per flush

Showerhead – Exceeds 2.5 gallons per minute

Lavatory faucet – Exceeds 2.2 gallons per minute

Kitchen faucet – Exceeds 2.2 gallons per minute

New BCM

WRITTEN BY: JONATHAN LAM
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APPROVED BY:



HASSAN ALAMEDDINE
Principal Civil Engineer



**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY DIVISION**

WATER-CONSERVING

PLUMBING FIXTURES

CERTIFICATE OF COMPLIANCE

Please refer to the California Civil Code Sections 1101.1 to 1101.8 for regulation regarding mandatory replacement of all noncompliant plumbing fixtures with water-conserving plumbing fixtures. This form is to be signed ONLY by the owner and licensed contractor with acknowledgement that existing plumbing fixtures do not exceed the “noncompliant plumbing fixture” water usage. (“Noncompliant plumbing fixture” means 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, and any interior faucet that emits more than 2.2 gallons of water per minute.)

I, the undersigned, hereby certify that I am the owner of the below referenced property. I further certify that all applicable existing plumbing fixtures installed do not exceed the “noncompliant plumbing fixtures” water usage. (All new and upgrade plumbing fixtures shall comply with the water-conserving plumbing fixture provision.)

Single-family residential (includes one- and two-family dwelling):

- All existing plumbing fixtures within the building or structure do not exceed the “noncompliant plumbing fixtures” water usage.

Multifamily residential and commercial:

- All existing plumbing fixtures within the building or structure under my ownership do not exceed the “noncompliant plumbing fixtures” water usage.
- Existing plumbing fixtures in areas of alteration within the building or structure do not exceed the “noncompliant plumbing fixtures” water usage. (Refer to CA Civil Code Sections 1101.5(d)(1)(A) to (C) for this exception.)

Property

Address: _____

Owner's Name (Print): _____

Related Permit Number: _____

Signature: _____ Date: _____

Certified By:

CA Licensed Contractor (B or C-36 only) License
Contractor's Name (Print): _____ Number: _____

Signature: _____ Date: _____

This Certificate of Compliance does not contain the complete regulation of Senate Bill (SB) 407 - 2009 (Civil Code Sections 1101.1 - 1101.8). It only contains information that is relevant to this certification. For the complete regulation, refer to the following website:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB407&search_keywords=

CIVIL CODE SECTION:

1101.2.

Except as provided in Section 1101.7, this article shall apply to residential and commercial real property built and available for use on or before January 1, 1994.

1101.3.

(a) "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.

(b) "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.

(c) "Noncompliant plumbing fixture" means any of the following:

(1) Any toilet manufactured to use more than 1.6 gallons of water per flush.

(2) Any urinal manufactured to use more than one 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.

(d) "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.

1101.4.

(a) On and after January 1, 2014, for all building alterations or improvements to single-family residential real property, as a condition for issuance of a certificate of final completion and occupancy or final permit approval by the local building department, the permit applicant shall replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures.

(b) On or before January 1, 2017, noncompliant plumbing fixtures in any single-family residential real property shall be replaced by the property owner with water-conserving plumbing fixtures.

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 residential 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.

1101.7.

This article shall not apply to any of the following:

(a) Registered historical sites.

(b) Real property for which a licensed plumber certifies that, due to the age or configuration of the property or its plumbing, installation of water-conserving plumbing fixtures is not technically feasible.

(c) A building for which water service is permanently disconnected.