



## Community Development Department Building & Safety Division

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Policy No.: BDP 34

Original Effective Date: January 1, 2014

Revised Date: January 1, 2020

Initiated By: Roxanna Recinos-Serna, Plan Check Engineer

Approved By: Gregory A. Shreeve, Sr., Chief Building Official

**Subject: Water-Conserving Plumbing Fixture Replacement for Existing Residential Buildings**

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### Code References

2019 California Green Building Standards Code  
Section 301, SB 407 (2009)  
California Civil Code Section 1101.1-1101.8

### Issue(s)

As of January 1, 2014, SB 407 requires non-compliant plumbing fixtures to be replaced by water-conserving plumbing fixtures when a property is undergoing **alterations, additions or improvements**. Applicants seeking to obtain residential permits for any type of work will be required to replace non-compliant fixtures *prior* to a final permit approval by the local building department. This policy applies only to single-family residential properties built on or before January 1, 1994.

### GUIDELINE / INTERPRETATION:

Based on the definitions found within the California Building Code and California Green Building Code, alteration and improvements are interpreted to mean any construction to an existing structure which enhances or improves the structure. Construction related to repairs or maintenance of the structure are not considered alterations or improvements.

**ADDITION:** An extension or increase in floor area or height of a building or structure. (2019 California Residential Code – Definitions)

**ALTERATION:** Any construction or renovation to an existing structure other than repair or addition. (2019 California Residential Code – Definitions)

**IMPROVEMENT:** An addition or change that makes something better or more valuable. (Merriam-Webster Dictionary)

**MAINTENANCE:** Those actions required for the care of machinery, a building, etc., to keep it clean and in proper functioning condition, and to prevent or forestall damage due to normal use. (Merriam-Webster Dictionary)

**NONCOMPLIANT PLUMBING FIXTURE:** 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. (California Civil Code Section 1101.3(c))

**SINGLE-FAMILY RESIDENTIAL REAL PROPERTY:** Real property that is improved with, or consisting of, a building containing not more than one unit that is intended for human habitation. (California Civil Code Section 1101.3(d))

**WATER-CONSERVING PLUMBING FIXTURE:** any fixture that is in compliance with current building standards applicable to a newly constructed real property of the same type. (California Civil Code Section 1101.3(e))

For existing single-family residential buildings, the following list of work is considered not to trigger the SB 407 / Civil Code Sections 1101.1 through 1101.8 requirements.

Permitted Repairs That Will Not Trigger SB 407
Changes to Electrical Systems, e.g., Electrical Service Upgrade
Changes to Mechanical Systems, e.g., HVAC or Furnace Change Out, Duct Replacement, Relocation or A/C Addition
Changes to Plumbing Systems, e.g., Sewer Line Replacement, Water Heater Replacement
Re-Roof
Siding, Stucco or Any Exterior Finish Replacement
Window Replacement (Includes Sliding Glass or Front Door)
Chimney Repair
Dry Rot or Termite Repair
Foundation Repair
Work not Associated with the Building Itself, such as:
◦ Accessory Structures Which are Exempt from a Building Permit, e.g., patio covers, sheds, trellises
◦ Detached Garages
◦ Second Units
◦ Swimming Pools, Spas (In-ground or Portable)
◦ Site Work: Retaining Walls, Fences, Walkways, Landscaping
Other Repairs as Determined by the Chief Building Official

## I. Inspection Procedure

The City of Dublin's interpretation of SB 407 applies to permitted **additions, alterations and improvements**. However, permits can be pulled for property maintenance and repair without triggering the SB 407 requirements.

The Building Inspector may spot check plumbing fixtures to determine if they are compliant. Such work will need to have a signed Certification form asserting that the applicant (property owner or licensed contractor) replaced all non-compliant fixtures, without the need for a Building Inspector to inspect each individual fixture located throughout the household. The Certificate is signed under penalty of perjury and places the responsibility of guaranteeing that water-conserving fixtures are in place on the building owner or licensed contractor. The Certificate shall be submitted to the City prior to the final inspection by the permit holder.

## **II. Photovoltaic (PV) and Electric Vehicle (EV) Charging Station Permits**

The City of Dublin will not perform inspections or require the upgrades of non-compliant plumbing fixtures on PV or EV permits.

California is a world leader in renewable energy generation and the use of electrical vehicles. California's state and local governments have set aggressive goals to expand the use of renewable energy in residences and in the use of electrical vehicles. In order to expand small-scale renewable energy across California, Governor Brown instructed the Governor's Office of Planning and Research (OPR) to help remove barriers to its development. (Reference: California Solar Permitting Guidebook)

The City of Dublin finds that the requirement to replace or inspect for non-compliant fixtures increases the barriers for the installation of PV systems. The City further finds that this requirement also increases the barriers for the use of EV installations and use.

The City of Dublin finds a conflict between these requirements. Whereas the three goals are noteworthy, the enforcement of SB 407 on PV or EV installation puts an unreasonable barrier in the way of PV and EV installation.

### **ATTACHMENTS**

Sample Certification for Residential Work  
Civil Code 1101.1 - 1101.8

# Water-Conserving Plumbing Fixtures

## Certificate of Compliance by Property Owner

Owner(s) Name \_\_\_\_\_ Permit No. \_\_\_\_\_

Address \_\_\_\_\_

Signature (Owner or Contractor) \_\_\_\_\_

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

I / We, the owners of this property, certify under penalty of perjury that non-compliant plumbing fixtures have been replaced and installed by me/us, or the contractor, 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.

Upon completing and signing this Certificate, please return/provide to either contact below in order to final your permit.

City of Dublin  
Building & Safety Division  
100 Civic Plaza, Dublin CA 94568

**OR**

Building Inspector prior to the  
Final Inspection

### THIS CODE SECTION ONLY AFFECTS BUILDINGS CONSTRUCTED PRIOR TO JANUARY 1, 1994

Fixture Type	Non-Compliant Plumbing Fixture <sup>1</sup> Water Usage / Flow Rate	Water-Conserving Plumbing Fixture Maximum Water Usage / Flow Rate
		2019 CPC Ch. 4 / 2019 CALGreen Divs. 4.3 and 5.3
Water Closets (Toilets)	Exceed 1.6 gallons/flush	1.28 gallons/flush
Urinals	Exceed 1.0 gallons/flush	0.5 gallons/flush (floor mounted)
Showerheads <sup>2</sup>	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 2.0 gallons per minute @ 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.
Lavatory Faucets	Exceed 2.2 gallons per minute	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
Kitchen Faucets <sup>3</sup>	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

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.

2. Showerheads must be certified to the performance criteria of the U.S. EPA Water Sense Specification for Showerheads.

3. Where complying faucets are unavailable, aerators or other means may be used to achieve reduction.

On and after January 1, 2014, building alterations or improvements shall require all non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures throughout the building.

On or before January 1, 2017, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether building undergoes alterations or improvements).