Contra Costa County
Department of Conservation and Development, Building Inspection Division
30 Muir Road, Martinez, CA 94553
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Certificate of Compliance for Plumbing Fixture Replacement (SB 407) in Existing Single-Family Residential, Multifamily Residential and Commercial Buildings

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

Per Civil Code Section 1101.4, for any single-family residential real property, on and after January 1, 2014, building addition, alteration or improvement will 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 property undergoes alterations or improvements).

Per Civil Code Section 1101.5, for any multifamily residential real property and any commercial real property, on and after January 1, 2014, specified building addition, alteration or improvement will 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).

When Work Triggers SB 407

When the work will trigger plumbing fixture upgrades, the following clarification and interpretation is made for each type of building:

Single-family residential:

- All non-compliant plumbing fixtures will be required to be upgraded with water-conserving plumbing fixtures throughout the single-family residential building. [Civil Code Section 1101.4(a)]

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%, all non-compliant plumbing fixtures will be required to be upgraded with water-conserving plumbing fixtures throughout the building. [Civil Code Section 1101.5(d)(1)(A)] This would include all common area plumbing fixtures as well as plumbing fixtures in private individual dwelling unit or tenant unit owned by the same owner.

- For building alterations or improvements, if the total construction cost in the building permit exceeds $150,000, all non-compliant plumbing fixtures that service the specific area of the alteration or improvement will be required to be upgraded with water-conserving plumbing fixtures. [Civil Code Section 1101.5(d)(1)(B)]
  - Example: A tenant space does not contain plumbing fixtures in its space and is served by a centrally located toilet facility. When the tenant improvement construction cost exceeds $150,000, all plumbing fixtures in the centrally located toilet facility are required to be upgraded.
  - Example: A tenant space contains plumbing fixtures itself and is also served by a toilet facility in the common area. When the tenant improvement construction cost exceeds $150,000, only the fixtures within the tenant space would need to be upgraded.

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

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.

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.

Work Not Triggering SB 407

For existing single-family residential, multifamily residential and commercial buildings, the following **suggested** list of work is considered **not** to trigger SB 407/Civil Code Sections 1101.1 through 1101.8:

- Changes to electrical systems, e.g., electrical service upgrades
- Changes to mechanical systems, e.g., HVAC or furnace replacement, duct replacement
- Water heater replacement, piping replacement, sewer line replacement
- Re-roof
- Siding, stucco or any exterior finish replacement
- Window replacement (including sliding glass or front door)
- Chimney repair
- Dry rot repair
- Termite repair
- Foundation repair
- Seismic retrofit
- Roof-mounted solar systems
- Electric vehicle charging stations
- Building signs
- Alterations solely for the purpose of barrier removal (voluntary accessibility upgrades)
- Work not associated with the building itself is not considered to trigger plumbing fixture upgrades in the building, e.g.:
  - Swimming pools or spas (in-ground or portable)
  - Site work: Retaining walls, fences, walkways, landscaping, etc.
  - Ground-mounted solar photovoltaic systems
  - Monument signs
- Work in one building is not considered to trigger plumbing fixture upgrades in another building (e.g., work in the following structure would not trigger upgrades in the separate single-family residential building):
  - Accessory structures, sheds or patio covers
  - Detached garages
  - Second units
- Other work as determined by the Building Official

Code Reference(s):

- Senate Bill 407 (2009) / California Civil Code Sections 1101.1 through 1101.8
- 2013 California Green Building Standards Code (CALGreen) Section 301

CONTRA COSTA COUNTY

Department of Conservation & Development
30 Muir Road
Martinez, CA 94553
Toll Free 855-DCD-COCO (323-2626)

Water-Conserving Plumbing Fixtures
Certificate of Compliance by Property Owner

Owner Name _____ Permit No. _____

Applicant Name _____

Address _____

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

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/Applicant'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/Applicant'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/Applicant'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 <u>after</u> January 1, 1994.
     Civil Code Sections 1101.1 through 1101.8 do not apply. Sign below and skip the rest of the form.

     Owner/Applicant's Signature _____ Date _____
   - ☐ Yes. My real property is built and available for use or occupancy <u>on or before</u> 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 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 property undergoes alterations or improvements).
     - ☐ My property is a *multifamily residential* real property. See Civil Code Section 1101.5.
       On and after January 1, 2014, specified building alterations or improvements 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 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 and after January 1, 2014, specified building alterations or improvements 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 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/Applicant's Signature _____ Date _____

Upon completing and signing this Certificate, please return it to the Building Division in order to final your permit.

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**		
		2013 CPC Ch. 4 2013 CALGreen Div. 4.3	2013 CPC Ch. 4 2013 CALGreen Div. 4.3	2013 CPC Ch. 4 2013 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	0.5 gallons/flush		
Showerheads	Exceed 2.5 gallons per minute	2.0 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.		
Faucets – Lavatory Faucets	Exceed 2.2 gallons per minute	Maximum 1.5 gallons per minute @ 60 psi; minimum 0.8 gallons per minute @ 20 psi	Within units: Maximum 1.5 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