



City of Rancho Santa Margarita

Development Services: Building & Safety Division
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Installation of Water Use Efficiency Improvements

SB 407 (2009)/California Civil Code Section 1101.1-1101.8

Alterations or Improvements to Single Family Residential Real Property

As of January 1, 2014, Senate Bill 407 requires a building permit applicant to replace all noncompliant plumbing fixtures in properties built and available for use on or before January 1, 1994 with water-conserving plumbing fixtures as a condition for approval of a final building permit for building alterations or improvements.

Exceptions:

1) Registered historical sites; 2) 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; and 3) a building that has had its water service permanently disconnected.

Alterations or Improvements to Multifamily Residential or Commercial Real property

As of January 1, 2014, Senate Bill 407 requires a building permit applicant to replace all noncompliant plumbing fixtures in properties built and available for use on or before January 1, 1994 with water-conserving plumbing fixtures as a condition for approval of a final building permit for building alterations or improvements, subject to the following provisions:

1. For building additions in which the sum of concurrent building permits by the same building 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 non-compliant plumbing fixtures in the building.
2. For building alteration 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 serve the specific area of alteration or improvement.
3. For any alterations or improvements to a room in a building that contains any noncompliant plumbing fixtures and that requires a building permit, the building permit applicant shall replace all noncompliant plumbing fixtures in that room, notwithstanding 1) and 2) above.

Exceptions:

1) Registered historical sites; 2) 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; and 3) a building that has had its water service permanently disconnected.

Definitions

“Addition” means an extension or increase in floor area or height of a building or structure. (2013 CBC & CRC)

“Alteration” means any construction or renovation to an existing structure other than repair or addition. (2013 CBC & CRC)

“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.

“Improvement” means to make more valuable by construction. An addition or change that improves something. (Webster’s New World Dictionary)

“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:

- (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.

“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.

“Repair” means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. (2013 CBC & CRC)

“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.

The Application of SB 407

Based on 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 enhance or improve the structure. Construction related to repairs or maintenance of the structure is not considered to be an alteration or improvement. Through this interpretation, SB 407 only applies to additions or remodels/alterations to existing residential or commercial buildings built and available for use on or before January 1, 1994. Repairs are exempt from the requirements of SB 407.

Scope of Work	Addition/Remodel to Existing Building	Not An Addition/Remodel to Existing Building	Repair	SB 407
Re-roof			X	No
Replace W/H			X	No
Replace HVAC			X	No
New AC		X		No
Remodel /alteration/TI	X			Yes
Garage conversion	X			Yes
New patio/carport		X		No
New detached garage		X		No
Damage repair			X	No
Detached accessory structures		X		No
Addition	X			Yes
New PV/SHW system		X		No
New pool		X		No
Electrical service change out			X	No
Sewer line replacement			X	No
Siding or stucco			X	No
Site Work: Retaining Walls, Fences, Walk Ways, Etc.		X		No
Window replacement			X	No
Repairs as determined by the Building Official			X	No

This document does not contain all the language in SB 407 (Civil Code Sections 1101.1-1101.8). The complete language can be located at: <http://bit.ly/JO1Y1Z>