

Plumbing Fixture Replacement for Existing Single-Family Residential, Multi-Family 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. This guideline will establish the application of SB 407 by clarifying definitions, triggers and providing policies applicable to this requirement.

Compliance will be verified through inspections or self-certification per the attached form.


Application and Interpretation of SB 407 / Civil Code Sections 1101.1 – 1101.8

Work Not Triggering SB 407

Consistent with CALBO's analysis of SB 407 and current building codes, 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. Through this interpretation, SB 407 only applies to permitted additions, alterations or improvements. In other words, repair or maintenance will not trigger plumbing fixture upgrades.


In addition, in 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, 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) is not considered to trigger plumbing fixture upgrades in the structure. Also, work that does not involve construction to the structure itself is not considered to trigger plumbing fixture upgrades in the structure.

Furthermore, work related to renewable energy systems, such as solar photovoltaic installations and electric vehicle charging stations, is interpreted to not trigger plumbing fixture upgrades as it would conflict with the state's goal of promoting and streamlining these systems. Voluntary accessibility upgrades are also interpreted to not trigger plumbing fixture upgrades.

	Building Division		
	Plumbing Fixture Replacement Per SB 407		
(209) 937-8561	345 N El Dorado St., Stockton CA 95202		
FAX: (209) 937-8561	1/07/2014		1 of 4

Therefore, for existing single-family residential, multifamily residential and commercial buildings, the following list of work is considered **not** to trigger SB 407/Civil Code Sections 1101.1 through 1101.8: Permits for the following work may be obtained without triggering plumbing fixture upgrades.

- 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 station
- 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.:
 1. Swimming pools or spas (in-ground or portable)
 2. Site work: Retaining walls, fences, walkways, landscaping, etc.
 3. Ground-mounted solar photovoltaic systems
 4. Monument signs
- The following structure would not trigger upgrades in the separate single-family residential building):
 1. Second units
 2. Detached garages
 3. Accessory structures, sheds or patio covers

 CITY OF STOCKTON	Building Division		
	Plumbing Fixture Replacement Per SB 407		
(209) 937-8561	345 N El Dorado St., Stockton CA 95202		
FAX: (209) 937-8561	1/07/2014		2 of 4

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:

1. 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.
2. 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)]
 - o 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.
 - o 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.
3. 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)]

	Building Division		
	Plumbing Fixture Replacement Per SB 407		
(209) 937-8561	345 N El Dorado St., Stockton CA 95202		
FAX: (209) 937-8561	1/07/2014		3 of 4

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.

	Building Division		
	Plumbing Fixture Replacement Per SB 407		
(209) 937-8561	345 N El Dorado St., Stockton CA 95202		
FAX: (209) 937-8561	1/07/2014		4 of 4