

# DEADLINE TO INSTALL WATER- SAVING FIXTURES APPROACHING

*Author(s): Bryan G. Landgraf*

Owners of shopping centers, commercial buildings and multifamily residential buildings in California, take note: Except in certain circumstances, you have until January 1, 2019, to equip your properties with water-conserving plumbing fixtures.

Previously, this requirement to update plumbing fixtures was tied to alterations, improvements or additions requiring occupancy or building permits. The new code requires all noncompliant plumbing fixtures in any commercial real property and in any multifamily residential real property be replaced with water-conserving plumbing fixtures on or before January 1, 2019. Beginning next year, updated plumbing fixtures must be installed and operating when a tenant takes possession.



**Noncompliant plumbing fixtures include the following:**

- Any toilet manufactured to use more than 1.6 gallons of water per flush;
- Any urinal manufactured to use more than 1 gallon of water per flush;
- Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute; or
- Any interior faucet that emits more than 2.2 gallons per minute.

Exceptions include registered historical sites or 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. For older buildings, the owner or landlord should consult with a licensed plumber to determine whether or not new water-conserving fixtures are in fact feasible.

### Owners/Property Managers- Coordinating Access

Upon proper notice to tenants, §1101 allows owners or property managers to enter the premises in order to install, repair, test and maintain water-conserving plumbing fixtures. Tenants are required to notify their landlord or property manager if the updated fixtures are not operating as intended. After January 1, 2019, new leases should indicate whether or not a property complies with §1101 and, if not, designate which party will bear the burden and cost of installing the required plumbing upgrades.

### New Disclosure Requirements

After January 1, 2019 sellers of multifamily or commercial properties must disclose whether the property includes any noncompliant plumbing fixtures. An owner or landlord will not be required to make a similar disclosure when executing or amending a lease.

### Penalties

Generally, property owners will not be fined for failing to install water-conserving plumbing fixtures required under §1101. However, we encourage owners and property managers to be proactive so that they do not experience delays when executing a sale or lease. Local building departments will not issue a certificate of occupancy or a building permit for alterations or improvements unless the noncompliant fixtures have been replaced. Owners should also be aware that §1101 gives local municipalities or retail water suppliers the right to enact ordinances or establish policies that may be more restrictive than the ones described above. Owners should check with their city and county to determine the requirements applicable to a project.

**Please contact us if you have questions regarding §1101, the terms of an existing lease or if you would like assistance updating your lease forms for 2019.**