

THE
NATIONAL LAW REVIEW

Action Required: Deadline Approaches for Installation of Water-Conserving Plumbing Fixtures in Commercial and Multifamily Properties

Friday, February 23, 2018

Owners and operators of commercial and multifamily properties built and available for use or occupancy on or prior to January 1, 1994, should be aware that the deadline for compliance with Civil Code §1101 is January 1, 2019.

Under Civil Code §1101, residential and commercial properties built and available for use or occupancy on or before January 1, 1994, must be equipped with water-conserving plumbing fixtures. All noncompliant plumbing fixtures in such properties must be replaced by January 1, 2019.

NONCOMPLIANT PLUMBING FIXTURES

The statute defines "noncompliant plumbing fixtures" to be:

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 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.

MANDATORY WRITTEN DISCLOSURES

In addition, beginning January 1, 2019, a seller of any commercial or multifamily property that was built and available for use or occupancy on or before January 1, 1994, must disclose in writing to prospective buyers (i) the requirements of Civil Code §1101 and (ii) whether the property contains any noncompliant plumbing fixtures.

EXCEPTIONS

A few limited exceptions to these requirements are set forth in the statute:

1. Registered historical sites.
2. Any 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.
3. A building for which water service is permanently disconnected.

Owners and operators should also note that local municipalities and/or retail water suppliers are permitted under the statute to enact ordinances or establish policies to promote compliance with the statute, which in some cases may be more restrictive.

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Article By
[Paul W. Nash](#)
[Allen Matkins Leck Gamble Mallory & Natsis LLP](#)
[Legal Alert - Real Estate](#)
[Real Estate](#)
[All Federal](#)