

RED OAK REALTY
WATER-CONSERVING PLUMBING FIXTURE
DISCLOSURE AND ADVISORY FOR SELLERS AND BUYERS

Water-Conserving Plumbing Fixtures

Existing law calls for installation of water-conserving plumbing fixtures when the existing plumbing fixtures are “noncompliant” by certain dates, as discussed here. A **noncompliant plumbing fixture** means: (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; and (4) any interior faucet that emits more than 2.2 gallons of water per minute. There are various dates for compliance:

SINGLE-FAMILY RESIDENCES: Under this law, a condo, even a single condo occupied by only one family, is not a single-family residential property. **Until December 31, 2016**, if a single-family residence is altered or improved, the installation of such fixtures must be a condition of final permit approval. However, **after January 1, 2017, all single-family residences built prior to January 1, 1994 must comply with this law by replacing all noncompliant plumbing fixtures whether or not the property is being remodeled or sold.**

Commencing January 1, 2017, sellers will need to disclose to buyers (in either the Seller Property Questionnaire (SPQ), Exempt Seller Disclosure (ESD) form or other disclosure form), if sellers are aware of whether the property has any noncompliant plumbing fixtures.

If a seller answers “No” to that question, buyers should not assume that the property is fully compliant since the “No” response may merely mean that seller is unaware or is uncertain as to whether or not any such fixtures are noncompliant. For this reason, as a part of their property inspection of properties subject to this law, buyers are urged to have all plumbing fixtures inspected by a qualified professional to determine whether all plumbing fixtures are actually compliant with this law.

MULTI-FAMILY AND COMMERCIAL PROPERTIES: Until December 31, 2018: As a condition of final permit approval, owners must replace all plumbing fixtures with water-conserving fixtures if (1) permits are obtained to increase the floor area by more than 10%; (2) building alterations or improvements exceed \$150,000 in costs; or (3) permits are obtained for a room with plumbing fixtures. **After January 1, 2019:** All multi-family and commercial properties must comply with this law by replacing all noncompliant plumbing fixtures. Also, starting on that date, sellers will need to disclose to the prospective buyer if seller is aware whether the property has any noncompliant plumbing fixtures.

There is no requirement in the law for sellers to install these fixtures as a part of the sale.

SELLER: _____ Date: _____, 201__

SELLER: _____ Date: _____, 201__

BUYER: _____ Date: _____, 201__

BUYER: _____ Date: _____, 201__