



WATER-CONSERVING PLUMBING FIXTURES ADVISORY FOR SELLERS AND BUYERS

BACKGROUND: California law calls for installation of water-conserving plumbing fixtures when the existing plumbing fixtures are “noncompliant” by certain dates, as specified below:

NOTE: This law and all comments below only apply to properties “built and available for use on or before January 1, 1994.”

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. (*Cal. Civ. Code Sec. 1101.3*)

1. **SINGLE FAMILY RESIDENCES:** By **January 1, 2017**, all single-family residences must **replace all noncompliant plumbing fixtures**. Also starting on that date, sellers of such properties must disclose to prospective buyers whether the property includes any noncompliant plumbing fixtures. A single-family residence 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. Therefore a condominium in a multi-unit building is not a single-family residence under this law. (*Cal. Civ. Code Section 1101.3*.)

In addition, **if a single-family residence is altered or improved on or after January 1, 2014, the installation of compliant fixtures must be a condition of final permit approval.** (*Cal. Civ. Code Sec. 1101.4*)

2. **MULTI-FAMILY AND COMMERCIAL PROPERTIES:** Different requirements and compliance deadlines apply to multi-family residential properties and commercial properties. By **January 1, 2019**, all multi-family and commercial properties must **replace all noncompliant plumbing fixtures**. Also starting on that date, sellers of such properties must disclose to prospective buyers whether the property includes any noncompliant plumbing fixtures.

In addition, beginning **January 1, 2014**, such properties must, as a condition of final permit approval, replace all plumbing fixtures with water-conserving fixtures if:

- A. Permits are obtained to increase the floor area by more than 10%; or,
- B. Building alterations or improvements exceed \$150,000 in costs; or,
- C. Permits are obtained for a room with plumbing fixtures.

NOTE: For more details property owners and buyers should review California Civil Code Sections 1101.1 – 1101.9 and consult with a qualified California real estate attorney with questions.

WATER-CONSERVING PLUMBING FIXTURE DISCLOSURE
AND ADVISORY FOR SELLERS AND BUYERS (continued)

3. **TRANSFER DISCLOSURE STATEMENT (TDS):** In 2012, the Transfer Disclosure Statement (“TDS”) was expanded to include a check box on the Page 1 where a seller can disclose whether the property has water-conserving plumbing fixtures.

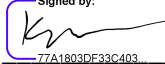
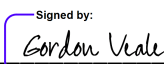
The checking of the box by a seller on Page 1 of the TDS for “Water-Conserving Plumbing Fixtures” may indicate that the entire property has compliant fixtures, or it may mean that only some of the fixtures are compliant. There is a short explanation on Page 2 of the TDS as to what this means.

BUYERS: If the seller has not checked the applicable box on the TDS, it is likely that the property does not have compliant plumbing fixtures. Even if the seller checks the applicable box on the TDS, it may not indicate that *all* plumbing fixtures in the property are compliant. If the seller provides to the buyer a supplemental seller disclosure (such as the CAR Seller Property Questionnaire, the PRDS Supplemental Seller Checklist or the SFAR Seller Supplement to Transfer Disclosure Statement), that disclosure may contain additional information regarding the scope of compliance.

There is no requirement under state law for sellers to install compliant fixtures as a separate condition of sale of a property. However, compliant fixtures are required in all single-family residences starting January 1, 2017, with enforcement by local agencies through the construction permitting process.

4. **LOCAL ORDINANCES COULD BE STRICTER:** Cities and counties are permitted to enact local ordinances that provide for a greater amount of water savings than state law or that establish point of sale inspection or certification requirements for compliant fixtures. Sellers and buyers are advised to confirm with local building departments or other government officials whether such ordinances may apply.

ACKNOWLEDGEMENT OF RECEIPT:

<div>Signed by:  77A1803DF33C403...</div>	9/12/2025 14:31 EDT	<div>Signed by:  F1A875CC9C65482...</div>	9/12/2025 14:33 EDT
Seller	Date	Seller	Date
_____	_____	_____	_____
Buyer	Date	Buyer	Date