

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

2020 W. El Camino Avenue, Suite 200, Sacramento, CA 95833
P.O. Box 1407, Sacramento, CA 95812-1407
(916) 445-9471 / FAX (916) 263-5348
From TDD Phones 1-800-735-2929
www.hcd.ca.gov



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INFORMATION BULLETIN 2016-04 (FBH, CM, SPCM)

TO: City and County Building Officials
Factory-Built Housing Manufacturers
Commercial Modular Manufacturers
Special Purpose Commercial Modular Manufacturers
Department Approved Third Party Agencies
Interested Parties (FBH, CM, SPCM)

FROM: Richard Weinert, Deputy Director
Division of Codes and Standards 

SUBJECT: Adoption of Permanent Water Use Reduction Regulations in the 2013 California Plumbing Code and 2013 California Green Building Standards Code

This Information Bulletin (IB) includes summary information related to the permanent adoption of emergency regulations as mandatory requirements in the 2013 California Plumbing Code and 2013 California Green Building Standards (CALGreen) Code. These regulations will apply to applicable structures required to be compliant with the California Building Standards Code including factory-built housing, commercial modulares and special purpose commercial modulares. Additional background information on the adoption of these emergency regulations is included in Attachment A.

This IB also provides notice to local code enforcement agencies, Third-Party Agencies and interested parties on the subsequent adoption of permanent water use reduction regulations in the 2013 California Plumbing Code and 2013 CALGreen Code. This IB is supplementary to the California Building Standards Commission's (CBSC's) IB 15-02 addressing emergency regulations for outdoor landscape irrigation; and IB 15-04 addressing readopted emergency regulations for outdoor landscape irrigation and new emergency regulations related to indoor water efficiency for the 2013 California Plumbing Code and 2013 CALGreen Code. The CBSC's IBs are available for viewing in their entirety on the CBSC website at www.bsc.ca.gov.

Summary of Outdoor Water Use Reduction Requirements Effective December 1, 2015

- The 2013 CALGreen Code Section 4.304.1 requires new residential construction with landscaped areas 500 square feet or greater to comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELo).
- The MWELo also includes an alternate compliance option (MWELo Appendix D) for projects with aggregate landscape areas of 2,500 square feet or less.
- These provisions primarily apply to site-built structures and factory-built housing, however, may apply to permanently installed commercial modular projects with associated irrigated landscape areas (see CALGreen Chapter 5, Section 5.304).
- The final approved mandatory regulations related to outdoor water use are included in Attachment B and also available online (see Adopted Codes and Availability section of this IB).

Summary of Indoor Water Use Reduction Requirements Effective January 1, 2016

Urinals

- The 2013 California Plumbing Code Section 403.3.1 and the 2013 CALGreen Code Section 4.303.1.2 require wall mounted urinals to use 0.125 gallons ("pint") or less water per flush. This is a reduction from the previous allowable water use of 0.5 gallons per flush for all urinals. The water use requirement for non-wall mounted urinals remains the same (applicable to FBH and site-built residential structures).
- Similar changes have been made to the 2013 California Plumbing Code Section 403.3.2 and the 2013 CALGreen Code Section 5.303.3.2 by the CBSC (applicable to commercial modulars and special purpose commercial modulars).
- The final approved mandatory regulations for both the 2013 California Plumbing Code and 2013 CALGreen Code are included in Attachment C and also available online (see Adopted Codes and Availability section of this IB).

Summary of Indoor Water Use Reduction Requirements Effective July 1, 2016

Residential Lavatory Faucets

- The 2013 California Plumbing Code Section 403.7 and the 2013 CALGreen Code Section 4.303.1.4.1 include a new maximum flow rate for residential lavatory faucets of 1.2 gallons per minute at 60 psi. This is a reduction from the previous allowable water use of 1.5 gallons per minute at 60 psi.
- The minimum allowable flow rate remains the same at .8 gallons per minute at 20 psi.
- The final approved mandatory regulations for the both the 2013 California Plumbing Code and the 2013 CALGreen Code are included in Attachment C and also available online (see Adopted Codes and Availability section of this IB).

Adopted Codes and Availability

As noted in IB 2015-04 (SHL, FBH), building departments of each state department and each city, county, or city and county, shall have a current copy of Title 24 of the California Code of Regulations (California Building Standards Code) available for public inspection per Health and Safety Code (HSC) Section 18942(d). In addition, each city, county, and city and county, including charter cities, shall obtain and maintain at least one copy of building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of state building standards per HSC Section 18942(e)(1). The permanently approved emergency regulations should be available as supplements to these code books.

- The published 2013 CALGreen Code Emergency Supplement will be available for viewing on the International Code Council's Errata Central website for 2013 California codes at: <http://www.iccsafe.org/errata-central/>
- The published 2013 California Plumbing Code Emergency Supplement is available for viewing on the International Association of Plumbers and Mechanical Officials' (IAPMO) website at: [http://www.iapmo.org/Documents/2013%20CPC%20Supplement%20\(effective%201-1-16\).pdf](http://www.iapmo.org/Documents/2013%20CPC%20Supplement%20(effective%201-1-16).pdf)
- The approved regulations may also be viewed on the CBSC website (approved Standards from the Commission Meeting held on January 19 and 20, 2016) at: <http://www.bsc.ca.gov/Rulemaking/adoptcycle/2015CodeAdoptionCycle/ApprovedStandardsJanuary2016.aspx>

HCD requests that local enforcement agencies share this IB with contractors, design professionals, other housing professionals, environmental health professionals, and fire service officials within their jurisdictions who have code enforcement responsibilities. Questions or comments regarding these changes resulting from the permanent adoption of emergency regulations into the 2013 California Building Standards Code should be directed to the Division of Codes and Standards' Manufactured Housing and Factory-Built Housing Program at (916) 445-3338; or, for site-built residential structures, the State Housing Law Program at (916) 445-9471.

Attachments (3)

ATTACHMENT A

OUTDOOR WATER USE CHANGES AND INDOOR WATER USE CHANGES BACKGROUND

California has been faced with persistent drought conditions, including: evidence of a record low snowpack, decreased water levels in reservoirs, reduced river flows, and declining supplies in underground water basins. Governor Brown's Executive Order B-29-15 (April 1, 2015) provided a summary of the ongoing drought conditions in California starting with declarations for a State of Emergency (January 17, 2014) and a Continued State of Emergency (April 25, 2014). In an effort, coordinated with other state agencies, HCD proposed emergency regulations to address a reduction of outdoor water use for residential landscape irrigation and reductions for residential indoor water use. These emergency regulations were subsequently adopted as permanent amendments to the 2013 California Plumbing Code and 2013 California Green Building Standards (CALGreen) Code. See the Administrative Procedure Act (APA), Government Code Section 11346.1, for the process governing adoption of emergency regulations.

REDUCTION IN OUTDOOR WATER USE FOR IRRIGATION

Model Water Efficient Landscape Ordinance (MWELO)

Existing Government Code Section 65591 et seq., Water Conservation in Landscaping Act, requires a city, county, or city and county, including a charter city or county, to adopt landscape water conservation ordinances by January 1, 2010. The California Department of Water Resources (DWR) has implemented the Act by preparing the MWELO effective September 10, 2009, for use by local agencies. The MWELO was also recently updated by DWR, effective December 1, 2015, to implement further reduction of outdoor water use for irrigation.

Since the inception of the MWELO, DWR has acknowledged that an essential component to reducing potable water consumptions for landscaping is the implementation of the MWELO. Unfortunately, full implementation of the MWELO has not been achieved largely, because it has been a local planning issue at project conception and has not been implemented at the local building department permitting and inspection level. DWR has no authority to propose building standards nor mandate a local building department verify compliance with MWELO.

CALGreen Code

The 2013 CALGreen Code consists of building standards addressing sustainable (green) building methods and materials of construction. The CALGreen Code is not based on a model code, however, similar to other green building programs, it includes provisions related to water efficiency and conservation. The current mandatory provisions in the 2013 CALGreen for outdoor water use include only a requirement for soil moisture- or weather-based irrigation controllers. Current voluntary measures (adopted at the discretion of the city, county, or city and county) include several provisions including development of water budgets and potable water reduction in conformance with the MWELO.

HCD proposed mandatory compliance with the MWELo as emergency regulations which were subsequently approved by the California Building Standards Commission (CBSC) on May 29, 2015, and readopted on October 21, 2015. These regulations were also revised to correspond to the updated MWELo and approved by the CBSC for permanent adoption on January 20, 2016.

Additional information for compliance with the MWELo is available from the California Department of Water Resources at the following website:

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>

REDUCED WATER USE FOR URINALS AND RESIDENTIAL LAVATORY FAUCETS

HCD also proposed emergency building standards (regulations) requiring further prescriptive water use reduction for urinals and residential lavatory faucets for newly constructed residential buildings. This regulatory action provided consistency between the 2013 California Plumbing Code, Sections 403.3.1 (urinals) and 403.7 (residential lavatory faucets); the 2013 CALGreen, Sections 4.303.1.2 (urinals) and 4.303.1.4.1 (residential lavatory faucets); and the California Energy Commission's Appliance Efficiency Regulations. Specifically, these emergency regulations ensured consistency in water use of urinals and lavatory faucets and in the effective dates for the specified flush volume and flow rate.

The emergency regulations included an operative date of January 1, 2016, for urinals and July 1, 2016, for lavatory faucets and were approved by the CBSC on October 21, 2015. These regulations were also approved for permanent adoption by the CBSC on January 20, 2016, for both the 2013 and 2016 California Plumbing and CALGreen Codes.

EXISTING RESIDENTIAL STRUCTURES WITH NONCOMPLIANT PLUMBING FIXTURES

Civil Code Section 1101.1 et seq. Installation of Water Use Efficiency Improvements

Civil Code Section 1101.4 currently requires replacement of noncompliant plumbing fixtures with water-conserving plumbing fixtures in single-family residential real property as a condition for issuance of a certificate of final completion and occupancy or final permit approval by the local building department. On or before January 1, 2017, noncompliant plumbing fixtures in single-family residential real property are required to be replaced with water-conserving plumbing fixtures.

Civil Code Section 1101.5 currently requires replacement of noncompliant plumbing fixtures with water-conserving plumbing fixtures in multifamily residential real property under specified conditions as a condition for issuance of a certificate of final completion and occupancy or final permit approval by the local building department. On or before January 1, 2019, noncompliant plumbing fixtures in multifamily residential real property are required to be replaced with water-conserving plumbing fixtures.

Civil Code Section 1101.3(c) defines “noncompliant plumbing fixture” as:

- (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.
- (4) Any interior faucet that emits more than 2.2 gallons of water per minute.

Civil Code Section 1101.3(e) defines “water-conserving plumbing fixture” as any fixture that is in compliance with current building standards applicable to a newly constructed real property of the same type.

The full text of Civil Code Section 1101.1 et seq. may be viewed at:

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

ATTACHMENT B

OUTDOOR WATER USE CHANGES

2013 California Green Building Standards Code – Effective January 20, 2016

4.304.1 Outdoor potable water use in landscape areas. After December 1, 2015, new residential developments with an aggregate landscape area equal to or greater than 500 square feet shall comply with one of the following options:

1. A local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELo), whichever is more stringent, or
2. Projects with aggregate landscape areas less than 2500 square feet may comply with the MWELo's Appendix D Prescriptive Compliance Option.

Notes:

1. The Model Water Efficient Landscape Ordinance (MWELo) and supporting documents are available at: <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>
2. A water budget calculator is available at: <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>

See complete text of approved regulatory changes, including any voluntary measures, at website sites noted on Page 3 of this Information Bulletin. Adoptions by the Department of Housing and Community Development (HCD) apply to residential structures; adoptions by the California Building Standards Commission apply to nonresidential structures, including interiors of commercial modulars and special purpose commercial modulars.

ATTACHMENT C

INDOOR WATER USE CHANGES

2013 California Plumbing Code – Effective January 1, 2016

Section 403.3.1 (Urinals) as adopted by HCD¹ (applicable to residential occupancies):

403.3.1 [HCD] On or after January 1, 2016, wall mounted urinals shall have an average water consumption not to exceed 0.125 gallons (0.47 L) of water per flush. Other urinals shall have an average water consumption not to exceed 0.5 gallons (1.89 L) of water per flush.

Sections 4.303.2 and 403.3.3 as adopted by BSC² (applicable to commercial modulars and special purpose commercial modulars):

403.3.2 Wall mounted urinals. [BSC, DSA-SS & DSA-SS/CC³] The effective flush volume of wall mounted urinals shall not exceed 0.125 gallons per flush in compliance with Chapter 5, Division 5.3 of the California Green Building Standards Code (CALGreen).

403.3.3 Floor mounted urinals. [BSC, DSA-SS & DSA-SS/CC] The effective flush volume of floor mounted or other urinals shall not exceed 0.5 gallons per flush in compliance with Chapter 5, Division 5.3 of the California Green Building Standards Code (CALGreen).

403.3.4 Nonwater Urinals. (Not adopted for OSHPD⁴ 1, 2, 3 & 4) Renumbered with no changes in section text.

2013 California Green Building Standards Code – Effective January 1, 2016

Section 4.303.1.2 as adopted by HCD

4.303.1.2 Urinals. On or after January 1, 2016, the effective flush volume of wall mounted urinals shall not exceed 0.125 gallons per flush. The effective flush volume of all other urinals shall not exceed 0.5 gallons per flush.

¹ HCD: Department of Housing and Community Development (residential)

² BSC: California Building Standards Commission; all other structures not regulated by other State agencies; application through CALGreen.

³ DSA-SS & DSA-SS/CC: Division of State Architect Divisions of Structural Safety and Structural Safety/Community Colleges

⁴ OSHPF 1, 2, 3, & 4: Office of Statewide Health Planning and Development

Section 5.303.3.2 as adopted by BSC

5.303.3.2 Urinals.

5.303.3.2.1 Wall mounted Urinals. The effective flush volume of wall mounted urinals shall not exceed 0.125 gallons per flush.

5.303.3.2.2 Floor mounted urinals. The effective flush volume of floor mounted or other urinals shall not exceed 0.5 gallons per flush.

2013 California Plumbing Code – Effective July 1, 2016

403.7 Residential Lavatory Faucets. (HCD 1) On or after July 1, 2016, the maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons (4.54 L) per minute at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 0.8 gallons (3.03 L) per minute at 20 psi.

2013 California Green Building Standards Code Effective July 1, 2016

4.303.1.4.1 Residential lavatory faucets. On or after July 1, 2016, the maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 0.8 gallons per minute at 20 psi.

See complete text of approved regulatory changes, including any voluntary measures, at website sites noted on Page 3 of this Information Bulletin. Adoptions by the Department of Housing and Community Development (HCD) apply to residential structures; adoptions by the California Building Standards Commission apply to nonresidential structures, including interiors of commercial modulars and special purpose commercial modulars.