



Commercial Water Conservation Ordinance Frequently Asked Questions

Last Updated 1/24/18



1. *How can I get a copy of the Commercial Conservation Affidavit and where do I send my completed form?*

Click on this link to access a fillable form that you can complete electronically or print and complete by hand: <http://sfdbi.org/commercialconservation>

If you do not have a computer, you can obtain a copy at the Department of Building Inspection, 1660 Mission Street, 1st Floor, Window #8 or at the San Francisco Public Utilities Commission, 525 Golden Gate Avenue, 1st Floor Customer Service counter, or by calling SFPUC Water Conservation at (415) 551-4730 and request that a copy be mailed to you. Submit completed forms to the Department of Building Inspection by mail or in person at 1660 Mission Street, 1st Floor, Window #8, San Francisco, California 94103-2414 or by email to dbi.plumbing@sfgov.org.

2. *What is the purpose of the April 3 Final Notice of Non-Compliance with San Francisco's Water Conservation Ordinance? Does it mean enforcement actions will be taken against my property?*

The April 3 letter was mailed in mass as a final courtesy notice about San Francisco's Commercial Water Conservation Ordinance, which required commercial properties with old, water-wasting toilets, urinals, showerheads, and faucets to replace them with water-efficient models and for all commercial properties to submit an affidavit to the Department of Building Inspection. The April 3 notice is not a formal warning that enforcement actions are being taken at your property. It is a reminder that any properties that do not comply could be subject to future enforcement.

3. *I already submitted a completed Commercial Water Conservation Ordinance affidavit after receiving a letter in July 2016. Why did I just receive the April 3, 2017 Notice of Non-Compliance?*

If you already submitted an affidavit for the property address noted in the "Regarding your property at..." note indicated on the letter you received, you do not need to submit another affidavit for the same property. If you have multiple commercial properties, you must submit an affidavit for each property. See below for more on multiple notices.

4. *Why did I receive multiple copies of the same April 3, 2017 Notice of Non-Compliance?*

Property owners with multiple commercial buildings in San Francisco were sent a notice for each individual property. The statement "Regarding your property at..." on the outside panel of the mailer indicates the property address to which the notice pertains. If you received multiple copies of the notice for the SAME property, please email dbi.plumbing@sfgov.org indicating each specific address noted in the "Regarding your property at..." line on the front of each mailer and note that all these addresses pertain to the same property. Please also indicate your preference for what the primary site address should be. Some properties in the database used

to generate the notices included several variations of addresses. If you have not submitted any completed affidavits yet and received multiple notices with variant addresses that all pertain to the same property, please submit ONE affidavit and in the “Property Address” line, note all the addresses that pertain to the building and the primary site address you would like to be used. If the “Property Address” line is not big enough, indicate “see attachment” and include a separate list of all the addresses connected with the property or “see back side of form” and list the information on the back side of the affidavit form.

5. *My entire building is residential but I received the Notice of Non-Compliance with the Commercial Water Conservation Ordinance in the mail. Do I need to take any action?*

Some residential buildings that were previously classified as commercial properties may have received notices. Residential buildings are not subject to the Commercial Water Conservation Ordinance. If your building is entirely residential with no commercial businesses in it and you received a notice through the U.S. mail dated April 3, 2017 that says “Final Notice of Non-Compliance”, please complete the following fields on the affidavit form and submit it to DBI:

- Property Address
- Owner Name
- Daytime Phone Number
- On the affidavit form under ‘Building Type’, check ‘Other’ and write in ‘RESIDENTIAL’.

You do not need to complete Part A - Property Inspection Results or Part B - Certification of Inspection and your Building. If you already submitted an affidavit form noting that your property is residential, please email dbi.plumbing@sfgov.org stating your property address, that your property residential, you received the April 3 notice about the commercial conservation ordinance, and you previously submitted an affidavit, on which you indicated your property is residential.

6. *I applied to the SFPUC’s Plumbing Fixture Replacement Program (PREP) but still received a notice of non-compliance. What should I do?*

The SFPUC has provided DBI a list of all commercial and mixed use properties that applied to its Plumbing Fixture Replacement Program as of December 31, 2016 when the application period for commercial properties closed. Commercial property owners that applied to the PREP program will not be subject to potential enforcement of the Commercial Conservation Ordinance at this time, assuming they replace all non-compliant fixtures and submit a completed affidavit to DBI as soon as they have completed the PREP program. If a commercial property is found to be ineligible for PREP, commercial property owners must replace all non-compliant fixtures and submit a completed affidavit to DBI.

7. *I own/manage a mixed-use building that has both residential and commercial space in it. Do I still need to comply?*

Property owners need to comply with the Commercial Water Conservation Ordinance for any portion of a mixed-use property that is used for commercial purposes. For example, if your property has a ground floor retail business with two floors of residential space above it, only the ground floor business will need to comply with the Commercial Conservation Ordinance. The

Commercial Water Conservation Affidavit should be completed to only include plumbing fixtures for the portion(s) of the building designated for commercial use.

8. *How is the Commercial Water Conservation Ordinance different than the Residential Water Conservation Ordinance?*

The maximum allowable water consumption for toilets, urinals, showerheads, faucet aerators, and the requirement to repair all leaks are the same for both the Commercial and Residential Water Conservation Ordinances.

The Commercial Water Conservation Ordinance applies to all commercial properties, commercial portions of mixed-use buildings, portions of residential buildings used for commercial purposes, and hotels. January 1, 2017, was the deadline for property owners to complete a property inspection and submit a Commercial Water Conservation Affidavit to the Department of Building Inspection (DBI). Properties that have not yet submitted an affidavit should do so as soon as possible. All commercial properties are required to submit an affidavit, even if all their plumbing fixtures are efficient and didn't require recent replacement.

The Residential Water Conservation Ordinance applies to single and two dwelling unit homes, apartment buildings, condominium units, and residential hotels in the process of selling, remodeling, or making improvements that require building permits. To obtain a certificate of compliance, schedule an inspection with [DBI's Housing Inspection Services](#) or a private Energy and Water Inspector prior to transfer of title or when improvements are performed. Click [here](#) for more information on the requirements of the San Francisco Residential Water Conservation Ordinance.

9. *I operate a small business out of my single family home, condo, or flat. Do I need to comply with the Commercial Water Conservation Ordinance?*

No. Your residential property is not subject to the Commercial Water Conservation Ordinance. You should, however, still assess the efficiency of your plumbing fixtures for water-saving purposes and fix any leaks. To save water and money, you should:

- Replace toilets over 30 years old that exceed 1.6 gallons per flush
- Replace showerheads that exceed 2.5 gallons per minute
- Install new aerators on faucets that exceed 2.2 gallons per minute.

Water-efficient showerheads and faucet aerators are available for free through the [SFPUC's free device program](#).

10. *Who is responsible for complying with the Commercial Water Conservation Ordinance? Is it the commercial property owner or tenant that leases a commercial space/property?*

The property owner is ultimately responsible for complying with the Commercial Water Conservation Ordinance; however the owner may designate an authorized representative or tenant to complete the Affidavit on their behalf.

11. What are the penalties or code enforcement proceedings if I was unable to complete the Water Conservation Affidavit and retrofit my property with efficient plumbing fixtures by the January 1, 2017 deadline?

Failure to submit a Water Conservation Affidavit or submitting an affidavit with inaccurate information may result in DBI initiating code enforcement proceedings, which may include monetary penalties and a lien on the property. All property owners that have not yet submitted an affidavit should do so as soon as possible or contact the DBI Plumbing Inspection Division to discuss special circumstances or delays at (415) 558-6058 or by email at dbi.plumbing@sfgov.org.

The SFPUC provides free programs and incentives to help property owners comply with the ordinance and replace non-compliant plumbing fixtures, including:

- Free Water-Wise Evaluations,
- Free water-efficient showerheads, kitchen and faucet aerators, and flow bags to measure fixture flow rates

Visit www.sfwater.org/conservation or call (415) 551-4730 for more information.

12. How do I determine the flow rate of my toilets, showerheads, or faucets?

Depending on the age of your existing plumbing fixtures or devices, manufacturers will likely have stamped the flow rate onto the device itself.

Flush volumes for a standard tank-style toilet are often found on the bowl. A 1.6 gallon per flush (gpf) toilet will often have “1.6 gpf” printed on the back of the bowl where it connects to the tank. You can also look inside the tank for the printed manufacture date. Toilets manufactured before 1994 do not meet the Commercial Water Conservation Ordinance requirements.

Tank-style Toilet



The blue square shows the typical location of the flow rate.

Flushometer-style Toilet



The blue square shows the typical location of the flow rate.

Close-up of a stamped toilet



The stamp on this toilet indicates that it flushes at 6.0 liters per flush or 1.6 gallons per flush.

Showerheads with a flow rate of 2.5 gallons per minute (gpm) will have “2.5 gpm” imprinted somewhere on the fixture.

Lavatory (bathroom) and kitchen faucets may also have a stamped flow rate on the aerator and can range from 0.5 gpm to 2.2 gpm.

If you are unable to locate a stamp for a showerhead or faucet you can use a marked flow bag and follow the instructions to measure the flow rate. The SFPUC provides water account holders with free flow bags, available at 525 Golden Gate Ave., first floor, Monday to Friday 8am-5pm.

SPFUC water conservation technicians also can help determine the flow rate and flush volumes of plumbing fixtures for property owners or water account customers who sign up for a free [Water-Wise Evaluation](#).

13. *If my faucet doesn't accommodate an aerator, do I still have to do anything?*

Yes. Faucets that are unthreaded or do not accept aerators must be replaced if they exceed a maximum flow rate of 2.2 gallons per minute. Old, unthreaded faucets can use up to 7 gallons of water per minute.

14. *Does a 1.6 gallon per flush (gpf) toilet comply with the Commercial Water Conservation Ordinance?*

Yes. Any existing toilets at your property with a flush volume of 1.6 gpf or less are in compliance with the Commercial Water Conservation Ordinance and do not need to be replaced. Toilets identified during a property inspection with a flush volume greater than 1.6 gpf will need to be replaced with a toilet that meets the current California Plumbing Code standard of 1.28 gpf or less. If your 1.6 gpf toilet is over 20 years old, poorly performing, and has leaks you can't repair, you should consider replacing it even though it's not required under the ordinance.

If your property has flushometer-style toilets that have previously been retrofitted with new valves or internal parts (diaphragm kits) to flush at 1.6 gpf, the fixtures are still considered inefficient and need to be replaced. For example, an existing 3.5 gpf bowl retrofitted with a 1.6 gpf valve does not meet the requirements of the Commercial Water Conservation Ordinance and likely does not perform well, resulting in double or triple flushing since the bowl and valve were never designed to work together.

A compliant and properly performing flushometer toilet will have a bowl and valve with matched flush rates such as 1.28 gpf. If your property's existing flushometer-style toilet bowls are not stamped with 1.6 gpf or less, you will need to retrofit both the bowl and valve to comply with the Commercial Water Conservation Ordinance.

15. *Which flow rate do I need to comply with for my showerhead, is it 2.5 gallons per minute (gpm) or 2.0 gpm?*

First, determine what the flow rate of your showerhead is. If it is greater than 2.5 gpm, then you will need to replace it with a fixture that meets the current California Plumbing Code standard of 2.0 gpm or less. If your showerhead flows at 2.5 gpm or less, then you don't need to replace it to comply with the Commercial Water Conservation Ordinance. If you are trying to reduce water use in your building, you may want to replace 2.5 gpm showerheads with more water-efficient models.

16. Can commercial properties with a historic landmark designation seek an exemption from toilet and urinal replacements based on potential impact to the historical integrity of the building?

Owners of commercial properties listed as a historic landmark on a local, state, or national register and who believe replacement of urinals and toilets would impact the interior spaces or features in their building (that are specifically noted in their building's landmark designation) must request an inspection by DBI's Plumbing Inspection Division to be considered for potential exemption. The property owner or designee will need to provide DBI proof of the building's landmark status and explain how fixture replacement would impact the historic features noted in their designation. Please note that the actual porcelain toilet and/or urinal fixture is not typically considered "historic" in a property's landmark designation.

If the particular plumbing configuration of your building's existing toilet or urinal would require removal of walls and flooring to replace it with a water-efficient model and alteration of the affected walls and flooring are part of the building's historic features noted in its landmark designation, DBI may consider exemption from full replacement of the fixture, or consider other retrofit options to lower flush volumes. For more information, you can contact DBI at (415) 558-6058 or by email at dbi.plumbing@sfgov.org.

Designations of historic buildings in San Francisco fall under the purview of the [San Francisco Planning Department](#).

17. Can commercial properties not listed on any historic landmark register seek an exemption or variance from toilet and urinal replacements?

Property owners who can demonstrate to DBI that the unique plumbing configuration of their existing urinals or toilets would make replacement with efficient models impossible without an extensive building remodel must contact DBI's Plumbing Inspection Division to request an inspection. Based on DBI's inspection, your property may be eligible for a temporary variance until the time that a major bathroom remodel is warranted. DBI may also determine that other retrofit options could be pursued to reduce the fixture's flow rates. There are very few circumstances affecting a small number of buildings in San Francisco that would warrant a temporary variance from the ordinance; most buildings need to fully comply with the ordinance by replacing inefficient fixtures. Examples that might warrant a temporary variance until the time of major remodel may include:

- Buildings with floor mounted urinals that require demolition to the bathroom floor and walls to replace the fixture.
- Buildings with three-bolt flushometer-style toilet bowls that require demolition to the bathroom wall in order to replace the toilet bowl carrier with a 4-bolt bowl pattern.

18. Tips for completing the Commercial Water Conservation Affidavit:

- *Do I need to write my block and lot number? If so, where can I find my block and lot number?*

Yes, you need to provide your block and lot number. Block and lot numbers are available through the San Francisco Planning Department's website at <http://propertymap.sfplanning.org>

- *What is my SEQ number?*

You do not need to include a SEQ number, or you can just mark it as "NA" or "Not Applicable." SEQ refers to a DBI code related to housing, but is not relevant to Commercial Water Conservation Ordinance compliance. The Water Conservation Affidavit on the web site has since been updated to clarify that you do not need to fill this in.

- *If my property does not have one of the plumbing fixtures identified in Part A. of the Affidavit, (e.g., showerhead or urinal), do I still need to check the "Yes" or "No" box?*

No. Enter "0" on the line that says "Total number of..." and leave the "Yes" and "No" boxes blank.

- *My property is residential/commercial mixed use. Do I need to record the plumbing fixtures for the entire building on the Affidavit?*

No. Part A 'Property Inspection Results' should only include results from the commercial portions of your building.