

2014 Legislative Update of California Real Estate Laws

Issuance of a Building Permit Triggers a Requirement to Update Smoke Alarms

(SB 1394 [2012] and SB 745) - Read bill

Starting January 1, 2014, remodeling a home will trigger the requirement to install updated smoke alarms if a building permit is issued for alterations, repairs or additions exceeding \$1,000. The smoke alarms installed must be approved and listed by the State Fire Marshal, and, commencing on July 1, 2014, such smoke alarms must have a non-replaceable, non-removable battery capable of powering the smoke alarm for 10 years (though a one-year exception is available permitting an owner to exhaust its supply of noncompliant smoke alarms that are in an owner's inventory as of July 1, 2014).

Effective January 1, 2015, in addition to having a 10-year battery, the State Fire Marshal will also require smoke alarms to display the manufacture date, provide a place to write the date of installation of the smoke alarm, and incorporate a hush feature for the smoke alarm.

On or before January 1, 2016, single family homes that are leased out will also be required to install additional smoke alarms, as needed, to ensure that smoke alarms are located in compliance with current building standards.

Neighbors are Presumed to be Equally Responsible for Fence Maintenance

(AB 1404; Civil Code 841; Operative January 1, 2014) - Read bill

The Good Neighbor Fence Act of 2013 establishes a rebuttable presumption that adjoining landowners are equally responsible for the reasonable costs of constructing, maintaining or replacing a shared fence, unless there is a written agreement to the contrary. Procedures for pursuing maintenance and cost sharing of a shared fence, or rebutting the presumption about equal responsibility are also set forth in the legislation.

Remodeling Triggers a Requirement for Water Conserving Plumbing Fixtures

(SB 745; Civil Code 1101.1 et seq., Health & Safety Code 17921.3) - Read bill

Health & Safety Code section 17921.3 requires that all toilets sold or installed in California after January 1, 2014 meet high-efficiency standards (maximum of 1.28 gallons per flush). With regard to single family homes, issuance of a building permit on or after January 1, 2014 will trigger a requirement to ensure that water-conserving plumbing fixtures are installed throughout that home. The law requires all of the following fixtures to be replaced such that they comply with current building standards applicable to newly constructed residences: (i) toilets manufactured to use more than 1.6 gallons of water per flush, (ii) showerheads manufactured to have a flow of more than 2.5 gallons of water per minute, or (iii) interior faucets that emit more than 2.2 gallons of water per minute. Although the statute is ambiguous, it appears that issuance of a building permit after January 1, 2014 for a multifamily home also requires installation of water-conserving fixtures, but only in the room for which the building permit authorizes work unless substantial alterations are proposed.

Effective January 1, 2017, all plumbing fixtures within a single family residence must be water-conserving.

Effective January 1, 2019, all plumbing fixtures within a multifamily residence must be water-conserving.

Also starting on January 1, 2019, landlords of both single family and multifamily homes will be required to ensure that plumbing fixtures operate at the manufacturer's rated water consumption at the start of a tenancy.