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1660 Mission Street  
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Want a DBI Pro to brief your community / organization on permits and inspection issues? Please contact us at 415-558-6089 or DBICommunityOutreach@sfgov.org and we will make it happen.



## What You Should Know About

# San Francisco's Residential Energy and Water Conservation Requirements



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San Francisco, CA 94103

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San Francisco enacted a Residential Energy Conservation Ordinance, effective September 20, 1982 and amended in 1983 and 1991, that requires residential property owners to provide certain energy and water conservation measures for their buildings. A separate Residential Water Conservation Ordinance was enacted in 1991 and amended in 2009 that expands the water conservation requirements. The intent of these laws is to protect natural resources and cut greenhouse gas emission through reduced energy and water use. The required improvements will also lessen the impact of rising energy and water costs on renters and homeowners alike.

It is advantageous for all property owners to comply with the requirements now. Even if you do not intend to sell your property in the near future, the savings in energy and water costs are immediate. The following information is a summary of the code (including water conservation measures required by Ordinance No. 76-09) found in Chapters 12 and 12A of the San Francisco Housing Code.

### WHO MUST COMPLY?

Prior to transfer of title as result of a sale, all owners of:

- # Single and two family dwellings;
- # Apartment buildings (including each condominium unit sold);
- # Residential hotels.

Owner's compliance is also required when one of the following situations occurs:

- # Metering Conversion:  
As a condition for issuance of a Certificate of Inspection and Approval for metering conversion by the Department of Building Inspection (DBI). A metering conversion is defined as the removal of one or more units from the master to an individual meter;
- # Major Improvements:  
As a condition for issuance of a Certificate of Inspection and Approval upon completion of improvements having an estimated valuation as follows:
  - # 1 & 2 family units - in excess of \$20,000;
  - # 3 units and up, excluding residential hotels - in excess of \$6,000 per unit;
  - # residential hotels - in excess of \$1,000 per unit;
- # Condominium Conversion:  
As a condition of issuance of a Certificate of Final Completion and Occupancy for a residential condominium conversion;

### SPECIAL CONDITIONS/EXEMPTIONS

WATER conservation inspections are required prior to EACH SALE of most residential buildings, regardless of prior energy and water compliance certification.

ENERGY conservation inspections are NOT REQUIRED for the sale of:

- # A residential building for which proof of energy compliance has been properly recorded;
- # A residential building that was granted a building permit for its construction on or after July 1, 1978;

WATER and ENERGY conservation compliance is NOT REQUIRED for the following properties or portions of properties (pursuant to Chapters 12 and 12A

of the San Francisco Housing Code), but these properties or portions of properties ARE REQUIRED to comply with WATER conservation measures by January 1, 2017 (pursuant to Chapter 13A of the San Francisco Building Code).

- # Any mobile home;
- # Any residential building or portion thereof, which is occupied as a hotel or motel unit and which has a certificate of use for tourist occupancy;
- # Any portion of a residential building converted to a tourist hotel;
- # Any building or portion thereof which is a live/work occupancy.

WATER and ENERGY conservation inspections are NOT REQUIRED for transfers of title which result from an operation of law rather than by purchase. Examples of such exemptions include:

- # Transfers pursuant to court order, e.g., Probate Court; transfers under the Independent Administration of Estates Act are not exempted, unless ratified by a court order.
- # Transfers as a result of default;
- # Transfers by a fiduciary in the course of the administration of a trust, conservatorship, etc.;
- # Transfers from one co-owner to one or more co-owners;
- # Transfers to a spouse, domestic partner registered with the State of California, or certain relatives;
- # Transfers between spouses or domestic partners as a result of divorce proceedings; and,
- # Other transfers as defined in section 1211 of the Housing Code.

### WHAT THE LAW REQUIRES

Owners of residential property who wish to sell their property, must obtain a valid inspection, install certain energy and water conservation devices or materials and then obtain a certificate of compliance.

All of this must occur prior to transfer of title of any residential buildings as specified in the ordinance, and the seller must provide a copy of the certificate of compliance to the buyer prior to title transfer. Finally, the certificate of compliance must be recorded with the San Francisco County Recorder's Office prior to or concurrent with the transfer of title.

#### For One and Two Family Dwellings

The following WATER conservation measures are required to be complied with as applicable:

- # Low-Flow Showerheads

The maximum flow permitted through a showerhead is 2.5 gallons per minute or less. If your showerhead does not meet this requirement, it must be replaced. All showers may have no more than one showerhead per valve. "Showerhead" includes rain heads, rain tiles or any other fitting that transmits water for the purpose of showering.

- # Faucet and Faucet Aerators

An aerator with a flow rate of 2.2 gallons per minute or less is to be installed on all sink faucets. Faucets not designed to accept aerators must be replaced,

unless the faucet has a flow rate of 2.2 gallons per minute or less at a working pressure allowed by the plumbing code.

#### # Efficient Toilets

All toilets must have a maximum rated water consumption of 1.6 gallons per flush or less. If your toilet does not meet this requirement, it must be replaced. Modifications to toilets with a rated water consumption greater than 1.6 gallons per flush do not comply. A plumbing permit is not required for a simple toilet replacement. However, if alterations to the plumbing system are necessary, a plumbing permit is required. Residential properties may be exempted from toilet replacements that compromise the historical integrity of the building pursuant to the California Historical Building Code as determined by the Department of Building Inspection.

#### # Leak Repair

All plumbing leaks must be located and repaired. Both of the following leak detection methods are required:

- # Water meter registration test - compliance is achieved if there is no meter movement for ten minutes while all household fixtures are shut off.
- # Fixture leak detection - all tank type toilets must be tested with leak detection dye, and all flushometer type fixtures must be visually checked for proper water operation.

The following ENERGY conservation measures are required to be complied with as applicable:

- # Insulate accessible attic space to a minimum value of R-19. Existing R-11 insulation is deemed acceptable as meeting ordinance requirements.

As of January 1, 1984, cellulose may be blown directly over all types of wiring without need of providing a two inch clearance. Fiberglass or other organic insulation materials may be blown directly over all types of wiring. All Electrical junction boxes, flues, and light fixtures must be kept clear or protected from all insulation materials. Prior to insulation in areas with knob and tube wiring, the wiring system must be inspected and approved by a licensed electrical contractor and this signed approval, with the electrical contractor's state license number, must be submitted with the energy inspection report.

- # Weatherstrip all doors leading from heated to unheated areas.

Combination rigid metal and vinyl bead type strip is the most durable and effective. All sides of the door must be weatherstripped, including the threshold. Foam and felt type strip is not acceptable, and all stripping must be permanently secured.

- # Insulate hot water heaters.

A jacket of R-6 insulation value or greater must be provided on all applicable heaters. Pressure relief valves, if missing, must be provided prior to installation of jacket in order to prevent any explosion hazards. Additionally, the first 4 feet of hot water line must be insulated to a minimum R-4 value. Fiberglass pipe wrap or precut, closed cell foams

with a wall thickness of 3/4 inch or greater are most commonly used for this job.

- # Caulk and seal openings in building exterior.

This is meant to reduce air infiltration by closing any openings or cracks greater than 1/4 inch wide. Pipes to plumbing fixtures, mail-slots without flaps, and open pantry vents are all examples of areas that can be sealed to prevent air infiltration.

- # Insulate accessible heating and cooling ducts.

Insulation with a R-3 value or greater must be provided for all heating and cooling ducts, including plenums. This insulation should be secured with 16d coated nails or baling wire. Duct tape tends to come apart and is not recommended. If located in a high traffic area, a "faced" insulation may be desirable.

#### For Apartments & Residential Buildings

All WATER conservation measures required for one and two family dwellings except that for leak detection an inspector may use visual inspection instead of a water meter registration test.

All ENERGY conservation measures required for one and two family dwellings, plus;

- # Insulate steam and hot water pipes and tanks;
- # Clean and tune boilers;
- # Repair boiler leaks;
- # Time clock control on the burner. Work pertaining to the boiler, including time clock control, must be performed by a licensed C-4 contractor who, after completing all required boiler work, will affix a tag of compliance certification on the boiler time clock door or nearby.

### POSTPONEMENT OF REQUIREMENTS

Application for a demolition permit will allow the postponement of the energy and water conservation requirements for one year. Failure to demolish after one year will require immediate compliance with the energy and water conservation measures.

### HOW CAN YOU COMPLY?

Obtain an energy and/or water inspection from one of the following:

- # **THE DEPARTMENT OF BUILDING INSPECTION (DBI)/ HOUSING INSPECTION SERVICES (HIS)** will inspect within one or two days after your call. Payment for the inspection must be made before the report can be released. If you desire to have DBI/HIS perform the inspection, call (415) 558-6220, 8:00 AM to 5:00 PM, or visit 1660 Mission St., 6th floor. These City inspections are limited to conducting only the Energy and Water Inspection. The housing inspectors will not include other code violations in the report nor can they do any of the required work.
- # **A CERTIFIED PRIVATE ENERGY AND WATER INSPECTOR**, who will inspect for a fee (fees are not set by the City). A list of DBI certified inspectors is available at the Housing Inspection Services, 1660 Mission St., 6th Floor, between 8:00 AM and 5:00 PM, for a copy. You can call (415) 558-6220 for information regarding how to become a certified energy inspector.

File the Residential Energy Conservation Inspection Form and/or the Residential Water Conservation Form with DBI:

After the inspection by one of the above, the owner or the owner's representative shall then file the Residential Energy Conservation Inspection Form and/or the Residential Water Conservation Form indicating the results of the inspection with Housing Inspection Services within 15 days of completing the inspection. A filing fee per Section 110, Table 1-N of the San Francisco Building Code is required.

NOTE: If you are converting your building to a condominium, DBI will perform the energy and water inspection as part of the total conversion inspection review.

Compliance:

**COMPLY WITH THE REQUIRED STANDARDS** as specified by the inspector in the report. You may choose to perform the work yourself and greatly reduce the costs of compliance, or you may hire someone to perform the work.

**OBTAIN FINAL COMPLIANCE** by having the Residential Energy Conservation Inspection Form and/or the Residential Water Conservation Inspection Form completed by one of the inspectors designated below certifying that all the required measures have been fully complied with.

- # The same inspector who did the initial inspection;
- # A DBI certified private energy inspector;
- # An authorized DBI inspector;
- # State licensed contractors for 1 and 2 family dwellings. Work on a project valued at \$500.00 or more in labor and material shall be pursuant to the regulations of the Contractor's State Licensing Board.

After the Residential Energy Conservation Form and/or Residential Water Conservation Form are properly signed by the certifying inspector, it must be filed with the Housing Inspection Services Division at 1660 Mission St., 6th Floor, as proof of compliance. A filing fee per Section 110, Table 1-N is required.

Record the final document:

After filing & approval of the Residential Energy Conservation Inspection Form and/or the Residential Water Conservation Form a certificate of compliance is issued and must be recorded by the building owner or the owner's representative, with the San Francisco County Recorder's office. This recordation must occur prior to or concurrent with transfer of title.

## SPECIAL APPEALS

A person may appeal the results of an energy and/or water inspection, if:

- # There is disagreement regarding the requirements as determined by the inspector;
- # The application of an ENERGY ordinance measure is not cost effective;
- # The owner wishes to apply for an exemption from installing an efficient toilet based on impacts to the historical integrity of the building.

There is a fee per Sec. 110, Table 1-N San Francisco Building Code required for the appeal. Appeals must be made to the Department of Building Inspection, within 10 working days from the date the completed inspection form was filed with DBI. The determination of the Director shall be final.

## ESCROW ACCOUNTS

Escrow Account

(Energy and Water Conservation Escrow Account) The seller or the seller's authorized agent may transfer responsibility for compliance to the buyer

PROVIDED the following conditions are met prior to sale:

- # A valid energy and water inspection has been performed and filed with Housing Inspection Services along with a Notice of Escrow Account (Form C).
- # A written agreement signed by the buyer and seller which is placed into the escrow account and states the following:
- # Buyer agrees to comply within 180 days of transfer of title;
- # Seller agrees that funds equal to 1% of the purchase price indicated on the accepted purchase offer shall be placed in the escrow account and disbursed according to the terms of the ordinance.

NOTE: Not all title companies have agreed to hold these funds according to the terms of the ordinance. Consult with your title company first if you choose to transfer responsibility.

## WHAT ARE THE COSTS?

The amount you will have to spend in order to comply with the energy and water requirements depends upon when you choose to comply and the number of units in your building.

There is no statutory limit on the cost of complying with the WATER conservation requirements.

In the case of 1 or 2 family dwellings and individual condominiums and co-op units when complying with the ENERGY requirements as an entire building, the maximum expenditure will be \$1,300.

In the case of buildings containing 3 units or more (including condominiums), if you comply with the ENERGY requirements before you sell your property, your maximum expenditure will be 1% of the assessed value of the building. If you comply with the ENERGY requirements as a result of a pending sale, the maximum expenditure will be 1% of the purchase price as stated in the real estate sales contract.

## QUESTIONS

Should you wish further information regarding the energy and water conservation requirements, call the Housing Inspection Services, at (415) 558-6220 between 8:00 AM and 5:00 PM. You may also visit the office at 1660 Mission St., 6th Floor, San Francisco, CA 94103.

For more information on efficient toilet rebates and free water-efficient devices which can help achieve compliance with the water conservation ordinance, please contact the San Francisco Public Utilities Commission at (415) 551-4730 or visit <http://conserve.sfwater.org>.