

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

<b>Bill No:</b>	AB 1867	<b>Hearing Date:</b>	June 15, 2022
<b>Author:</b>	Lee		
<b>Version:</b>	April 19, 2022		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** School facilities: modernization projects: bathrooms.

### SUMMARY

This bill requires the governing board of a school district intending to seek state funding for specified school modernization projects to include, as part of the project, faucet aerators and water-conserving plumbing fixtures in all bathrooms.

### BACKGROUND

Existing law:

- 1) Specifies the duties of a governing board of a school district and gives authority to the governing board to enter into contracts, establish funds, and make payments for the purpose of maintaining property.
- 2) Requires, under the Leroy F. Greene School Facilities Act of 1998, the State Allocation Board (SAB) to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.
- 3) Requires the Division of the State Architect (DSA), under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of, or addition to, any school building to ensure that plans and specifications comply with existing law and Title 24 regulations (California Building Standards Code).
- 4) Requires, on and after July 1, 2011, all new construction projects submitted to the DSA to include locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside. Requires the locks to conform to the specifications and requirements set forth in Title 24 regulations. Exempts doors that are locked from the outside at all times and pupil restrooms from the requirement.
- 5) Requires the governing board of a school district seeking state school facilities bond funds for a modernization project and submitted to the DSA for approval on or after January 1, 2019, to include, as part of a modernization project, locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside of the room.

- 6) Requires building alterations or improvements to single-family residential and multifamily residential real property to replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures. Defines “noncompliant plumbing fixtures” as the following:
  - a) Any toilet manufactured to use more than 1.6 gallons of water per flush;
  - b) Any urinal manufactured to use more than one gallon of water per flush;
  - c) Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute; and
  - d) Any interior faucet that emits more than 2.2 gallons of water per minute.
- 7) 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.

## ANALYSIS

This bill:

- 1) Requires faucet aerators and water-conserving plumbing fixtures in all bathrooms for modernization projects for school facilities that were constructed before January 1, 2012.
- 2) Provides that the requirements of the bill apply to the following:
  - a) Projects submitted to the Division of the State Architect (DSA) three months after voters approve a statewide general obligation (GO) bond that provides funds for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring after November 1, 2022.
  - b) Projects that propose to repair or make alterations to the interior of a school building and do not apply to projects that only propose to repair or make alterations to the exterior of a school building, the school grounds, or the playing fields of a school.
- 3) States that bathrooms that already contain both faucet aerators and water-conserving plumbing fixtures at the time a modernization project is submitted to DSA are not subject to this requirement.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1867 establishes parity between modernization and new construction requirements in the state School Facility Program to ensure school bathrooms are up to code to help us address water efficiency and conservation. The bill requires the governing board of a school district, if they apply for state funding pursuant to the Greene Act for a school modernization project on a school constructed before Jan. 1, 2012, to meet the

same standards established in the CALGreen code. This will help the State of California address our worsening climate crisis by prioritizing water efficient fixtures in our school facilities when they are being modernized.”

- 2) ***Background on the School Facility Program (SFP).*** The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees and, local assessments such as Mello-Roos community facilities districts. State bond funds are allocated pursuant to the SFP and administered by the Office of Public School Construction under the direction of the SAB, a ten member body comprised of the Department of Finance, the Director of the Department of General Services, the State Superintendent of Public Instruction, three Senators, three Assemblymembers, and a Governor's appointee. Under the SFP, the New Construction program requires a 50% local match, unless the school district qualifies for financial hardship, which pays up to 100% of project costs. Modernization funds are awarded at 60% with a 40% match. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$9 billion for K-12 and California Community Colleges facilities. While the full amount of the bond has not been sold, there is a total of \$3.3 billion in applications submitted without funding authority. Of that amount, \$1.94 billion are from applications for modernization funding.

- 3) ***DSA Review and Title 24 Regulations.*** The SFP requires a school district seeking state bond funds to receive approval from the California Department of Education (CDE), to ensure that the selected site and school specifications are safe and meet the school's education plan; and the DSA, to ensure that the architectural design plans meet fire, life and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act pursuant to Title 24 of the California Code of Regulations.

The California Green Standards Code (CALGREEN) is one part of Title 24 and was first adopted by the Building Standards Commission in 2009. CALGREEN establishes regulations for energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality, and applies to residential, commercial and public school buildings. All new school construction design plans submitted to the DSA after July 1, 2011 must comply with CALGREEN. CALGREEN does not currently apply to existing buildings.

This bill requires a school district seeking state bond funds from the proceeds of a GO bond passed by the voters after November 1, 2022, for a project to repair or make alterations to the inside of a school building constructed prior to January 1, 2012, to include in the project faucet aerators and water-conserving plumbing fixtures if they meet the standards defined as "noncompliant plumbing fixture" in the Civil Code. Bathroom facilities that already have faucet aerators and water-conserving plumbing fixtures at the time projects are submitted to the DSA for approval are exempted from the requirement. The CDE estimates that

approximately 30% of the state's K-12 school buildings are at least 50 years old and 10% are 70 years old.

- 4) ***Arguments in support.*** The California Association of Student Councils writes, "Droughts are becoming more frequent, intense, and long lasting. This results in more difficulty managing our water systems throughout California. The CALGreen Code's purpose is to reduce negative environmental impacts and promote sustainable infrastructure to conserve water and increase resilience. Low-flow plumbing fixtures and appliances reduce per-capita water usage in most urban areas. We must safeguard our water supply and ensure that all school facilities meet the standards set forth in the CALGreen Code as we prepare for intensified droughts."
- 5) ***Arguments in opposition.*** The County School Facilities Consortium writes, "AB 1867 would require that the finite grant schools and [county offices of education] receive for modernization projects be used for a specific purpose, without increasing the amount of funding that schools receive from the state. Schools would be required to add faucet aerators and replace plumbing fixtures, even if their project was not originally intended to renovate the restroom facilities. A school planning to use its modernization grant for important building systems, such as roofing or HVAC replacement, would now be required to upgrade its restrooms, even if the planned project did not include restrooms. We are concerned that the restroom fixture replacement could trigger other much more costly upgrades, including access compliance and path of travel. This could make it cost prohibitive to complete the original project, especially for COEs and other Financial Hardship districts that do not have sufficient local funds to cover such increased costs."
- 6) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill could create annual state school construction bond cost pressure, likely in the low millions of dollars, to install faucet aerators and water-conserving plumbing fixtures. The cost would depend on the number of schools receiving modernization funding and the size of the bathrooms in those schools. As of March 31, 2022, there were nearly 700 applications for modernization funding pending with the State Allocation Board. Assuming 20 aerators at a cost of \$1.00 each, 10 water-conserving urinals at a cost of \$300 each, and 20 water-conserving toilets at a cost of \$350 each the total cost would be \$10,020, or about \$7 million for 700 projects.

## SUPPORT

California Association of Student Councils  
California Pipe Trades Council  
Los Angeles County Office of Education

## OPPOSITION

None received

-- END --