

RULE 144 - RETROFIT UPON CHANGE OF OWNERSHIP, USE, OR EXPANSION OF USE

A. MANDATORY RETROFIT UPON CHANGE OF OWNERSHIP OR USE

All plumbing fixtures in Existing Structures, including Residential and all Non-Residential structures, shall, at the time of Change of Ownership or Change of Use, comply with Rule 142 and Rule 143. These fixtures shall be installed and maintained, and shall not be replaced with fixtures which allow greater water use.

B. MANDATORY RETROFIT UPON EXPANSION OF USE

The addition of any toilet and/or increase in floor area of Existing Structures by twenty-five percent (25%) or greater of the existing floor area shall meet the Low Water Use Plumbing Fixtures and standards described in Rule 142 and Rule 143 for the entire facility, including retrofitting of plumbing fixtures within Existing Structures throughout the Site.

C. RETROFIT EXEMPTIONS

When a Site has ULF toilets that were installed prior to December 31, 2012, those toilets shall be exempt from this rule until December 31, 2016. This exemption shall not apply to toilets required to be replaced with lower flush volume fixtures as a condition of a Water Permit or other District action.

Rule previously deleted by Ordinance No. 89 (7/21/97); amended by Ordinance No. 151 (11/19/2012)

D. PROOF OF RETROFIT UPON CHANGE OF OWNERSHIP OR CHANGE OF USE

Before any Change of Ownership or Change of Use of real property within the District, the selling owner(s) or his authorized agent shall, in the form and manner specified by the District, certify compliance with the retrofit requirements of this Rule by one of the following methods:

1. Provide the District with a District-certified inspection report that provides all Site information required by the District and that verifies installation of Low Water Use Plumbing Fixtures throughout the structure, as required by Regulation XIV and Regulation XV; or
2. Provide documentation to the District from a District-certified city or county building official that provides all Site information required by the District and that certifies installation of Low Water Use Plumbing Fixtures throughout the structure, as required by Regulation XIV and Regulation XV; or
3. Provide owner certification that plumbing fixtures throughout the structure have been retrofitted in compliance with Regulation XIV and Regulation XV. The buyer or seller shall forward a copy of this certification, together with a dated copy of the purchase receipt for each Low Water Use Plumbing Fixture and a dated copy of the labor contract or a statement of self-installation which

evidences complete installation to the District. The District may verify owner certification by an onsite inspection; or

4. The General Manager may conditionally extend the proof of retrofit requirement of this section where the seller, buyer, or tenant certifies that the structure will begin to be Remodeled or modified within one hundred and twenty (120) days of the Change of Ownership or Change of Use, that the structure will comply with Regulation XIV upon completion of construction, and the District shall be both contacted and allowed inspection of the property by District staff or its authorized agent within 180 days (i.e. six months) of the date of this requirement. Incremental extensions of 90 days may be allowed until completion of the Remodel or modification.

It shall be a violation of this Regulation for any buyer or seller to instruct an escrow agent to close escrow for any sale of property in the District that does not comply with Subdivision D of this Rule.

This Subdivision D shall not impose any affirmative or discretionary duty upon an escrow agent, acting in the capacity of escrow officer. Nothing in this Rule shall be construed, either expressly or by implication, to provide for a criminal proceeding or create a civil liability against a title insurer or an underwritten title company, as defined in the California Insurance Code, or their officers, directors, or employees, by reason of an alleged violation of this Rule by a party or parties to an escrow at such a corporation.

Rule added by Ordinance No. 30 (7/13/87); amended by Ordinance No. 31 (1/11/88); Ordinance No. 43 (1/22/90); Ordinance No. 125 (9/18/2006); Ordinance No. 141 (11/16/2009); Ordinance No. 151 (11/19/2012); Ordinance No. 157 (12/9/2013)