

ADDENDUM TO REAL ESTATE TRANSFER DISCLOSURE STATEMENT



LOCAL DISCLOSURE REGARDING
PLUMBING FIXTURE RETROFIT REGULATIONS

This form is to be used when the Seller’s property, whether residential, commercial, or industrial, is situated within:

the area of the City of Capitola served by the Soquel Creek Water District.

Summary of Ordinance

Authority: Capitola Municipal Code 13.02.

All existing residential, commercial, and industrial buildings that use water in showers, toilets, and urinals, shall, at the time of sale of the property, be retrofitted exclusively with low consumption plumbing fixtures. The Seller shall be responsible for complying with the requirements of this chapter and for obtaining a water conservation certificate from the Soquel Creek Water District before the sale of the property.

Low Consumption Plumbing Standards

Toilets: 1.6 gallons per flush; Showerheads: 2.5 gallons per minute; Urinals: 1.0 gallon per flush

Verification

Prior to the time of sale, the Seller must verify compliance by one of the following methods: 1) physical inspection of the building by District staff, licensed plumbing contractor, or other authorized person, 2) documentation of retrofit from the District’s toilet rebate program, or 3) documentation that all structures on the property were constructed or renovated in 1994 or later. The District issues a water conservation certificate to the Seller once compliance has been verified.

Option to Transfer Responsibility for Retrofitting to the Buyer

The Seller and Buyer may mutually agree to transfer responsibility for retrofitting to the Buyer. The Seller is required to submit a Transfer of Responsibility form to Soquel Creek Water District before the property is sold. The Buyer has ninety (90) calendar days from the date of the sale of the property to perform the retrofit and verify compliance.

Exemptions

An exemption from these requirements may be granted if the District determines that the building drainage system or public sewer, or both, are incompatible with low consumption toilet specifications and require a greater quantity of water to flush the system in a manner that is consistent with public health. Sufficient evidence must be submitted to substantiate any exemption. Properties recognized by a federal, state or local historic registry are exempt from retrofit when authentic plumbing fixtures are present and they can not be replaced by matching low consumption fixtures.

Failure to Comply

If the seller fails to comply with the retrofit requirements, the buyer shall install the low consumption plumbing fixtures within 90 days from the date of sale. Any seller who fails to comply with the requirements of this chapter may be liable to the buyer in the amount of two hundred and fifty dollars (\$250) for each fixture that does not comply with this chapter at the time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater.

The undersigned hereby acknowledges receipt of a copy of this Addendum.

Date _____

Date _____

Buyer _____

Seller _____

Buyer _____

Seller _____

See reverse for Disclosure Regarding Installation of Water Conservation Devices for property located in unincorporated Santa Cruz County served by the Soquel Creek Water District.



ADDENDUM TO REAL ESTATE TRANSFER DISCLOSURE STATEMENT

**LOCAL DISCLOSURE REGARDING
INSTALLATION OF WATER CONSERVATION DEVICES**

This form is to be used when the Seller's property, whether residential, commercial, or industrial, is situated within:
unincorporated Santa Cruz County served by the Soquel Creek Water District.

Summary of Ordinance

Authority: Santa Cruz County Code Chapter 7.69

Prior to the recording of any deed transferring title to the property to implement a sale of the property or prior to the recording of a contract of sale, all sellers of residential, commercial, or industrial property shall install water conservation devices that restrict maximum water flow from showerheads to 2.5 gallons per minute and reduce the amount of water used in toilets to 1.6 gallons per flush.

Exemptions

A. The requirement for the installation of water conservation retrofit devices on showers shall not apply to any of the following:

1. All structures that include plumbing fixtures on the property changing ownership with evidence documenting they were constructed or renovated in 1994 or later;
2. Any shower that is fitted with a low-flow showerhead with a maximum flow rate that does not exceed 2.5 gallons per minute;
3. Any emergency shower installed for health or safety purposes that cannot safely operate with a maximum flow rate that does not exceed 2.5 gallons per minute;
4. Any shower requiring significant structural modification to comply with this chapter;
5. Any shower that will not function properly after being retrofitted in accordance with this chapter.

B. The requirement for the installation of ultra low flush toilets shall not apply to any toilet that already uses less than 1.6 gallons per flush.

Certification

Seller must provide Buyer with a written certification of compliance with the requirements of this ordinance stating that the water conservation devices have been installed or that the installation of devices is not required because of the specific exemption(s) allowed under this law.

Failure to Comply

If the Seller fails to comply with the retrofit requirements, the Buyer shall install the low consumption plumbing fixtures within 90 days from the date of sale. Any seller who fails to comply with the requirements of this chapter may be liable to the buyer in the amount of two hundred and fifty dollars (\$250) for each fixture that does not comply with this chapter at the time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater. Violation of these requirements is also deemed an infraction.

The undersigned hereby acknowledges receipt of a copy of this Addendum

Date _____

Date _____

Buyer _____

Seller _____

Buyer _____

Seller _____

See reverse for Disclosure regarding Plumbing Fixture Retrofit Regulations for property located in the City of Capitola and served by the Soquel Creek Water District.