



ADDENDUM TO REAL ESTATE TRANSFER DISCLOSURE STATEMENT
LOCAL DISCLOSURE REGARDING
PLUMBING FIXTURE RETROFIT REGULATIONS

This form is to be used for residential, commercial, or industrial properties served by the Soquel Creek Water District and located in the City of Capitola or unincorporated Santa Cruz County.

Summary of Ordinance

Authority: [Santa Cruz County Code Chapter 7.69.040](#) and 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 high efficiency 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 Water Conservation Department before the sale of the property, unless both the seller and the buyer agree to transfer the responsibility to the buyer.

High Efficiency Plumbing Standards

Plumbing fixtures must be EPA WaterSense approved and manufactured to meet the standards below. Urinals that use no water are not tested by EPA WaterSense, but are approved for retrofits. Restrictors and other modifications to fixtures are not acceptable. Pre-existing toilets that flush no more than **1.6 gallons per flush (gpf) toilets are exempt from retrofitting.**

- **Toilets: 1.28 gallons per flush or less**
- **Showerheads: 2.0 gallons per minute or less**
- **Urinals: 0.5 gallon per flush or less**



Verification and Certification

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, or a licensed plumbing or building contractor 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. Seller must provide Buyer with a copy of the water conservation certificate or written proof that the installation of devices is not required because of the specific exemption(s) allowed under this law.

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, approved by the Buyer, to the Soquel Creek Water District Water Conservation Department 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 building drainage system or public sewer, or both, are incompatible with high efficiency 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 cannot be replaced by matching high efficiency fixtures.

Failure to Comply

If the seller fails to comply with the retrofit requirements, the buyer shall install the high efficiency plumbing fixtures within 90 days from the date of sale. Failing to obtain a *Conservation Certificate* may result in a notice of violation being recorded against the property; this infraction of code is punishable in accordance with the provisions of Section 1.12.040 of the Santa Cruz County Code and Capitola Municipal Code 4.04.010.

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

Buyer _____ Seller _____

Buyer _____ Seller _____
(Signature) (Signature)

Date _____ Date _____