



City of Morgan Hill Water Conservation Ordinance
Transfer of Responsibility to Retrofit

The responsibility for inspecting the building plumbing fixtures is the sole duty of the seller and may not be transferred to the buyer. If the inspection shows that retrofitting is necessary, the responsibility to retrofit may be transferred from the seller to the buyer before the time of sale, if both parties mutually agree to do so.

Important: A valid Water Conservation Certificate or this completed form must be submitted to the City of Morgan Hill Utility Billing Department when new utility services are initiated.

1. Property Information

Street Address: _____

Assessor's Parcel Number: _____

2. Inspection Information

Inspector name: _____

Inspector License Number: _____

Inspection Date: _____

Was the licensed plumber able to verify all plumbing fixtures comply with the Water Conservation Ordinance (ORDINANCE NO. XXX) for the entire parcel?

YES NO

If NO, please provide explanation:

Was the licensed plumber able to fully define the scope of work for the retrofitting that will be required to bring the plumbing fixtures up to City standards and pass inspection?

YES NO

If NO, please provide explanation:

3. Seller's Signature:

By signing below, I, the seller, declare that an inspection of the plumbing fixtures at the above-referenced property by a licensed plumber has been completed and a copy of that Water Conservation Inspection Report has been made available to the buyer. I declare that the buyer has agreed to assume the responsibility for retrofitting any of the plumbing fixtures at the above-referenced property.

Seller's name (please print) *Seller's signature* *Date* *Telephone*

Estimated Escrow Closing Date: _____

Seller's Mailing or Email Address:

4. Buyer's Signature

By signing below, I, the buyer of the above-referenced property, confirm that I have received a copy of the Water Conservation Inspection Report and agree to accept the responsibility of retrofitting the plumbing fixtures to high efficiency fixtures as required in Morgan Hill Municipal Code Chapter 13.20. I understand that the initial inspection may not have been able to fully characterize the extent of the existing replacements necessary. I understand that **I will be required to replace or retrofit any plumbing fixtures to meet the City's standards**, and to obtain a Water Conservation Certificate within one hundred eighty (180) calendar days following the date of change in ownership, in accordance with the procedures outlined on the back of this form. I understand that if I have not obtained a Water Conservation Certificate within 180 days, I will be subject to penalties and/or the suspension of water service to the property.

Buyer's name (please print) *Buyer's signature* *Date* *Telephone*

Buyer's Mailing or Email Address:

THIS FORM MUST BE SIGNED BY THE UTILITY BILLING DEPARTMENT TO BE VALID.

City Approved Signature _____ Filing Date _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

NOTARY ACKNOWLEDGMENT OF BUYER'S SIGNATURE

State of California County of _____

On _____ (date) before me,

_____ (insert name and title of the officer),
personally appeared _____, who proved
to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature _____ (Seal)

Background

Prior to the time of sale, all residential, commercial and industrial buildings within the City of Morgan Hill shall have the plumbing fixtures inspected by a licensed plumber for complying with retrofit requirements to meet the City's standards as specified by the Water Conservation Ordinance unless exempted under Section 13.04.335 of the Morgan Hill Municipal Code or unless the responsibility to retrofit is transferred to the buyer. The buyer then has 180 calendar days from the time of sale to complete the retrofitting and submit a completed Water Conservation Inspection Report showing that the plumbing fixtures have been corrected to meet the City's standards.

Instructions for the Transfer of Responsibility to Retrofit to the Buyer

Step 1 – Seller completes parts 1, 2, and 3 of this form. Buyer completes part 4 of this form and has buyer's signature notarized.

Step 2 - Bring in or mail this completed Transfer of Responsibility to Retrofit Form and the initial inspection report (provided by the seller) to the City when starting new utility services. The City's Utility Billing Division is located in City Hall at 17575 Peak Ave.

Step 3 – Have the property's plumbing fixtures retrofit to meet the City's standards as specified in the Water Conservation Ordinance (Note: the buyer is not responsible for inspections or corrections if the property sale is not completed.)

Step 4 – After the retrofitting has been completed, have a re-inspection performed by a licensed plumber and submit the completed Water Conservation Inspection Report documenting that there are no remaining other than high efficiency plumbing fixtures in the private parcel to the City of Morgan Hill Utility Billing Department within 180 days.

Keep a copy of this form for your records. One copy should be given to the seller's real estate agent to be included with documents transferring title to the property.

Failure to Inspect or Retrofit

If it is determined that the required retrofitting was never completed by the buyer as agreed to in this form, the City of Morgan Hill will exercise its legal remedies, including, but not limited to, a notice of violation recorded against the property, additional civil or criminal penalties in accordance with the Morgan Hill Municipal Code, and/or the suspension of water service.

For Additional Information, Please Contact Utility Billing Department (408) 779-7221