

CERTIFICATE OF COMPLIANCE PROCESS

FREQUENTLY ASKED QUESTIONS

Below are a few questions about the retrofit requirement to determine if a Certificate of Compliance must be filed.

1. **Is the property in the City of Los Angeles?** This specific ordinance only applies to properties in the City of Los Angeles, including all of the City's communities (e.g. Northridge, San Pedro, Hollywood, etc.)
2. **Is this a residential property?** Only residential properties are required to have ultra-low-flush (ULF) toilets (1.6 gallons per flush – gpf). Business properties still need to change showerheads and install water displacement bags in toilets when they are sold, but they don't need to change out toilets. Only homes, condominiums and apartments need to have ULF toilets prior to the close of escrow.
3. **Is the existing toilet already ULF (1.6 gpf)?** If the existing toilet is a ULF toilet, then the toilet does not need to be changed.
4. **Is the existing toilet not ULF (1.6 gpf) and does it have to be changed?** Yes, if the toilet is greater than 1.6 gpf, then it must be changed to a High Efficiency Toilet (1.28 gpf – HET). The City of Los Angeles Plumbing Ordinance No. 180822 mandates that any new toilets installed in a residence (new construction, remodeling, upgrading, retrofitting, etc.) must be 1.28 gpf or less.
5. **Is the property being sold?** If so, the owner needs to have a completed Certificate of Compliance or a Certificate of Compliance Waiver letter issued by LADWP in order to complete escrow.

QUESTIONS

Q: Can the seller transfer the responsibility of toilet replacement of toilet replacement to the buyer of the home?

A: No. The Ordinance places the responsibility of toilet replacement on the property seller and the high efficiency toilet must be installed prior to the close of escrow.

Q: What happens if the seller does not comply with the ordinance requirements?

A: A surcharge can be assessed and added to the water bill.

Q: What is the purpose of the water conservation ordinance?

A: Los Angeles has very limited water supplies. Because of the ULF toilet programs (and other conservation), the City's overall water use is the same as in 1972 even though the population has grown by over 1 million people. Conservation is an important element of the City's reliable water supply.

Q: The buyer is going to remodel the bathroom. Does the seller have to replace the toilets?

A: Yes, all non-compliant toilets must be replaced prior to the close of escrow. A planned remodel may not be completed upon resale, if at all. Waivers will not be granted for remodels, regardless of the extent of proposed work. .

Q: The house is going to be demolished. Does the seller have to replace the toilets?

A: Yes. If the house is habitable, any non-compliant toilets (greater than 1.6 gpf) must be replaced.

Q: The house is being sold “as is”. Do I have to replace the toilets?

A: Yes, all properties must comply with the ordinance requirements prior to the close of escrow.

Q: The bank repossessed this house. Do the toilets have to be replaced?

Yes, the bank must comply with the ordinance requirements prior to the close of escrow.

Q: The toilets match the rest of the bathroom. Can the buyer get an exemption?

A: In most cases, no. Exemptions are only granted to homes of designated historic or architectural significance and then only if the toilets are the same age as the rest of the home no modern HET equivalents currently manufactured.

Q: The tile floor in the bathroom will be damaged if the toilet is changed. Can the seller get an exemption?

A: No, cost or possible damage are not reasonable justifications for exemptions. Customers may be able to find toilets with larger foot prints to cover damaged areas.

Q: My existing toilets cost \$450 each. Can I get an exemption?

No, cost is not a reason for an exemption. There also may be rebates available to offset the cost.

Q: My house was built in the early 1930s. Can I get an exemption?

No, unless it is historic or has architectural significance, etc. Properties residing in a Historical Preservation Overlay Zone or designated a Cultural Monument can request an exemption.

Q: My toilet has a valve instead of a tank. What do I have to do?

Residential toilets with flush valves (Sloane, valve, or tankless) must also be ULF toilets. Certified Retrofitters and licensed plumbers should be able to identify whether or not the toilet is ULF. Non-ULF flush valve toilets must be replaced with HET flush valve toilets.

Q: How can I tell if my toilet is an ultra-low-flush toilet?

Look at the base of the toilet bowl, from the side. If you can see the outline of the reverse trap in the porcelain (leading out from the bowl, up and then down towards the floor), the toilet may be a ULFT. The lack of the trap outline does not mean that the toilet is not a ULFT, as some of the more expensive ULFT models lack this characteristic.

Flush the toilet. If the amount of time that the water swirls in the bowl is six seconds or less, chances are the toilet is ULFT.

Beginning in 1994 (Approximately), most toilet manufacturers began stamping toilets with the flush volume. Look at the bowl section where it meets the tank (just behind the closed toilet seat).

All toilets manufactured in the United States since 1994 are ULFTs. State law has required ULFTs in California since 1992. If the toilet has been replaced since 1992, there is a good chance it is a ULFT. (This is not a sure thing due to the fact that manufacturers were allowed to sell the 3.5 gpf toilets remaining in their inventories at the time the new standard took effect.)

Remove the tank lid and mark the water line in the tank. Shut off the water valve and flush the toilet. Add 1.6 gallons of water back into the tank. If the water level reached the mark, the toilet is an ULFT. If the water goes over the mark, it uses more than 1.6 gallons per flush. It is possible that the toilet is a ULFT, but is improperly adjusted or the wrong flapper valve has been installed.

Look inside the tank for a date stamp indicating the date of manufacture. If the date stamp indicates 1992 or later, the toilet is probably a ULFT. If the toilet was installed after 1994, it should be stamped near where the toilet seat attaches. The stamp should say 1.6gpf/6.0lpf.

Q: Who do I call to inspect my toilets and showerheads?

Plumbing contractors with C-36 or B license or a certified Retrofitter Inspector can inspect and sign the Certificate of Compliance. Plumbers, contractors and Retrofitting companies that provide this service can be found in the yellow pages. Real estate offices and escrow companies often have lists of companies. DWP cannot make specific recommendations and does not have a list of plumbers or other qualified individuals.

Q: Can I get a rebate for installing a 1.28 gallons per flush toilet?

Call (800) 544-4495, then press option "5" and select the program you are interested in. Someone at that number can answer most questions about the LADWP Water Conservation rebate programs.

Q: Escrow is closing in 2 days –where can I pick up a certificate, because I don't have enough time to wait for it to be mailed to me?

Most DWP offices will have blank forms, as well as most real estate offices, retrofitting companies and escrow offices. COC forms can also be downloaded from www.ladwp.com.

Q: Can I inspect my own toilet and sign the form?

No, unless you are a certified Retrofitter, licensed real estate agent or broker, or a contractor with the correct license.

Can I bring the certificate directly to your office?

Yes, you can bring it to any LADWP branch office and the Customer Service Representative will forward it to the COC office. However, most people find it easiest to mail it to the address listed on the bottom of the COC form.

Q: How long is the certificate valid for?

The Certificate of Compliance is valid for one year. If the property is sold within one year, a new certificate is not required.

Q: If I send my certificate, how do I know that it has been processed?

No return receipt is provided. You may call 213-367-9263 and a customer service representative will look up the property to determine the status of the certificate.

Q: What are 9A Forms?

9A forms are the forms that must be completed and sent to Building and Safety for the other requirements needed when a property is sold in the city. This includes smoke alarms, water heater strapping, gas shut of valves, etc. Call 213-482-6777 for forms and information regarding 9A Forms. This is a Building and Safety office and not a DWP number. DWP only handles Certificate of Compliance for the Water Conservation Ordinance.