



# Transfer of Responsibility to Repair/Retrofit

It is the sole duty and responsibility of the Seller to **inspect** the building's sanitary sewer and plumbing fixtures and may not be transferred to the buyer. However, if the inspection shows that repairs are necessary, then the responsibility to repair and/or retrofit the deficiencies 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 Certificate of Compliance or this completed form must be submitted to the City of Morgan Hill Utility Billing Division when applying for new water services.**

## Instructions for the Transfer of Responsibility to Repair/Retrofit

**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:** Submit the following 3 items to the City's Environmental Services Department for review and approval:

- 1) complete and notarized Transfer of Responsibility Form;
- 2) the failing Utility Inspection Report Form; and
- 3) PSL CCTV footage.

Submit these 3 items directly to [PSL.WC@morganhill.ca.gov](mailto:PSL.WC@morganhill.ca.gov) prior to applying for water services.

**Step 3:** The Buyer has the property's private sewer lateral repaired and/or plumbing fixtures retrofitted to meet the City's standards as specified on the Utility Inspection Report within 180 days.

**Step 4:** After the repairs and/or retrofits have been completed, have a new inspection performed by a Qualified Contractor/Licensed Plumber and submit a new passing Utility Inspection Report Form documenting that there are no remaining deficiencies in the private sewer lateral and/or retrofitting of plumbing fixtures to [PSL.WC@morganhill.ca.gov](mailto:PSL.WC@morganhill.ca.gov) within 180 days.

**Step 5:** Keep a copy of this form for your records.

## 1. Property Information

Street Address: \_\_\_\_\_ Assessor's Parcel Number: \_\_\_\_\_

## 2. Inspection Information

Which inspection is being Transferred to the Buyer?

☐ Private Sewer Lateral (PSL)    ☐ Plumbing Fixtures    ☐ Both

### a. Private Sewer Lateral Inspection (PSL)

Was the Qualified Contractor<sup>1</sup> able to video inspect the entire **private sewer lateral** in accordance with the Private Sewer Lateral Ordinance (ORDINANCE NO. 2322) and provide details of the deficiencies?

☐ YES    ☐ NO    ☐ N/A

If NO or N/A, please explain: \_\_\_\_\_

Qualified Contractor Name: \_\_\_\_\_ PSL Inspection Date: \_\_\_\_\_

CA State Contractor (C-36) License Number: \_\_\_\_\_

Qualified Contractors NASSCO Certificate Number: \_\_\_\_\_

<sup>1</sup>Per Ordinance No. 2322, a Private Sewer Lateral Inspection must be completed by a Qualified Contractor chosen from the City's provided list (A C-36 licensed with the State of California, has a City of Morgan Hill Business License, and is NASSCO Certified).

\*Per Ordinance No. 2323, a Plumbing Fixture Inspection must be completed by a Licensed Plumber (A C-36 license with the State of California and a City of Morgan Hill Business License).

**b. Plumbing Fixture Inspection**

Was the Licensed Plumber able to inspect **all plumbing fixtures** in accordance with the Plumbing Fixture Ordinance (ORDINANCE NO. 2323) for the entire parcel and provide details of the noncompliant fixtures?

☐ YES

☐ NO

☐ N/A

If NO or N/A, please explain: \_\_\_\_\_

Licensed Plumber Name: \_\_\_\_\_

Inspection Date: \_\_\_\_\_

CA State Contractor (C-36) License Number: \_\_\_\_\_

**c. Repair/Retrofit Recommendations**

Was the Qualified Contractor and/or Licensed Plumber, as applicable, able to fully define the scope of work for the repairs and/or retrofitting that will be required to bring the private sewer lateral and/or plumbing fixtures up to City standards and pass inspection?

☐ YES

☐ NO

If NO, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**3. Seller's Signature:**

By signing below, I, the seller, declare that an inspection of the private sewer lateral and plumbing fixtures at the above-referenced property has been completed and a copy of that inspection report has been made available the inspection report and video footage to the buyer. If exempt from either inspection the Exemption Form has been completed and will be submitted. I declare that the buyer has agreed to assume the responsibility for correcting any identified defects in the private sewer lateral and/or retrofits of plumbing fixtures at the above-referenced property.

\_\_\_\_\_  
*Seller's name (please print)*

\_\_\_\_\_  
*Seller's signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Telephone*

Estimated Escrow Closing Date: \_\_\_\_\_

Seller's Mailing Address: \_\_\_\_\_

Seller's 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 Inspection Report Form and video footage of the private sewer lateral. I agree to accept the responsibility of repairing the private sewer lateral and/or retrofitting the plumbing fixtures as required in Morgan Hill Municipal Code Chapter 13.20.070 and 13.04.335, or if exempt from either inspection have received and/or will submit the completed Exemption Form. I understand that the initial inspection may not have been able to fully characterize the extent of the existing defects and required repairs and/or retrofits. I understand that **I will be required to repair or correct any identified defects of the private sewer lateral and/or retrofit any plumbing fixtures to meet the City's standards**, and to obtain Certificate(s) of Compliance within one hundred eighty (180) calendar days following the date of change in ownership, in accordance with the procedures outlined at the end of this form. I understand that if I have not obtained the Certificate(s) of Compliance 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 Address: \_\_\_\_\_

Buyer's Email Address: \_\_\_\_\_

#### 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)

#### FOR OFFICE USE ONLY: CITY ACKNOWLEDGEMENT OF RECEIPT

Date of Receipt:

City Reviewer:

## Background

Prior to the time of sale all residential, commercial, and industrial buildings within the City of Morgan Hill shall complete both Utility Inspections (private sewer lateral and plumbing fixtures), unless the responsibility to repair and/or retrofit has been transferred or exempted. This includes an inspection of the private sanitary sewer lateral and/or plumbing fixtures inspected by a qualified contractor/licensed plumber for any defects and be repaired, corrected, or retrofitted to meet the City's standards as specified by the Utility Inspection Report Form unless exempted under Section 13.20.070 or Section 13.04.335 of the Morgan Hill Municipal Code. If exempt, an Exemption Form must be submitted.

**The buyer then has 180 days from the time of utility activation to complete the repairs and/or retrofits and submit a completed inspection report showing that the sewer and/or plumbing fixtures have been corrected to meet the City's standards.**

## Failure to Repair/Retrofit

If it is determined that the required repairs and/or retrofits were 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 the suspension of water service.

**For additional information, please contact Environmental Services Department by phone at (669) 253-4332 or email at [PSL.WC@morganhill.ca.gov](mailto:PSL.WC@morganhill.ca.gov).**