

BAWSCA Lawn Be Gone! Program
Terms and Conditions
As of July 1, 2021

The Bay Area Water Supply and Conservation Agency (BAWSCA) **Lawn Be Gone! Program** provides rebates to approved customers that convert water-thirsty lawns to water-efficient landscapes. To be eligible for this program, an applicant must be a customer of a participating BAWSCA Member Agency.

The BAWSCA Lawn Be Gone! Program will run until June 30, 2022, or until funds last. Funding is limited and applications will be accepted on a first-come, first-served basis. BAWSCA and the participating member agencies reserve the right to terminate this Program at any time, for any reason.

The following Terms and Conditions apply to the BAWSCA Lawn Be Gone! Program. Please read the Terms and Conditions carefully prior to submitting your application.

I. Program Eligibility

- A. **Eligible Applicants:** The Program is available to customers (Applicants) who (1) purchase water from a participating BAWSCA Member Agency, (2) have a distinct meter to allow for evaluation of water savings, and (3) have an account in good standing.
- B. **Current Lawn Condition:** Lawn areas to be converted must be maintained and in healthy condition, and be irrigated by a sprinkler system in good working condition. The lawn area must be irrigated with water from the potable water system (i.e., not with private wells or recycled water). For ACWD customers, the existing lawn is not required to be actively irrigated, maintained or in healthy condition.
- C. **Current Lawn Size:** A minimum of 200 square feet of lawn must be converted. Smaller projects will be considered if they eliminate 100% of the front, or publically-visible lawn, on the Applicant's property.
- D. **Pre-Conversion Site Inspection Requirement:** The Program Rebate Application must be submitted to BAWSCA and the Applicant must participate in a Pre-Conversion Site Inspection conducted by, or on behalf of, the participating BAWSCA Member Agency. Lawn removals or conversions that are initiated prior to a Pre-Conversion Site Inspection and the receipt of a Notice to Proceed from a participating BAWSCA Member Agency will not be eligible for this Program.

II. Landscaping Requirements for Converted Areas

- A. **Fifty Percent (50%) Plant Cover Rule:** The converted area must include a sufficient number of plants to ensure at least 50% of the converted area is covered with plants, when fully grown. Plants outside the converted area are not considered in the plant coverage calculation even if they are adjacent to, or overhanging into, the converted area.
- B. **Plant Type Restrictions:** Plants installed in the converted area must be listed on the BAWSCA-Approved Plant List, or otherwise demonstrated to be low-water use. Applicants are encouraged to use native, non-invasive plants. For a copy of the BAWSCA-Approved Plant List please visit www.BAWSCA.com.
- C. **Impermeable Surfaces:** Impermeable surfaces, such as concrete, that do not allow water to penetrate into the ground, are not allowed in the converted area. Permeable hardscape is allowed, however, the 50% Plant Cover Rule still applies to the entire converted area. For clarification as to what qualifies as permeable hardscape, please visit www.BAWSCA.com.
- D. **Artificial Turf:** Rebates will not be provided for artificial turf that is installed within the converted area.
- E. **Mulch Requirements:** All planting areas within the converted area must have a minimum of three (3) inches of mulch. Please note that if a weed barrier is used below the mulch, it must be permeable to air and water.

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- F. **Efficient Irrigation System Requirements:** An irrigation system is not required in the converted area. An existing sprinkler irrigation system in the converted area must be removed, capped in place, or converted to a low volume drip. A new irrigation system installed in the converted area must be low volume drip, equipped with proper backflow prevention, a rainfall shutoff valve, a pressure regulator, filter and pressure compensating emitters. The irrigation system in the converted area must be in good working order, and free of leaks and malfunctions. If only part of a lawn area is converted, the converted area must be irrigated on a separate valve from the remaining lawn. The sprinkler system for the remaining lawn must be modified to only irrigate the remaining lawn area and may not spray onto the converted area.

III. Terms of the Rebate

- **Rebate Term:** Lawn Conversion Projects must be completed within four (4) months following receipt of the "Notice to Proceed" from the participating BAWSCA Member Agency. Because the goal of this program is to achieve significant and lasting water savings, the converted area must remain converted for at least three (3) years following receipt of the rebate. An Applicant may be charged for some, or all, of the rebate amount at the discretion of the participating BAWSCA Member Agency if the Applicant does not maintain the converted area in conversion. Notwithstanding the foregoing, this requirement is void upon transfer of ownership.
- **Rebate Amount:** The rebate amount is one dollar (\$1.00) to four dollars (\$4.00) per square foot of lawn converted (see Attachment A for participating BAWSCA Member Agencies and associated rebate amounts offered). The rebate amount is limited to actual costs incurred in completing the Lawn Conversion Project for plants, irrigation equipment, and other direct costs. There is no maximum rebate; however, each application is subject to participating agency pre-approval and availability of funds. Once a Lawn Conversion Project has been completed and approved, rebates will be issued to the Applicant. Rebates may be issued in the form of a check or a credit on the Applicant's water account. **Customers of Hillsborough: maximum rebate amount is \$2,500 per account. Customers of ACWD: maximum rebate of \$3,000 for residential customers and a maximum of \$20,000 for commercial and industrial, multifamily homes, and HOA customers.**
- **Pre-Conversion Site Inspection:** Customers interested in participating in the Program must first submit an application to BAWSCA, including their proposed plant list for the converted area. The participating BAWSCA Member Agency will then, at the agency's discretion, accept that application and conduct a Pre-Conversion Site Inspection of the Applicant's site to measure the proposed conversion area and verify that the Applicant's proposed Lawn Conversion Project meets the Terms and Conditions. For ACWD customers, the Pre-Conversion inspections are done virtually via photographs unless more information is needed to approve the rebate application and that information can only be obtained via an on-site inspection. If the Applicant is approved, the participating BAWSCA Member Agency will issue a Notice to Proceed.
- **Post-Conversion Site Inspection:** The Applicant is responsible for notifying the participating BAWSCA Member Agency that the Lawn Conversion Project is complete and for scheduling a Post-Conversion Site Inspection. For ACWD customers, the Post-Conversion inspections are done virtually via photographs unless more information is needed to approve the rebate application and that information can only be obtained via an on-site inspection. The participating BAWSCA Member Agency will then conduct the Post-Conversion Site Inspection to verify Program compliance. During the Post-Conversion Site Inspection Applicants are required to provide the following documents:
 - Final list of plants used in the Lawn Conversion Project.
 - Copy of receipts for plants, irrigation equipment, and other direct costs for the Lawn Conversion Project. Note that the rebate will not cover costs associated with labor and equipment rental.

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If the Lawn Conversion Project fails the Post-Conversion Site Inspection, the Applicant will be given thirty (30) days, or the remainder of the four (4) month period, whichever is greater, to make the Lawn Conversion Project consistent with the Program Terms and Conditions. Once the Lawn Conversion Project has passed the Post-Conversion Site Inspection, the rebate will be issued to the Applicant. Rebates may be issued in the form of a check or a credit on the Applicant's water account.

- **Photography:** Photographs and/or video recordings may be taken of the Lawn Conversion Projects by BAWSCA and/or participating BAWSCA Member Agency staff as part of both the Pre- and Post-Conversion Site Inspections. Photographs and/or video recordings will only be taken of areas already visible from a public walkway. By accepting the rebate, the Applicant shall release to BAWSCA and the participating BAWSCA Member Agency, its agents, and employees all rights to exhibit those media in print and electronic form for any purpose in the normal course of business without compensation. The Applicant waives any rights, claims, or interests to control the likeness or identification used in whatever media used. The Applicant's personal identity shall not be published in any form other than the Applicant's address.

- **Additional Responsibilities of the Applicant:** BAWSCA and the participating Member Agencies enforce only the Terms and Conditions of this agreement. The Applicant is solely responsible for complying with any and all laws, regulations, policies, conditions, covenants and restrictions that may apply, and for any and all liabilities arising out of a Lawn Conversion Project and Applicant releases ACWD from any such liabilities. Applicants must comply with all local permitting requirements, and with all state and local laws relating to landscape maintenance and compliance with stormwater regulations.

- **Additional Requirements:**
 - Rebates for landscapes in new construction do not qualify.
 - Agency may require that an Applicant also have an Indoor Water Audit as part of pre-conversion site inspection.
 - All rebates are subject to availability of funds.
 - Rebates may take up to ten weeks to process.
 - If you need your original receipt(s) returned, please enclose a self-addressed, stamped envelope with your application.

Applicant certifies, per the signature of the property owner, that necessary permissions have been obtained from the property owner, if applicant is not the owner.