

Lose Your Lawn, Gain a Garden Terms and Conditions



The Lose Your Lawn, Gain a Garden Program provides rebates to Diablo Water District (District) customers as an incentive to convert water-thirsty lawns to water-efficient landscapes. Funding is limited, and applications will be accepted on a first-come, first-served basis. The District reserves the right to terminate this program at any time, for any reason.

The following terms and conditions apply to the Lose Your Lawn, Gain a Garden Program. **Please read carefully prior to submission of your application.**

I. Pre-Conversion Eligibility:

- A. Program is NOT retroactive. Projects underway or completed prior to receiving a District *Notice to Proceed* are not eligible.
- B. The program is available to residential and non-residential* customers who receive water for their landscape through a metered service with the District. The applicant's water account must be in good standing at the time of the rebate.
 - a. *Non-residential customers are eligible in accordance with the Nonfunctional Turf Ban (AB 1572) as follows:

Implementation Date	Customer Type	Deadline for Program Completion
January 1, 2027	Properties owned or leased by the Department of General Services (state government) and other state and local government properties	June 1, 2027
January 1, 2028	Commercial, industrial, and institutional properties, including business parks, hospitals, educational campuses, and similar locations	June 1, 2028
January 1, 2029	Common areas of homeowners' associations (HOAs), common interest developments, and community service organizations or similar entities	June 1, 2029

- C. Lawn areas proposed to be converted must be currently irrigated and have been actively maintained within the previous 12 months.
- D. A minimum of 300 square feet of lawn must be converted. Smaller projects will be considered if 100% of the lawn on the property is removed.

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- E. The Rebate Application must be submitted to the District and the site must be inspected by the District prior to the removal of any lawn or sprinklers. **Conversions that are initiated prior to District approval are ineligible.**

II. Landscaping Requirements for Converted Areas:

- A. Fifty Percent (50%) Plant Cover: The converted area must include a sufficient number of plants planted in the ground to ensure at least 50% of the converted area is covered with plants when the plants are fully grown. Tree canopy and plants outside the converted area are not considered in the calculation even if they are adjacent to or overhanging the converted area.
- B. Plants: Plants must be low-water-needing and adaptable to our local climate. Plants must be listed on the *District Approved Plant List*. Plants not found on this list will be reviewed on a case-by-case basis. Plant seeds are not eligible for approval or rebate.
- C. Concrete: Concrete and other non-permeable surfaces may be used **but cannot make up more than 20%** of the total area to be rebated. *Note: The 50% plant cover requirement applies to the entire lawn area; therefore, more plants will be needed in the remaining area.*
- D. Turf: Artificial turf, rubber mulch, and plastic sheeting are not eligible for this rebate and cannot be included in the area approved for conversion. Patio carpet and other “Astroturf”-type products are also ineligible.
- E. Mulch: All planting areas must have a minimum of two (2) inches of mulch. *Note: If a weed barrier is used below the mulch, it must be permeable to air and water.*
- F. Efficient Irrigation: The existing lawn sprinkler heads in the converted area must be removed. Any lawn areas remaining outside the converted area must be irrigated separately from the new landscape. Participants have two options for irrigating their new landscape:
- The District encourages participants to install a new drip irrigation system equipped with a pressure regulator, filter, and pressure-compensating emitters. Drip irrigation is the most efficient way to irrigate plants, trees, and shrubs.
 - Participants can choose to hand-water their new landscape and not install a drip system. However, this is not encouraged as it is more difficult to establish plants and maintain uniform moisture, as well as generally uses more water.
- G. Compliance with District Regulations: All landscaping within the converted area must comply with District regulations. This includes maintaining at least five feet of clearance around the meter box from hardscapes, vertical structures, and plant materials that could impede access or cause damage to District facilities. Participants are responsible for ensuring their landscape design and maintenance meet these requirements at all times.

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III. Terms of the Rebate:

- A. Term: Conversions must be completed within six (6) months following receipt of the *Notice to Proceed* from the District. To ensure water savings are achieved, the converted area must remain in compliance with the program *Terms and Conditions* for a period of five (5) years following receipt of the rebate. At the District's discretion, non-compliance may result in a charge to the applicant for all or part of the area under violation.
- B. Rebate Amounts: The rebate is \$1.00 per square foot of grass converted. The maximum rebate is \$2,000 for residential sites and \$20,000 for multi-family, HOAs, and school sites. Rebates will be issued to the water customer or to that customer's legally appointed representative.
- C. Tax Implications: The IRS requires the District to issue 1099 forms to customers receiving \$600 or more in rebates in a calendar year. All approved program participants must submit a completed IRS W-9 form to the District after their site inspection and before receiving their rebate, regardless of the rebate amount. Currently, legislation that would treat water conservation rebates like tax-free energy efficiency rebates is stalled in Congress. We will update this page if this tax change becomes law.
- D. Applying for Program: Customers interested in participating should visit our website at www.diablowater.gov to learn more about the program and submit an application. Please read the *Terms and Conditions* and the *Frequently Asked Questions* before submitting an application. **Do not start working on the project until you have received your Notice to Proceed letter.**
- E. Application Review: The District will review the application to determine if the site is eligible and confirm the square footage of the lawn area(s).
- F. Pre-Project Inspection: As part of the review process, the District may conduct a pre-project inspection at the project site. During the inspection, a District employee may take photos of the project site, measure existing lawn areas, and check for existing lawn sprinklers. Customers may need to be present for the inspection, which will be scheduled during normal business hours.
- G. Eligibility: If the site is eligible, the District will send a *Notice to Proceed* letter to the customer. Customers may then remove the lawn and install the project according to the *Program Terms and Conditions*.
- H. Finished Project Review: It is the customer's responsibility to notify the District when their project is complete and ready for a *Finished Project Review*. When finished with the conversion, the customer should [click here](#) to request a review of their finished project. Customers will need to answer a series of questions about their project as well as upload requested photos. The District will review the project to verify it was completed according to the *Program Terms and Conditions* and determine the final rebate amount. If the conversion fails the *Finished Project Review*, the applicant will be given sixty (60) days, or the remainder of the six (6) month period, whichever is greater, to bring the project into compliance.
- I. Post-Project Inspection: As part of the *Finished Project Review*, the District may conduct a post-project inspection at the project site. As part of the inspection, a District employee may take photos

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and measurements of the project and verify it was completed according to the *Program Terms and Conditions*. Customers may need to be present for the inspection, which will be scheduled during normal business hours.

- J. Finished Project Approval: If the finished project is approved, the District will place a lawn sign in the yard for 30 days and retrieve it afterward. **The customer will be mailed a rebate check once the W-9 is received and the sign has been retrieved.**
- K. Additional Responsibilities of the Applicant: The District enforces 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 from a conversion project. Applicants must comply with all local permitting requirements and with all state and local laws relating to landscape maintenance.