

Direct Install Gardens Terms and Conditions

Definitions

- "LBWD" refers to the Long Beach Water Department.
- "City" refers to the City of Long Beach.
- "DIG Program" refers to the Long Beach Direct Install Gardens Program.
- "Property Owner" is the owner of the property (the lawn) that qualifies for re-landscaping under the DIG Program. "Re-landscaped Area" refers to the front yard and parkway areas, which qualify for and re-landscaped under the DIG Program.

General Terms

Property Owner must sign and submit the DIG application.

- Only one DIG Program application shall be submitted per Property Owner (LBWD reserves the right to verify property ownership).
- Properties must be actually occupied by the Property Owner to be eligible for the DIG Program.
- Re-landscaped areas must be (1) front yard and parkway areas; (2) only include areas covered by living turf grass (which must be alive at the time of application and the time of inspection by LBWD); (3) new projects; (4) on property whose water service is provided by the LBWD and must fall within the 06037570602 census tract.
- Property Owner has sole responsibility for complying with all applicable laws, permits, ordinances, codes, policies, covenants, and conditions that may apply to performance of the lawn removal/landscape conversion project. For City of Long Beach building and permit information call (562) 570-6651. Those properties in historic districts may require special permits from the City and these permits are the sole responsibility of the Property Owner.
- Property Owner has sole responsibility for the quality, appearance, and maintenance of the Re-landscaped Area for a period of 5 years following the date of installation. If the Property Owner is having issues maintaining the Re-landscaped Area, the Property Owner must notify LBWD. If the Property Owner neglects to maintain the Re-Landscaped Area and does not inform LBWD of maintenance issues, LBWD will assign a maintenance team to the project site. LBWD reserves the right, at the discretion of its General Manager to request a payment of \$250 from the Property Owner to be used towards the cost of maintenance due to neglect by Property Owner.
- Property Owner agrees to grant to the City its departments (including without limitation the LBWD), boards, commissions, directors, officers, employees, agents, and designees (collectively, "City") non-revocable permission to capture the applicant's image and likeness and/or the image of the Re-landscaped Area and the applicant's real and personal property in photographs, videotapes, motion pictures, recordings and any other media (collectively, "Images"). Property Owner acknowledges that the City will own such Images and further grants the City permission to copyright, display, publish, distribute, use, modify, print and reprint such Images in any manner whatsoever related to City business, including without limitation publications, advertisements, brochures, web site images, or other electronic displays and transmissions thereof. Property Owner further waives any right to inspect or approve the use of the Images by the City prior to their use. Property Owner forever releases the City

from any and all liability arising out of the use of the Images in any manner or media whatsoever and waive any and all claims and causes of action relating to the use of the Images, including without limitation, claims for invasion of privacy rights or publicity.

- Property Owner agrees to make the Re-landscaped Area and property, as necessary, available to LBWD and/or its agents, in order for such parties to take before and after photos and videos of the Re-landscaped Area, for promotional purposes, which such promotions may appear in print, on the internet, or in other venues, and further agrees that the Property Owner shall have no ownership interest in the design of the Re-landscaped Area or the plans or other documents evidencing such design.
- Property Owner must submit verification of household income to be at or below 80% of statewide median income.

Household size	1	2	3	4	5	6	7	8
80% of Median Family Income Limits (\$) (CA HUD Metro FMR Area)	58,450	66,800	75,150	83,500	90,200	96,900	103,550	110,250

- Any application containing inaccurate or misleading information will be disqualified from the DIG Program and any and all commitments made by LBWD related to that application, including commitments to DIG Program installments, shall be automatically rescinded and rendered null and void.
- Property Owner is limited to one DIG Program application per water account; If a person/company owns multiple properties, only 1 approved DIG Program application will be eligible.
- Property Owner acknowledges that funding is limited and direct installs are available on a first come, first served basis until funds have been depleted or program terminates.
- Property Owner, if submitting the DIG Program application on-line, may be required by LBWD as a condition of receiving the incentive payment to sign a paper copy of the application within two (2) weeks of being notified of having been approved, provided LBWD makes that paper application available to Property Owner.

Property Owner agrees to release and hold harmless the City from any and all liability relating to the DIG Program, the Re-landscaped Area, or to contracted services or products that may be installed as a part thereof. Any claim Property Owner may have based upon any defect or failure of performance of a contracted service or device or material purchased by Property Owner should be pursued with the contractor or manufacturer/distributor.

Long Beach Water Department (LBWD)

- Shall have sole authority to resolve all disputes related to the DIG Program, approval of applications, and all other related matters relevant to the DIG Program.
- Certain information related to rebate and incentive payments made by LBWD to customers and contractors may be subject to the California Public Records Act. Information such as the name and address of applicants and the amount of the rebate or incentive received will be public information should a Public Records Act request for it be made.