

ASSEMBLY BILL

No. 818

Introduced by Assembly Member Blumenfield
(Coauthor: Assembly Member Chesbro)
(Coauthor: Senator Pavley)

February 17, 2011

An act to add Section 42913 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 818, as introduced, Blumenfield. Solid waste: multifamily dwellings:

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the Department of Resources Recycling and Recovery. The act requires a local jurisdiction to adopt an ordinance requiring the provision of adequate areas for collecting and loading recyclable materials in development projects, including residential buildings having 5 or more living units. A local agency is prohibited from issuing a building permit to a development project, unless the project provides adequate areas for collecting and loading recyclable materials.

This bill would enact the Renters' Right to Recycle Act, to require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, to arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local laws or requirements applicable to the collection, handling, or recycling of solid waste, except as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The provision of recycling services at residential dwellings
4 is one of the most effective means of increasing the diversion and
5 recycling of solid waste.

6 (b) In California, 70 percent of Californians living in
7 single-family homes have access to residential recycling. In
8 contrast, fewer than 40 percent of persons living in multifamily
9 dwellings have access to residential recycling. Of the waste
10 generated at apartments, only 15 percent is diverted, compared to
11 rates above 50 percent for single-family homes statewide.

12 (c) Approximately 24 percent of all housing in California is in
13 structures with five or more units. More than 7.1 million
14 Californians live in approximately 2.4 million multifamily
15 dwellings.

16 (d) The intent of this act, the Renters’ Right to Recycle Act, is
17 to provide a convenient recycling opportunity for the nearly three
18 million Californians residing in multifamily dwelling units who
19 currently do not have access to recycling services at their place of
20 residence.

21 (e) This act would bolster California’s leadership in recycling
22 and conservation and help the state achieve its greenhouse gas
23 reduction goals.

24 SEC. 2. Section 42913 is added to the Public Resources Code,
25 to read:

26 42913. (a) This section shall be known, and may be cited, as
27 the Renters’ Right to Recycle Act.

28 (b) An owner of a multifamily dwelling shall arrange for
29 recycling services that are appropriate and available for the
30 multifamily dwelling, consistent with state or local law or
31 requirements, including a local ordinance or agreement, applicable
32 to the collection, handling, or recycling of solid waste.

33 (c) For the purposes of this section, “multifamily dwelling”
34 means a residential facility that consists of five or more living
35 units.

36 (d) An owner of a multifamily dwelling is not required to
37 arrange for recycling services pursuant to this section if any of the
38 following apply:

1 (1) (A) There is inadequate space for recycling containers, as
2 certified by a solid waste enterprise that would otherwise serve
3 the multifamily dwelling.

4 (B) The certification required pursuant to subparagraph (A)
5 shall be valid for no more than five years after the date of
6 certification and shall include all of the following:

7 (i) Address of the multifamily dwelling.

8 (ii) Name, address, telephone number, and e-mail address of
9 the multifamily dwelling owner.

10 (iii) Name, address, telephone number, business license number,
11 and e-mail address of the solid waste enterprise making the required
12 certification.

13 (iv) Date of certification.

14 (v) Name and title of the person making the certification.

15 (C) This paragraph shall not apply to a multifamily dwelling
16 for which a building permit is required on or after September 1,
17 1994.

18 (2) No solid waste enterprise providing recycling services serves
19 the property.

20 (3) The cost of recycling services creates a financial hardship
21 for the multifamily dwelling owner. For purposes of this paragraph,
22 a multifamily dwelling owner can claim a financial hardship only
23 if the recycling services result in a cost increase of 30 percent or
24 more over the cost of providing solid waste services alone. A claim
25 of financial hardship shall be valid for no more than five years
26 after the date of the claim and shall include all of the following:

27 (A) Address of the multifamily dwelling.

28 (B) Name, address, telephone number, and e-mail address of
29 the multifamily dwelling owner.

30 (C) Name, address, telephone number, business license number,
31 and e-mail address of the solid waste enterprise that provided the
32 information on which the claim is made.

33 (D) Date of claim.

34 (E) Name and title of the person making the claim.

35 (e) Nothing in this section is intended to interfere with or prevent
36 the authority of a local jurisdiction from requiring recycling
37 services for multifamily dwellings.

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