

Assembly Bill No. 818

CHAPTER 279

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

[Approved by Governor September 7, 2011. Filed with
Secretary of State September 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 818, Blumenfeld. 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.

This bill would provide that it would become operative only if AB 341 of the 2011–12 Regular Session is not enacted and does not become effective on or before January 1, 2012.

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

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

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

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

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

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

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

SEC. 2. Section 42913 is added to the Public Resources Code, to read: 42913. (a) This section shall be known, and may be cited, as the Renters' Right to Recycle Act.

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

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

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

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

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

(i) Address of the multifamily dwelling.

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

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

(iv) Date of certification.

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

(C) This paragraph shall not apply to a multifamily dwelling for which a building permit is required on or after either of the following dates, whichever is later:

(i) September 1, 1994.

(ii) The effective date of an ordinance required pursuant to subdivision (a) of Section 42911 that was adopted prior to September 1, 1994, if the effective date of the ordinance is prior to September 1, 1996.

(2) A solid waste enterprise providing recycling services does not serve the property.

(3) The cost of recycling services creates a financial hardship for the multifamily dwelling owner. For purposes of this paragraph, a multifamily dwelling owner can claim a financial hardship only if the recycling services result in a cost increase of 30 percent or more over the cost of providing

solid waste services alone. A claim of financial hardship shall be valid for no more than five years after the date of the claim and shall include all of the following:

(A) Address of the multifamily dwelling.

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

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

(D) Date of claim.

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

(e) This section does not interfere with or prevent a local jurisdiction from requiring recycling services for multifamily dwellings.

SEC. 3. This act shall become operative only if Assembly Bill 341 is not enacted and does not become effective on or before January 1, 2012.