



COUNCIL AGENDA: 08-14-07  
ITEM: 3.17

## *Memorandum*

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** AB 548 (LEVINE ET AL), SOLID  
WASTE; MULTIFAMILY DWELLINGS

**DATE:** August 10, 2007

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### **RECOMMENDATION**

As recommended by the Rules and Open Government Committee on August 8, 2007 approve support position if amended of AB 548 (Levine et al) Solid Waste; Multifamily Dwellings as outlined in the attached memo previously submitted to and approved by the Rules & Open Government Committee.



# Memorandum

TO: RULES AND OPEN  
GOVERNMENT COMMITTEE

FROM: John Stufflebean

SUBJECT: AB 548 (Levine (D), et al)  
Solid waste: multifamily dwellings

DATE: 08-01-07

Approved

*Deanna Fabra*

Date

*8/1/07*

## RECOMMENDATION

1. Support Assembly Bill 548, Solid waste: Multifamily dwellings;
  - a. Authorize a letter of support to Assemblymember Levine;
  - b. Authorize Environmental Services staff to participate as technical resources during the development of future legislation on recycling related to Multifamily dwellings.
2. One week turn around from Rules to Council.

## OUTCOME

Approval of the recommendation would provide City support for passage of legislation to require owners of multifamily dwellings with five or more units to arrange for recycling.

## BACKGROUND

AB 548 requires, on and after July 1, 2008, an owner of a multifamily dwelling, consisting of five or more living units, to arrange for recycling services. Currently in the City of San Jose, Recycle Plus services are available for all 3,200 multi-family properties. Although this extensive recycling program is available free of charge, it is voluntary, and some property owners have declined the service and do not provide recycling to their tenants.

## ANALYSIS

AB 548 recognizes that in many jurisdictions residents in multi-family housing currently under-participate with respect to recycling services. This is the case in the City of San José where multi-family housing represents about 93,000 households within the City. Although San José multi-family residents recycle more than residents in many other jurisdictions, their participation in the City's Recycle Plus program is still lower than participation in most single-family homes.

While the City's curbside recycling program recovers 32% of single-family waste, only 18% of multi-family waste is recycled through collection and processing of source-separated recyclables. Both sectors exceed 50% diversion due to the success of the City's yard trimmings collection program and the additional effort made by GreenTeam and the City to have a portion of the multi-family garbage sorted and composted.

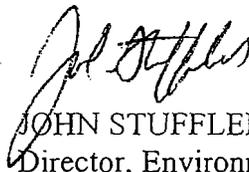
The California Apartment Association is concerned about the cost implications of the current proposed language within AB 548, as it institutes a mandatory recycling program without requiring local jurisdiction to develop or coordinate recycling for multifamily housing. However this concern is not an issue in San Jose, which has coordinated recycling for multifamily housing. Statewide recycling standards would create no additional costs to the City and would potentially result in cost savings by providing consistency in recycling programs with neighboring jurisdictions.

#### EVALUATION AND FOLLOW-UP

Actions will be reported to Council as part of the regular Intergovernmental Relations Legislative Process.

#### COORDINATION

This memorandum has been coordinated with the City Attorney's Office, Intergovernmental Relations and the City's Legislative Representative in Sacramento.



JOHN STUFFLEBEAN  
Director, Environmental Services

For questions please contact Paul Prange, Environmental Services Specialist,  
at 408-975-2591.

Attachment: AB 548 Solid waste: multifamily dwellings

AB 548

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*What issue would the legislation try to address?*

This bill recognizes that lower levels of recycling occur within multi-family housing in California.

*How would this legislation resolve the issue?*

The bill requires that owners of multi-family housing provide recycling.

*How would the passage of this bill affect San José?*

The City has already made progress in providing recycling for multi-family housing, however, this bill will provide additional benefits to San Jose's recycling program success.

The City expects the impacts of this bill to be negligible to third parties and expects to see a benefit to area recyclers due to the increased recycling generated by this bill.

*Staff's Recommended Position*

Support of AB 548

Also supported by:

Californians Against Waste (source), California Refuse Removal Council, California State Association of Counties, City Attorney Michael Aguirre, City of San Diego, El Cajon City Council/Redevelopment Agency, Mayor Emily Reilly, City of Santa Cruz, Monterey Department of Public Works, Oakland Environmental Services Department, Planning and Conservation League, SFEnvironment, Sierra Club, StopWaste.Org

Against:

California Apartment Association

*What is the current status of the measure?*

Active, as of June 6, 2007 it is currently on the Senate Floor.