

HOUSE BILL REPORT

HB 2481

As Reported by House Committee On: Local Government

Title: An act relating to food and yard waste collection space for qualifying new residential occupancies with more than two dwelling units.

Brief Description: Concerning food and yard waste collection space for qualifying new residential occupancies with more than two dwelling units.

Sponsors: Representatives Senn, Bergquist, Farrell, Riccelli, Fitzgibbon, Appleton, Walkinshaw, Sawyer, Fey, Gregerson and Pollet.

Brief History:

Committee Activity:

Local Government: 1/27/14, 2/3/14 [DPS].

Brief Summary of Substitute Bill

- Directs the State Building Code Council (Council) to adopt rules during the 2015 code adoption period, to be effective by July 1, 2016, that require space to be provided at specified new residential occupancies for the collection and periodic transfer off-site of food and yard waste.
- Specifies that the rules adopted by the Council will apply to the following new buildings: apartment houses, assisted living facilities, boarding houses, congregate living facilities, dormitories, fraternities, and sororities.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Takko, Chair; Gregerson, Vice Chair; Farrell, Fitzgibbon and Springer.

Minority Report: Do not pass. Signed by 4 members: Representatives Overstreet, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Pike and Taylor.

Staff: Michaela Murdock (786-7289).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Solid Waste Management Plans.

By statute, local governments have primary responsibility for implementing and providing adequate solid waste handling (*i.e.*, management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes). Each county, in cooperation with the cities within the county, is required to prepare a coordinated, comprehensive solid waste management plan (comprehensive plan). Comprehensive plans must contain specified criteria, including source separation strategies.

"Source separation strategies" are strategies that separate different kinds of solid waste at the place where waste originates. Such strategies include: (1) programs to collect source-separated materials (*e.g.*, recyclable material) from residences in urban and rural areas; and (2) programs to collect yard waste, if the county or city finds that there are adequate markets or capacity to consume the composted material within or near the service area.

In urban areas, source-separated materials must be collected from single and multi-family residences, unless the Department of Ecology approves an alternative program. In rural areas, collection programs for source-separated material must include, but are not limited to, drop-off boxes, buy-back centers, or a combination of both. Urban and rural service levels are defined in the comprehensive plan.

Review of and, as necessary, revisions to comprehensive plans must occur every five years. Updates to a comprehensive plan after June 10, 2010, must consider and plan for certain handling methods or services, including:

- source separation of recyclable materials and products, organic materials, and wastes;
- collection of source-separated materials; and
- handling and proper preparation of organic materials for composting or anaerobic digestion.

The State Building Code Act.

The State Building Code Act (Act) provides, among other things, minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety. The State Building Code consists of certain model codes, including building and residential codes, which are adopted by reference in the Act. It is the responsibility of the State Building Code Council (Council) to adopt, maintain, regularly review updates of, and amend as appropriate the codes adopted by reference.

The governing body of each county or city is authorized to amend the State Building Code as it applies within its jurisdiction; however, the minimum performance standards of the codes may not be diminished. Additionally, to the degree that amendments apply to single-family or residential buildings, the Council must approve or deny all county or city amendments to the State Building Code.

Residential Occupancies.

The State Building Code, for purposes of determining whether specific rules or standards apply to a building, classifies certain residential occupancies as Residential Group R-2 (R-2

occupancies). The R-2 occupancies contain sleeping units or more than two dwelling units and the occupants are primarily permanent in nature. They include:

- apartment houses;
- assisted living facilities;
- boarding houses with more than 16 occupants;
- congregate living facilities with more than 16 occupants;
- convents or monasteries;
- dormitories;
- fraternities and sororities;
- motels or hotels (nontransient);
- live/work units;
- residential treatment facilities; and
- vacation timeshare properties.

Summary of Substitute Bill:

The Council is directed to adopt rules during the 2015 code adoption period, with an effective date of July 1, 2016. The rules adopted by the Council must require space to be provided at specified new R-2 occupancies for the collection and periodic transfer off-site of food and yard waste. The food and yard waste collection areas must be designed to facilitate pick up and meet the needs of the occupancy and, as appropriate, must be available to occupants and haulers.

New R-2 occupancies that are required to provide food and yard waste collection areas are:

- apartment houses;
- assisted living facilities;
- boarding houses;
- congregate living facilities;
- dormitories; and
- fraternities and sororities.

Substitute Bill Compared to Original Bill:

The substitute bill declares the Legislature's finding that communities which do not currently have food and yard waste collection may have it in the future due to updates to their solid waste management plans.

The substitute bill amends an existing section in the State Building Code Act (Act), chapter 19.27 RCW, rather than creating a new section in the Act as provided in the underlying bill. Additionally, it establishes that the Council must adopt specified rules during the 2015 code adoption period and it must do so in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Further, it provides that the rules adopted by the Council in accordance with the bill must be effective by July 1, 2016, rather than adopted by December 1, 2014.

Also, boarding houses and congregate living facilities are added to the list of new buildings classified as R-2 occupancies that must meet the requirements of the bill. With regard to collection spaces, a requirement is added providing that the area must be designed to facilitate pick up, and it must be available to occupants and haulers, rather than just occupants.

Finally, the substitute bill removes a requirement in the underlying bill that the adopted rules must include an exemption for new buildings located in areas that do not receive curbside collection services of food and yard wastes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When new multi-family housing or mixed-use buildings are constructed, communities are finding that, unless they enter into development agreements with developers, there is no way to ensure that new buildings will have areas for food and yard waste pick up. This bill will ensure that food and yard waste collection areas are provided; however, it does not mandate collection of food and yard waste. There is also an exemption for new buildings in areas that do not currently have food and yard waste collection.

For areas that currently have food and yard waste collection, people are saving considerable amounts of money by composting. Also, there is a growing demand from residents for food and yard waste collection. For example in Mercer Island, just about every household that has garbage service participates in the food and yard waste program. Although there is participation from multi-family units too, the logistics are more challenging. Oftentimes at such units, the wheeled food and yard waste containers end up on the sidewalk because there is no space for them built into the plan. Putting a requirement into the State Building Code that space be provided at these buildings will help ensure consistent, widespread implementation of the program.

Current state statute and rules already mandate collection areas for hard recyclables (*e.g.*, bottles, glass, cans, paper, etc.) at these same types of occupancies. This bill simply asks that space for soft recyclables (*e.g.*, food and yard waste) also be provided. This bill will not create any planning difficulties for contractors or developers, given that they already plan for hard recyclables and the space should be less than the footprint of a washer or refrigerator.

There are a couple of proposed amendments to the bill that will help align it with the International Green Construction Code and an existing Revised Code of Washington section governing hard recyclables, and will push back the rulemaking deadline to 2016 so that it coincides with the State Building Code Council's (Council) regular code adoption period.

(With concerns) The policy and concept behind the bill of protecting the environment is supported; however, the requirements of this bill could be implemented in different ways: through a GMA zoning change or through the building code. It is good that the bill directs the Council to adopt rules, and thereby allows some time before this requirement becomes law. The requirement that the Council adopt rules exempting certain new buildings needs to be clarified.

(Opposed) It is more appropriate for this issue to be addressed at the Council level. Putting requirements, like those contained in this bill, into statute makes things difficult when it comes time to change or update the requirements. The Council's code adoption cycle permits amendments and input from a variety of stakeholders. Also, perhaps this issue should be addressed on a local, land use level.

Persons Testifying: (In support) Representative Senn, prime sponsor; Ross Freeman, City of Mercer Island; and Carol Schroeder, Association of Washington Cities.

(In support with concerns) Kraig Stevenson, International Code Council; and Jeanette McKague.

(Opposed) Jan Himebaugh, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.