

Answers to Frequently Asked Questions regarding Property Owners' responsibilities to provide basic collection services for garbage and recyclables in Del Norte County

- 1. Q: If an owner of a rental property has hired a person to act as the property manager for that rental property, is the property owner or manager responsible for assuring that collections services for trash and recyclable materials are provided to all their tenants?**

A: The Owner of the rental property is the Responsible Party for assuring these collection services are provided to each tenant, but if such Owner has hired a Property Manager for the rental properties, and such Property Manager has been authorized by the Owner to make financial decisions related to the rental properties, such as setting the amount of rent, or paying most invoices related to the property, that Property Manager may be considered the Responsible Party for assuring that each tenant has trash and recycling collection services. If such services are not provided, the property Owner will ultimately be held as the Responsible Party.

- 2. Q: What are a Responsible Party's options to bring their properties into compliance with this new Ordinance?**

A: A landlord (whether property owner or manager) may sign up with Recology Del Norte (707) 464-4181) for collection of trash and recyclables services for each tenant unit, or may self-haul these materials at least weekly to the Del Norte County Transfer Station, Gasquet Transfer Station, or Klamath Transfer Station. Note that a landlord may pay a property manager or other employee to collect and properly dispose or recycle materials from tenant properties, but may not hire any company or contractor other than the Franchise Collector (Recology Del Norte) to provide these services. Starting 01 July 2011, all customers signing up with Recology Del Norte for residential trash collection will receive containers for mixed recyclables of an equal or larger volume. If a Responsible Party (landlord or property manager) chooses to self-haul trash from a rental property, that person must also provide containers and collection of recyclables form that property.

- 3. Q: What is a 'basic level' of collection service, and will that change?**

The 'basic level of service' is the variety, convenience, and capacity of collection services provided by the Franchise Hauler (Recology Del Norte) as the minimal standard for multi-family residences. For multi-family residential units, the minimum standard is 32 gallons (0.1584 cubic yards) of weekly garbage capacity for each unit.

Starting in July 2011, each multi-family residential unit will also be provided at least 12.5 gallons (0.062 cubic yards) of recyclables collected each week from each unit. The recyclable materials accepted should include the following materials: glass containers, plastic beverage containers, newspapers and magazines, aluminum cans, steel or tin cans, and corrugated cardboard. Furthermore, starting in July

2011, multi-family tenants will also have included in a 'basic level of service,' collection services for bulky items such as furniture, mattresses and box springs, large metal appliances, televisions, and refrigerators. Because Recology Del Norte does not currently offer these collection services for multi-family complexes, these additional collection services will not be required for multi-family complexes until they are offered by the Franchise Collection Company.

Considering these volumes as a basic level of service, for example, a 2 cubic yard dumpster would be the smallest trash receptacle which could be shared at a 12-unit multi-family complex (12 units x 0.1584 cy/unit = 1.90 cubic yards). Similarly, starting in 2011, there should be at least 150 gallons of capacity in the recycling containers (12 units x 12.5 gallons/unit = 150 gallons), which could be stored in five 32-gallon containers which are clearly marked 'Recyclable materials only'.

Over time, it is possible that the Del Norte Solid Waste Management Authority may modify the 'basic level of service' for multi-family tenants. If that happens, the same requirement will be placed on all multifamily units, and this agency will notify the public of such changes.

4. Q: If the property owner provides a basic level of service to all their tenants, but one or more tenants appear to need a greater level of service, who is responsible for this additional level of service?

A: The Property Owner or fiscally responsible Property Manager remain the Responsible Parties for assuring that adequate collection services are provided for residential rental units under their control. In other words, if trash or recyclable materials are stacked outside the garbage and recycling containers at a rental property, and a complaint was filed about the accumulation, the County Code Enforcement Officer would contact the Responsible Parties for that property to remedy the situation. Landlords and property owners are authorized to charge their tenants for the garbage and recyclables collections services provided, but those collection services must be adequate so solid waste and recyclables do not accumulate outside containers.

5. Q: What could happen if Responsible Parties fail to provide collections services for trash and recyclable materials from their rental properties?

A: If a complaint is received for accumulation, dumping, or blight associated with solid waste or recyclable materials on a rental property, the County Code Enforcement Officer will assess the situation to confirm that a nuisance exists. If so, a letter Notice of Nuisance will be sent to the Responsible Parties for the property. If the nuisance persists for another 15 days, the Authority may further direct the Code Enforcement Officer to immediately abate the nuisance and place a lien of the property if it is an emergency, or may adopt an Abatement Order if it is not. If the Responsible Parties do not comply with the Abatement Order, the Code Enforcement Officer may take further actions including subscribing the property for Collections Services by the Franchise Collector (Recology Del Norte), and/or criminal prosecutions of the Responsible Parties.

6. Q: Are tenants of residential rental properties required to use the garbage and recycling services provided?

A: If tenants choose to recycle their materials at Julindra recycling or at one of the community drop-off bins, or if such tenants want to self-haul trash to either the Gasquet, Klamath, or Del Norte County

Transfer Stations, they may do that. Regardless, Responsible Parties must provide a 'basic level of service' for all their residential tenants.

7. Q: Do these same requirements to provide a 'basic level of service' for garbage and recyclables collections also apply for non-residential rental properties?

A: Though the Responsible Parties are generally expected to provide a 'basic level of service' for their commercial tenants, a Lease or Rental Agreement for commercial tenants may include a clause specifying that Commercial Tenants will be responsible for arranging or providing all necessary collection services for garbage and recyclable materials for the units they rent or lease. If the County Code Enforcement Officer receives and confirms any complaints regarding solid waste materials which accumulate and are a source of blight, a public health nuisance, or illegal dumping, the Code Enforcement Officer will issue a Notice of Nuisance to the Responsible Party for that unit. The Responsible Party (not the tenant) will remain responsible for abating the Nuisance, but may pursue redress from the Commercial tenant of that unit based on clauses contained in their Lease or Rental Agreements.

8. Q: Is this in effect now?

A: Yes, the Ordinances are effective now, and non-complying property owners and tenants may be subject to enforcement actions by the Authority Code Enforcement Officer.

9. Q: I never received a letter and found out about this from someone else. Does it still apply to my properties?

A: Anyone who rents properties must address their responsibility to provide trash (and recycling) collection services to all tenants. Commercial landlords may satisfy this requirement by assigning solid waste and recycling service responsibilities to the tenant in their lease agreement. The law is now in effect, and applies to all properties in Del Norte County.

10. Q: Why does this law single out landlords? Don't tenants have primary responsibility for their trash?

A: These Ordinances do not single out landlords, but affirm that all land owners are responsible for making sure that materials coming from their properties are disposed properly. Tenants whose addresses are found on illegally-dumped items are also subject to prosecution, if they can be located. Illegal haulers who collect a fee and then illegally dump will also be prosecuted based on evidence.

11. Q: If my tenants are already signed up for trash collection, do I need to do anything at all to comply with this Ordinance?

A: Relying on tenants to provide their own trash and recycling services would not completely protect landlords from the potential for tenants: 1) to accumulate trash to the point it is seen as 'blight,' or 2) to cancel collection service subscription and illegally dump materials either during their tenancy or as they move out. If the Code Enforcement Officer never observes or receives complaints about accumulations of waste causing blight, or illegal disposal, it is unlikely a landlord for such a property would be subjected to prosecution. However, to be in full compliance, landlords must either sign up for collection services from Recology Del Norte, or to have the Owner or their employee provide the proper collection, disposal, and recycling service.

12. Q: So am I responsible for getting a copy of every self-haul receipt from each of my tenants?

A: Though tenants can self-haul materials to the Del Norte County Transfer Station, collecting self-haul receipts from tenants is an inadequate strategy to reach compliance. (See answer to #11)

13. Q: The notice in the paper should specifically state that rents may increase to cover the costs for these collection services.

A: The second paragraph closes with this sentence: "The costs for solid waste disposal and recycling services may be included in the rent for each unit."

14. Q: Low income tenants cannot afford the necessary rent increase, and some property managers charge an additional 10% for such pass-through subscription services.

A: These Ordinances were adopted to assert everyone's solid waste and recycling responsibilities, and compliance should not be 'optional' for rental properties. As all landlords must abide by the same Ordinance, the rents for all residential properties should include costs for these services. If some landlords are allowed to shift this responsibility to their tenants, the landlords in compliance are effectively penalized because their rents would have to increase whereas the non-compliant landlords would not have to pass through this expense. Landlords who want to keep their rents lower can self-haul from their properties.

15. Q: What if I make my tenants sign up for garbage service and require the Collection company to mail me a notice if the tenants discontinue service?

A. At this point, there is one name and billing address per account, and information on tenants, landlords, or property managers is not necessarily collected as a person signs up for an account. So

at this point, the collection company (Recology Del Norte) neither has the information necessary nor the contractual requirements and procedures to do this.

16. Q: I manage many rental properties, and the time and paperwork involved in signing up for collection service for each property is a real hassle.

A. Staff recognize that having landlords sign up for or provide collection services is a change for from how many rental properties in Del Norte County have been managed. To prioritize the steps needed to transfer these responsibilities, some landlords are providing collection services first to tenants who the landlord suspects may not properly manage their trash and recyclables, and to all new tenants.

17. Q: If I provide pre-paid bags to my tenants, is that adequate to meet this responsibility?

A. No, property owners remain responsible for trash coming from their rental properties even if they have provided pre-paid bags to tenants. Also, bag service is not available to many residential multi-family complexes.

18. Q: What if a tenant deliberately dumps trash to implicate the landlord?

A. The Code Enforcement Officer will pursue evidence implicating tenants, property owners, or illegal haulers, depending on the nature of the infraction. Landlords who are already providing reliable collection services clearly will have a better defense against unjust accusations.

For more information, call the Del Norte Solid Waste Management Authority at 707-465-1100.