

LANDLORD NOTIFICATION

DEQ RECYCLING REQUIREMENTS FOR MULTIFAMILY COMPLEXES

Legislation passed in 1991 as Senate Bill 66 (SB 66) had two major provisions relating to recycling in multifamily complexes:

- SB 66 added multifamily recycling as a program element local governments could choose from to implement their obligation to provide the opportunity to recycle (ORS 459A.007(1)(d)); and
- SB 66 added a provision to Oregon's Landlord/Tenant law (ORS 90.318) that requires landlords to provide for collection of recyclable material in a city or applicable part of the county that has implemented multifamily recycling.

State law requires that all collection service customers, including landlords, be provided with recycling collection service in cities of 4,000 or more population or cities within the Metro urban growth boundary. But if a local government chooses the multifamily recycling program element then all landlords and owners association within the local government's jurisdiction are also required by law to provide recycling service to their tenants.

The pertinent provision of SB 66 and implementing language from the Oregon Administrative Rules (OAR) is below:

ORS 90.318 Criteria for landlord provision of certain recycling services.

(1) In a city or the county within the urban growth boundary of a city that has implemented multifamily recycling service, a landlord who has five or more residential dwelling units on a single premises or five or more manufactured dwellings in a single facility shall at all times during tenancy provide to all tenants:

(a) A separate location for containers or depots for at least four principal recyclable materials or for the number of materials required to be collected under the residential on-route collection program, whichever is less, adequate to hold the reasonably anticipated volume of each material;

(b) Regular collection service of the source separated recyclable materials; and

(c) Notice at least once a year of the opportunity to recycle with a description of the location of the containers or depots on the premises and information about how to recycle. New tenants shall be notified of the opportunity to recycle at the time of entering into a rental agreement.

(2) As used in this section, "recyclable materials" and "source separate" have the meaning given those terms in ORS 459.005. [1991 c.385 §16]

If you have any questions concerning this legislation as it relates to multifamily complexes and recycling services in Jackson County, please contact:

Oregon Dept. of Environmental Quality
165 East Seventh Street Suite 100
Eugene OR 97501
541-686-7868/Phone
541-686-7551/Fax