



"Great Apartments Start Here!"

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Via Electronic Mail

Hon. Mayor Urias and
Members of Duarte City Council
1600 Huntington Drive
Duarte, CA 91010

Re: Adopt for second reading by title only Ordinance No. 903, an ordinance of the City Council of the City of Duarte California amending Chapter 6.09 of the Duarte Municipal Code, titled "Waste Management", to include provisions pertaining to mandatory commercial recycling and mandatory commercial organics recycling, and authorize the City Attorney to prepare a summary of the Ordinance for Public Notice publication. (Agenda Item 10(h))

Dear Hon. Mayor Urias and Members of Duarte City Council:

At the July 27th City Council meeting, the Council will be considering adoption of an ordinance creating mandatory recycling for all commercial businesses and multifamily properties with 5 units or more which will raise costs for business and housing providers in Duarte. As the Council engages in this discussion, the Apartment Association of Greater Los Angeles (AAGLA or Association) requests that the City Council consider the concerns and recommendations set forth in this letter.

We recognize that Duarte is attempting to comply with state requirements; however, in light of the exceptional and extreme financial hardships being caused by COVID-19, now is not the appropriate proper time to impose new recycling costs on commercial businesses and multifamily housing providers who are struggling to stay afloat. Due to the state's eviction moratorium (AB832) many housing providers have been unable to collect rent for more than a year and some are on the brink of foreclosure and/or bankruptcy. This new recycling cost could easily be the straw that breaks the camel's back for many housing providers who are currently providing some of the most affordable housing in Duarte.

Moreover, rental property owners, particularly those with buildings that have 15 or fewer units, often do not live at their properties or have a property manager resident at their buildings and have



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little ability to monitor renters' compliance with the City's recycling requirements. In addition, most waste bins at multifamily properties within the City are not secured behind gates or kept locked and, therefore, property owners have little or no control over waste that is mixed in with recyclables. Thus, the City should provide some leniency as to materials appearing in the incorrect receptacle for multifamily properties.

The framework for the proposed mandatory recycling program would limit multifamily property owners to utilizing the City's sole authorized waste hauler for the collection of recyclable waste thereby creating a monopoly. Establishing such a monopoly raises concerns relative to whether the City currently has appropriate contractual protections in place to prevent price gouging and ensure quality service. A monopolist program creates the potential for price gouging and quality of service issues, the opportunity for which are often greatly reduced when multiple service providers exist. Thus, we urge the City Council to delay proceeding with this ordinance to allow for the City to conduct a thorough review of its existing contract with Burrtec to determine whether appropriate safeguards are in place regarding price restrictions and quality standards have been specified along with proper enforcement mechanisms.

In addition, the Association urges the City Council to explore affording businesses that would be subject to the mandatory program with at least one additional authorized trash hauler. By so doing, there would be competition to ensure prices are more reasonable and quality of service is maintained. It would also provide the added benefit of assuring that the City has at least one backup trash hauler in place should the other have serious unforeseen issues providing services (strikes, malfunctioning/defective equipment, shortage of trained staff, etc.).

AAGLA has considerable experience with recycling programs due to its involvement with the Los Angeles City's RecycLA program and Glendale's new recycling program. We welcome the opportunity to share our experiences with the City Council and staff in the advancement of a recycling program that would reduce the likelihood of many unintended negative consequences.

We ask that the City Council thoroughly review these issues prior to moving to a mandatory recycling program and consider the timing of the proposed change in light of the exceptional financial difficulties still being faced by multifamily housing providers due to COVID-19.

Thank you for your time and consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 307 or contact me via electronic mail at janet@aagla.org.

Very truly yours,

Janet M. Gagnon

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