

**HB 248 - MoCo - DEP (Senate)(GA 21).pdf**

Uploaded by: Samman, Amy

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

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**HB 248**

**DATE: March 19, 2021**

**SPONSOR: Delegate Shetty**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Amy Samman (amy.samman@montgomerycountymd.gov)**

**POSITION: Support (Department of Environmental Protection)**

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### **Condominiums and Homeowners Associations – Rights and Restrictions – Composting**

This bill prohibits a condominium or a homeowners' association from restricting or prohibiting composting or contracting with a private entity for the collection of organic waste materials for composting at a composting facility.

Montgomery County's Department of Environmental Protection (MCDEP) supports House Bill 248. Composting is a key issue for Montgomery County as it works towards its goal of zero waste. The most recent Waste Composition Study (2017) estimates that approximately 55,000 tons of food scraps are disposed of annually by single-family and multi-family homes in Montgomery County. It is important for the County to increase the amount of food scraps that are recycled in order to meet its zero waste goals. This bill would also allow residents to compost grass and leaves as well.

Passage of House Bill 248 would help ensure that residents in condominiums and homeowners' associations have the option to compost food scraps and grass and leaves on their property or secure collection services for these materials to be composted off-site. This, in turn, will increase opportunities to recycle more organics into compost either through backyard composting or use of composting facilities.

For the foregoing reasons, MCDEP supports House Bill 248 and respectfully requests a favorable report.

**Shetty\_FAV\_HB248.pdf**

Uploaded by: Shetty, Emily

Position: FAV



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB248**

Condominiums and Homeowners Associations - Rights and Restrictions - Composting

Statement in SUPPORT

Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee, thank you for the opportunity to testify in support of HB248, which will prohibit a common ownership community from restricting residents from engaging in composting practices. This bill idea came from a constituent who lives in a common ownership community. He was prohibited by his Homeowners Association (HOA) from placing a small composting bucket - the size of a paint bucket - onto his balcony. This bill passed the Environment and Transportation Committee favorably with an amendment to include the term “unreasonably”. With this refinement, HB248 states that condominiums and HOAs cannot “prohibit or unreasonably restrict” a unit owner from composting practices. This amendment received consensus from all stakeholders. HB248 passed the House of Delegates unanimously as amended.

Composting is the practice of diverting certain organic yard waste and food residuals that can be safely decomposed either in an individual’s yard or in a composting facility. Food waste is the largest component of waste in municipal landfills.<sup>1</sup> Per the U.N. Food and Agriculture Organization, 30 percent of food is wasted globally across the supply chain, contributing 8 percent of total global greenhouse gas emissions. Per a 2018 Washington Post article, “if food waste were a country, it would come in third after the United States and China in terms of impact on global warming.”<sup>2</sup> A recent study showed that if composting were implemented worldwide, it could reduce emissions by 2.3 billion tons over the next 30 years. By incentivizing composting and removing barriers to doing so, we can significantly reduce methane gas production, which is at least 28 times more potent than carbon dioxide.<sup>3</sup> This compost can then be used as a fertilizer on cropland, which improves soil health.

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<sup>1</sup> Schultz, J. (2017). Fighting food waste. Retrieved from <https://www.ncsl.org/research/agriculture-and-rural-development/fighting-food-waste.aspx>

<sup>2</sup> Frischmann, C. (2018). The climate impact of the food in the back of your fridge. Retrieved from <https://www.washingtonpost.com/news/theworldpost/wp/2018/07/31/food-waste/>

<sup>3</sup> Food composting. Retrieved from <https://www.drawdown.org/solutions/food/composting/>

HB248 would prohibit a common ownership community from restricting residents from engaging in composting practices -- whether by following best practices in backyard composting, or, like the constituent referenced above, by privately hiring a commercial compost pick up company to pick up weekly residential compost. Companies Compost Crew in Prince George's County are conveniently located in my district. This bill opens opportunities for individuals to engage in new practices that are friendly towards the environment. What this bill does not do is require individuals or HOAs to compost. Neither does it provide any state or local funding for composting. HB248 takes inspiration from the existing law passed 12 years ago in 2008 which restricts, with limited exception, common ownership communities from prohibiting residents from installing solar panels. Since that law passed, the adoption of solar panels on homes across the state has significantly increased. Maryland now has a solar capacity of 1,293.9 MW as of 2020, ranking us 17th nationally for solar installation.<sup>4</sup> Adding composting to the 2008 law will further assist Maryland in reaching our climate change policy goals.

Other states and localities have begun to examine ways to incentivize this practice as well. Kentucky offers 50% of installation costs for composting/recycling equipment,<sup>5</sup> and a number of other states offer incentives for businesses and farms that use sustainable practices surrounding food waste.<sup>6</sup> Middlebury College in Vermont implemented a composting program in 2011 and saved \$100,000, \$270 per ton of waste.<sup>7</sup>

Local jurisdictions save significantly by incentivizing composting. Per Montgomery County's DEP director, it costs \$47/ton to Montgomery County to dispose of garbage in a landfill vs \$35/ton for recycling vs break even OR \$5-10 generated for composting. Anything the state can do to incentivize composting and remove barriers to engaging in composting will help Maryland reach our climate change goals while saving our local governments money.

Respectfully, I request a favorable report on HB248.

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<sup>4</sup> Solar Energies Association, 2020, "Maryland Solar" <https://www.seia.org/state-solar-policy/maryland-solar>

<sup>5</sup> Recycling or composting equipment tax credit. Retrieved from <https://revenue.ky.gov/Business/Pages/Recycling-Composting-Tax-Credit.aspx>

<sup>6</sup> Frandsen, J. (2017). More than a third of food is wasted: Will tax breaks, new labels and 'ugly' produce help? Retrieved from <https://www.usatoday.com/story/money/2017/07/02/food-waste-could-tax-breaks-new-labels-and-ugly-produce-fix-it/444032001/>

<sup>7</sup> Roknich, E. (2018). Scraps to savings: Composting in communities. Retrieved from <http://efc.web.unc.edu/2018/01/31/scraps-to-savings-composting-in-communities/>

# **Cross of HB 248 Support Letter 2021.pdf**

Uploaded by: Straughn, Karen

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# **HB248 - Condos & HOAs–Rights & Restrictions–Compos**

Uploaded by: Tulkin, Josh

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7338 Baltimore Ave  
Suite 102  
College Park, MD 20740

**Committee: Judicial Proceedings Committee**

**Testimony on: HB248 “Condominiums and Homeowners Associations – Rights and Restrictions – Composting”**

**Position: Support**

**Hearing Date: March 23, 2021**

**The Maryland Chapter of the Sierra Club urges you to support HB 248.** This bill will prevent condominiums and homeowner associations (HOAs) from restricting or prohibiting owners from: (1) composting organic waste materials for their personal use on their own land or land on which they have a right to exclusive use, or (2) contracting with a private entity to collect organic waste materials for composting at a composting facility.

There are an estimated 6,400 HOA-governed communities in Maryland. This bill will contribute to a major expansion in the group of homeowners able to participate in composting of organic materials (such as food waste), with many environmental and economic benefits:

- Diverting organic waste from landfills and incinerators.
- Contributing to reaching Maryland’s Zero Waste food scrap goals of 60% diversion by 2025, 70% diversion by 2030, and 90% diversion by 2040.
- Reducing future methane emissions from anaerobic decomposition of food waste in landfills, reducing a potent contributor to global warming.
- Conserving resources and increasing the use of compost, a valuable soil amendment for gardeners and local farmers.
- Creating new green businesses and jobs and supporting existing green businesses and jobs.

Diverting food waste from the waste stream by expanding access to composting among condominium owners and homeowners subject to HOA regulations would: conserve space in our landfills; reduce future greenhouse gas emissions; create green businesses and jobs; and benefit the agricultural sector and local food movement. It is an important step on the path to zero waste. We respectfully request a favorable report on HB 248.

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Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.