

**Agenda Sheet for City Council:****Committee:** PIES **Date:** 04/13/2026**Committee Agenda type:** Discussion**Date Rec'd**

4/9/2026

Clerk's File #

ORD C36877

Cross Ref #**Project #****Council Meeting Date:** 06/01/2026**Submitting Dept**

CITY COUNCIL

Bid #**Contact Name/Phone**

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Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

PDILLON KKLITZKE SDIXIT

Sponsoring at Administrators Request

NO

Lease? NO**Grant Related?** NO**Public Works?** NO**Agenda Item Name**

ORDINANCE ESTABLISHING RIGHT TO COOLING

Agenda Wording

An Ordinance creating a condition of habitability for residential tenants and requiring that cooling be provided by January 1, 2031; amending section 10.57.140, enacting a new section 10.57.175 of Chapter 10.57 and repealing Section 10.57.170 of the Spokane Municipal Code.

Summary (Background)

Cooling devices are becoming an essential element of habitability. This ordinance is to ensure that renters have access to cooling devices, and requires that all rentals have adequate cooling by the year 2031. According to the memorandum "Spokane Climate Impacts and Climate Justice," average annual temperatures in Spokane have increased by 2°F since 1950 and peak August temperatures have risen 3.5°F since 1979, and summer temperatures are projected to increase by another 3.6°F by 2049. According to the 2023 report "In the Hot Seat" by the University of Washington Climate Impacts Group, Washington state is expected to see an increase in extreme heat days, a projected average of 20-30 extreme heat days annually by the 2050s compared to the average of three extreme heat days per year between 1971 and 2021. Extreme heat can cause illness and death. The 2021 Northwest Heat Dome resulted in at least 19 heat-related deaths and over 300 people seeking medical treatment for heat related illness in Spokane County. Extreme heat is the number one weather-related cause of death in the U.S., killing more people most years than hurricanes, floods, and tornadoes combined. According to Spokane's "Climate Risk and Vulnerability Assessment" the elderly and youth are particularly vulnerable to health impacts resulting from extreme heat. In addition, poor outdoor air quality due to wildfire smoke often prevents residents from safely opening windows for cooling, making indoor cooling essential to maintaining the health and safety of Spokane residents. This ordinance is intended to establishing performance-based cooling requirements to ensure that all landlords operate under fair and consistent habitability standards. Currently state law requires a residential landlord to "keep the premises fit for human habitation," and also requires a residential landlord to "provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant." Just as heating is an essential service to maintain habitability in the winter months, our changing climate now requires that cooling similarly

be treated as an essential service to maintain habitability in the summer months. This ordinance amends the current provisions requiring landlords to allow cooling devices in certain instances, and replaces them with provisions that require landlords to allow portable cooling devices to ensure an ambient temperature at 80 degrees or lower, and requires landlord install and maintain cooling mechanisms for all residential units by the year 2031. This ordinance represents an expansion of Spokane's habitability standards and establishes cooling as an essential service on par with heating. The primary long-term goal of this ordinance is to ensure that 100% of residential rental units in Spokane provide adequate cooling to tenants by January 1, 2031.

What impacts would the proposal have on historically excluded communities?

See separate Equity Assessment

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

See separate Equity Assessment

How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution?

See separate Equity Assessment

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This ordinance expands existing tenant protections relating to cooling in SMC 10.57.170.

Council Subcommittee Review

The Climate Resilience and Sustainability Board (CRSB) has reviewed the ordinance and unanimously recommended its passage.

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

See separate fiscal analysis

Amount

Budget Account

Select \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #

Funding Source		N/A	
Funding Source Type		Select	
Is this funding source sustainable for future years, months, etc?			
Expense Occurrence		N/A	
Other budget impacts (revenue generating, match requirements, etc.)			
Approvals		Additional Approvals	
<u>Dept Head</u>			
<u>Division Director</u>			
<u>Accounting Manager</u>	BUSTOS, KIM		
<u>Legal</u>	PICCOLO, MIKE		
<u>For the Mayor</u>			
Distribution List			

ORDINANCE NO. C36877

An Ordinance creating a right for cooling for residential tenants and requiring that adequate cooling be provided by January 1, 2031; amending section 10.57.140, enacting a new section 10.57.175 of Chapter 10.57 and repealing Section 10.57.170 of the Spokane Municipal Code.

WHEREAS, according to the memorandum “Spokane Climate Impacts and Climate Justice,” average annual temperatures in Spokane have increased by 2°F since 1950 and peak August temperatures have risen 3.5°F since 1979; and

WHEREAS, according to the same memorandum, summer temperatures are projected to increase by another 3.6°F by 2049; and

WHEREAS, according to the 2023 report “In the Hot Seat” by the University of Washington Climate Impacts Group, Washington state is expected to see an increase in extreme heat days, a projected average of 20-30 extreme heat days annually by the 2050s compared to the average of three extreme heat days per year between 1971 and 2021; and

WHEREAS, extreme heat can cause illness and death; and

WHEREAS, the 2021 Northwest Heat Dome resulted in at least 19 heat-related deaths and over 300 people seeking medical treatment for heat related illness in Spokane County; and

WHEREAS, extreme heat is the number one weather-related cause of death in the U.S., killing more people most years than hurricanes, floods, and tornadoes combined; and

WHEREAS, poor outdoor air quality due to wildfire smoke often prevents residents from safely opening windows for cooling, making adequate cooling essential to maintaining the health and safety of Spokane residents; and

WHEREAS, establishing performance-based cooling requirements ensures that all landlords operate under fair and consistent habitability standards; and

WHEREAS, according to Spokane’s “Climate Risk and Vulnerability Assessment” the elderly and youth are particularly vulnerable to health impacts resulting from extreme heat; and

WHEREAS, RCW 59.18.060 requires a residential landlord to “keep the premises fit for human habitation”; and

WHEREAS, RCW 59.18.060 also requires that a residential landlord “provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant”; and

WHEREAS, just as heating is an essential service to maintain habitability in the winter months, our changing climate now requires that cooling similarly be treated as an essential service to maintain habitability in the summer months; and

WHEREAS, on June 10, 2024, the City Council adopted Ordinance C36523 and establishing a tenant right to install portable cooling devices, which right has since been incorporated into state law by the 2026 Washington State Legislature in Senate Bill 6200, effective June 11, 2026; and

WHEREAS, the Spokane Municipal Code requires the City to provide cooling centers “when necessary to protect vulnerable individuals and families from extreme cold, extreme heat, poor air quality conditions, and severe weather events” and goes on to characterize extreme heat as “any days during which the heat index is predicted by the National Weather Service to be 95 (ninety-five) degrees Fahrenheit or higher for two (2) consecutive days or more”; and

WHEREAS, that City Council finds that further measures are needed to ensure the safety of tenants in Spokane during extreme heat events;

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. Chapter 10.57.140 is amended to read as follows:

Section 10.57.140 ((~~Private Right of Action~~)) Supplemental Claims, Right of Termination

- A. ~~((Any person or class of persons who claim to have been injured by a violation of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, ((10.57.170)) 10.57.175, or 10.57.180 may commence a civil action in Superior Court, not later than three (3) years after the occurrence of the alleged violation to obtain relief with respect to such violation. Upon prevailing, such aggrieved person may be awarded reasonable attorneys’ fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages, a penalty of up to \$500, and injunctive relief.))~~ Nothing in this chapter shall be deemed to prevent any person or class of persons from commencing a cause of action or raising a defense in any court of competent jurisdiction for alleged violations of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, 10.57.175, or 10.57.180 and for harm arising therefrom. Such claims shall be in addition to any other claims or damages available under federal, state or local law.
- B. If a landlord fails to comply with the requirements of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, ~~((10.57.170,))~~ or 10.57.180. and such failure was

not caused by the tenant, the tenant may terminate the rental agreement by written notice pursuant to law.

Section 2. Chapter 10.57.170 entitled “Portable Cooling Devices” is repealed.

Section 3. There is enacted a new section 10.57.175 of the Spokane Municipal Code to read as follows:

Section 10.57.175 Cooling and Tenancy Habitability

- A. The definitions in section 10.57.005 apply to the terms in this section unless a different meaning is provided. In addition, for purposes of this section, the following terms are defined:
1. “Adequate Cooling” means cooling from cooling equipment and passive cooling measures that is sufficient to avoid risks to tenant health, including, but not limited to, heat exhaustion, dehydration and worsening cardiovascular or respiratory conditions.
 2. “Cooling equipment” means central air conditioning, an evaporative cooler, or a portable cooling device.
 3. “Department” means the Department of Code Enforcement established pursuant to Section 03.01B.051 of the Spokane Municipal Code.
 4. “Dwelling unit” has the meaning set forth in RCW 59.19.030 (10), when occupied by a person or persons primarily for living or dwelling purposes under a rental agreement or lease.
 5. “Portable cooling device” means an air conditioner or other cooling device, including a device mounted in a window or one that is designed to sit on the floor, but not including a device whose installation or use requires permanent alteration to the dwelling unit.
 6. “Room” means a space in the dwelling unit that is used for leisure or sleeping. It excludes kitchens or bathrooms.
- B. A landlord may not prohibit or restrict a tenant from installing or using a portable cooling device of the tenant’s choosing, except as otherwise permitted under RCW 59.18.740 (Chapter 184, Laws of 2026, Washington State Legislature).
- C. Commencing on the effective date of this ordinance, at least one room in a dwelling unit shall be provided with cooling equipment that achieves adequate cooling. For purposes of this section, a lack of cooling equipment shall constitute a defective condition.
- D. If a dwelling unit property owner does not have cooling equipment that achieves adequate cooling in at least one room as required under this section, a tenant may provide a written notice of the defect given to the landlord pursuant to RCW

59.18.070(2). If, more than 72 hours following the receipt of written notice, the landlord fails to remedy the defective condition, the tenant may:

1. Terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement, in which case the tenant shall be (a) discharged from payment of rent for any period following the termination date, and (b) entitled to a pro rata refund of any prepaid rent, and (c) shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280; or
2. Pursue any other remedies set forth in this chapter or state law; or
3. Arrange for installation of cooling equipment and deduct the documented cost from the tenant's rent, consistent with the process and terms set forth in RCW 59.18.100(2), and not to exceed a value of five hundred dollars. For purposes of this subsection D.3, the following shall apply:
 - a. The maximum value of the rent deduction shall begin at five hundred dollars upon the effective date of this ordinance and adjusted to increase annually thereafter on June 1 according to the United States Bureau of Labor Statistics Consumer Price Index inflation calculator. This data represents changes in the prices of all goods and services purchased for consumption by urban households. The new value shall be rounded to the nearest dollar.
 - b. Where a tenant deducts the documented cost of a cooling measure under this subsection, the dwelling unit is deemed in compliance with cooling requirements under this section and the following apply: (i) the cooling measure is the property of the landlord and the tenant shall not remove it from the dwelling unit; (ii) the tenant shall maintain the cooling measure in good working order during the tenancy, ordinary wear excepted; and (iii) if, on termination of the tenancy, the cooling measure has been removed from the dwelling unit or is not in good working order for any reason other than the landlord's act or ordinary wear, the amount the tenant deducted is owed to the landlord and may be deducted from the deposit and accounted for under RCW 59.18.280 or may be recovered as a debt against the tenant. This subsection D.3.b does not apply to a cooling device the tenant installs at the tenant's own expense without deducting its documented cost from the rent.

E. A landlord of any dwelling for which building permits for its construction were issued on or after January 1, 2027, shall provide cooling equipment in the dwelling unit that:

1. Conforms to applicable law at the time of installation, including the requirements of this chapter; and
 2. Is maintained in good working order.
- F. All new leases, or any renewal of an existing lease, signed after the effective date of this ordinance shall be accompanied by a separate and prominent notice to tenants of their rights, responsibilities, and restrictions related to installation and operation of cooling equipment.
- G. Nothing in this ordinance shall be construed to limit the responsibilities of landlords to provide reasonable accommodations under existing state and federal law.
- H. The City of Spokane may partner with energy providers, other regional partners, and state regulators to offer incentives or rebates for property owners who make energy-efficient improvements such as insulation, ventilating, air conditioning, weatherization, or heat pump installations, operations, and maintenance, on the condition that cost savings are shared with tenants.
- I. The City of Spokane may partner with energy providers and other regional partners to identify tenants who are most vulnerable to extreme heat and provide them with cooling devices, energy bill assistance, weatherization, and other services. These funds will be available to tenants, landlords and agencies needing assistance with purchase of devices and weatherization.
- J. The City of Spokane may encourage the development of heat mitigating roofs and other passive cooling site and building features by exploring code updates and incentives to reduce energy use and improve resilience to extreme heat.
- K. Consistent with its authority under Sections 10.57.010 and 10.57.040 of this Code, the Department shall enforce the requirements of this Section. The Director of the Department or the Director's designee may grant the owner of a dwelling unit an extension of time to comply with the requirements of subsection C where such owner demonstrates that:
1. Compliance with this section would cause undue hardship, including but not limited to financial hardship, the need to make major capital improvements, the need to make significant electrical upgrades, or designation of such covered dwelling as a landmark, as a landmark site, as an interior landmark, or within a historic district; and
 2. Such owner intends to install a centrally supplied cooling system or a permanent non-central cooling system in order to comply with the requirements of this section and completing such installation by the applicable deadline would be impracticable.
- L. Extensions granted pursuant to subsection K shall be in increments of no more than 2 years; provided, extensions may only be renewed where the Department determines

that the owner of the dwelling unit is making meaningful progress to achieving the requirements of this ordinance.

- M. No less than 30 days after providing an extension to an owner of a dwelling unit pursuant to subsection K, the Department shall provide written notice of such extension to each tenant of such covered dwelling unit receiving an extension. The owner or manager of the dwelling shall assist the Department in providing such notice to the tenant(s) of the dwelling unit.
- N. This ordinance is intended to require safe cooling in structures intended or used for residential rental use or tenant habitability. Nothing in this ordinance shall be construed to require cooling systems that do not comply with residential and emergency building codes adopted under RCW 19.27.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 5. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date

Spokane City Council Equity Assessment- Cooling Ordinance

1. What is the primary goal of the policy or project and/or the challenge you are attempting to address?

The goal of the proposed ordinance is to protect renters from extreme heat in their homes by requiring landlords to ensure habitable living temperatures, not exceeding 80 degrees Fahrenheit in bedrooms. Extreme heat in Spokane has led to numerous heat-related deaths and illnesses. This ordinance will enforce basic habitability and protect tenants, ensuring that their homes are safe.

2. Are there potential unintended consequences among populations like BIPOC, low-income, youth, people with disabilities, and renter households?

Renters, who are disproportionately represented among communities of color and lower-income households in Spokane, stand to benefit most from the protections of this proposed ordinance. Extreme heat disproportionately impacts low-income renters, communities of color, elderly residents, people with disabilities, and other historically disadvantaged groups who are less likely to have access to adequate cooling in their homes and are less able to absorb the cost of purchasing their own cooling equipment. Research shows that the vast majority of people, approximately 80%, shelter in place at home during extreme heat ([Gonzaga Climate Institute, 2025](#)). For those without cooling, shelter in place can be dangerous during extreme heat events as residents will be stuck in an uninhabitably hot space. By making cooling a condition of habitability, this ordinance shifts the burden of providing safe indoor temperatures from tenants to landlords, directly benefiting those who are most economically vulnerable.

3. What current inequities might this policy or project address? (consider all including race, gender, people with disabilities, geography, and income)

All people deserve living in conditions of basic habitability. Because cooling systems have not historically been required for a residence to be considered habitable, the burden of inadequate indoor temperatures has fallen disproportionately on those with little ability to address it themselves. Low-income renters are least likely to be able to afford their own cooling equipment, least likely to have the leverage to negotiate habitability improvements with landlords, and most likely to live in older housing that lacks adequate cooling infrastructure. Communities of color are disproportionately represented among Spokane's renter population and are statistically more likely to live in lower-quality housing with inadequate climate control. This ordinance would raise the livability standards for all Spokane renters, while delivering the greatest benefit to those who have historically been most exposed to risk, and least able to remedy the situation themselves.

4. Based on the data you have gathered and reviewed how might the policy or project impact disparities be affected? Will they improve or worsen? (Share data being used,

disaggregate by race/ethnicity, gender, people with disabilities, income, and age. Include geography)

This ordinance will positively impact disparities in home cooling availability. Currently, rental homes, and especially older rental properties, disproportionately lack cooling as landlords have not been required to provide it. This ordinance will close the gap by requiring landlords ensure temperatures are not higher than 80 degrees Fahrenheit in bedrooms.

a. Race/Ethnicity - Reduced Disparity

In Spokane, there is a statistically significant positive correlation between urban heat intensity and the percentage of residents who are non-white, Indigenous, or Black (r values between 0.5 and 0.6, $p < 0.0001$). In contrast, there is a significant negative correlation between urban heat intensity and the percentage of residents identifying as white ($r = -0.6$, $p < 0.0001$) ([Henning et al., 2023](#)). The proposed ordinance would reduce race-based disparities in heat risk by strengthening in-home cooling protections in rental units within disproportionately exposed neighborhoods.

b. Gender - Disparity Neutral

There is limited information on gender disparate effects in cases of extreme heat. It is worth noting that during the 2021 Washington heat wave, between June 26 and August 30, 2021, statewide heat-related deaths were 61% male and 39% female out of 157 total deaths ([Washington State Department of Health, 2021](#)). The proposed policy will have a positive, equitable impact regardless of gender.

c. People with Disabilities - Reduce Disparity

This ordinance would benefit people with disabilities, specifically those with mobility impairments. It is estimated that one in seven Washington State residents, or 14%, live with a disability ([Washington State Division of Vocational Rehabilitation, 2017](#)). Following the 2021 extreme heat event, Spokane County's Medical Examiner's Office stated, "Many of the deceased had underlying health conditions which made them more susceptible to heat stress. Some also had cognitive impairment or mobility problems that limited their ability to remove themselves from the dangerously hot environment" ([Spokane County Medical Examiner's Office, 2021](#)).

The prevalence of asthma and respiratory disease, which are significant risk factors during extreme heat events, has also been increasing. In 2020, an estimated 15% of adults in Washington reported being diagnosed with asthma, up from about 12% of the adult population two decades prior ([UW Climate Impacts Group, 2023](#)).

Renters with disabilities are limited by coping capacity in cases of extreme heat. Ensuring that bedroom temperatures reach no higher than a maximum of 80 degrees Fahrenheit would have a positive impact on people with disabilities by providing consistent and accessible protection from extreme heat. The proposed policy will have a positive impact for all persons regardless of disability.

d. Income - Reduce Disparity

There is a significantly strong positive correlation between urban heat and the percentage of the population living at or beneath the poverty line in Spokane ($r=0.7$, $p<0.0001$) ([Henning et al., 2023](#)). Data from King, Pierce, and Snohomish counties elaborates, stating approximately 66% of households earning \$50,000 or less do not have air conditioning. In those same counties, about 71% of rented homes lack installed AC systems ([UW Climate Impacts Group, 2023](#)).

These figures indicate that lower-income renters are substantially less likely to have in-home cooling locally and regionally. Rental homes, especially older rental properties, disproportionately lack cooling as landlords have not been required to provide it. By establishing enforceable indoor temperature standards in rental housing, the proposed ordinance reduces income-based disparities in heat exposure and strengthens protections for cost-burdened renters.

e. Age - Reduce Disparity

While 16.7% of Washington state's population was 65 and older in 2020, that number is projected to grow to 21.7% by 2040, exceeding 2 million vulnerable older Washingtonians. Older adults are inherently more vulnerable to extreme heat, and as this population grows, there will be more people directly impacted by a lack of cooling ([Washington State Department of Health, 2021](#)).

Additionally, 64% of residents are unlikely to check on neighbors during extreme heat events ([Gonzaga Climate Institute, 2025](#)). While this is true across all Spokane residents, it is especially concerning for older adults who may need additional assistance during extreme heat events. Adequate cooling in rental properties will ensure safer conditions for elderly Washingtonians.

5. Identify systems that can be impacted directly or indirectly. (internal, external)

Systems that may be impacted include Code Enforcement, as well as housing and landlord groups.

a. Internal (departments, divisions, offices, other government organizations)

Spokane Code Enforcement will be impacted as Code Enforcement will integrate cooling compliance into habitability review of rental units.

b. External

N/A

Engagement

6. Are you collaborating with individuals and communities most impacted – particularly Black, Indigenous People of Color – in the Policy or Project planning process? If not, why not?

In developing this ordinance, many different community advocates were engaged, including the Gonzaga Climate Institute, the Spokane Low Income Housing Consortium, the Spokane Housing Authority, the Tenants Union of Washington State, the King County Bar Association, the Northwest Justice Project, the Community Building Foundation, Spokane Neighborhood Action Partners, Growing Neighbors, and the Spokane Community Organized Response Network, among others. These groups consist of a diverse array of community members that will be directly impacted by the proposed ordinance.

7. What is your plan to include community members to ensure meaningful input from the planning phase through implementation and performance monitoring?

We plan to continue our collaboration with the Gonzaga Climate Institute, which plans to maintain contact with the groups named above to consider any input or concerns as they arise. Additionally, the Climate Institute is prepared to support the implementation of this ordinance by providing literature regarding landlord and tenant rights to landlords and tenants, as well as being available for consult with any other issues that might arise under the implementation of the proposed ordinance.

Evaluating and Improving

8. Based on the answers above, what specific changes need to be made to the proposal to achieve your goal and avoid the continuation of racial and other disparities (Ex. Partnering with and/or investing in groups representing communities most impacted by the proposed initiative.)

N/A

9. What performance measures will you use to evaluate the proposal's impact following implementation, including the impact on racial and ethnic disparities? Qualitative and quantitative measures are encouraged.

After the five-year compliance period, the performance measure will be simply whether or not rental homes capable of maintaining temperatures at or below 80 degrees Fahrenheit in bedrooms during the summer months and extreme heat events. This can be reported and monitored both by tenants and by code enforcement during annual inspections.

10. Have you identified milestones that you will use to ensure ongoing review and periodic adjustments?

The proposed ordinance allows a five-year compliance period through January 1, 2031. This window was intentionally designed to give landlords adequate time to plan and budget for cooling upgrades. The ordinance is technologically neutral and allows landlords various options to ensure minimum temperature standards. Many portable cooling units are available commercially for less than \$200, a lower payment than most security deposits. Thus, the 2031 deadline should be achievable by the vast majority of rental properties, and this date will mark the primary milestone.

Upon passage, renters will be authorized to install their own cooling devices to protect against extreme heat and deduct the cost from their rent, subject to some exceptions.

After the 2031 compliance deadline, all rental units without adequate cooling will be deemed uninhabitable under Spokane standards and thus be subject to the full consequences of that label. City Code Enforcement will assume ongoing monitoring responsibility, treating cooling complaints with the same seriousness as any other habitability violation.

Barriers to improve policy or program

11. What limitations might complicate this proposal and what is the plan to address them? Are there recommendations for additional policy changes or programs?

By way of ordinance implementation, landlord compliance is a concern. Not all landlords will bring their units into compliance by the 2031 deadline. Code enforcement and reporting of uninhabitable residences by affected tenants will bring non-compliant landlords to the attention of the City. However, the ordinance's built-in tenant enforcement mechanisms distribute compliance accountability, rather than solely relying upon City enforcement.

12. Are there recommendations for additional policy changes or programs?

N/A

Fiscal Note- Cooling Ordinance

1. BILL SUMMARY

Legislation Title: AN ORDINANCE making cooling a condition of habitability for residential tenants by January 1, 2031; amending Chapter 10.57 of Title 10 of the Spokane Municipal Code, Section 10.57.170 Portable Cooling Devices.

Summary and Background of the Legislation:

Extreme heat is a serious concern for the Spokane community, as a mass-casualty emergency in Washington and is the top weather-related cause of death in the U.S. The 2021 Northwest Heat Dome highlighted this danger, causing 19 heat-related deaths and over 300 to people to seek medical treated for heat-related illness in Spokane County. Patterns of increased heat will cause increasingly frequent and severe extreme heat events in the future, which will only exacerbate this risk.

Extreme heat poses a particular threat to individuals who lack access to cool spaces to recover, including those whose homes lack air conditioning or other cooling devices.

In 2024, The City of Spokane passed Section 10.57.170 on Portable Cooling Devices which prohibited landlords from restricting tenants from installing portable cooling devices, unless it would violate certain exceptions.

This ordinance will repeal and expand Section 10.57.170. It will expand the habitability standard for dwellings, and require landlords to ensure that dwellings are capable of maintaining temperatures no higher than 80 degrees Fahrenheit during the summer and periods of extreme heat. It will additionally prevent landlords from restricting tenants from installing their own portable cooling devices, unless doing such would violate certain exceptions.

2. CAPTIAL IMPROVEMENT PROGRAM

Does this Legislation create, fund, or amend a CIP Project? **No.**

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the adopted budget? **No.**

Does the legislation have other financial impacts to The City of Spokane that are not reflected in the above, including direct or indirect, short-term, or long-term costs?

Estimated costs are minimally associated with existing monitoring and enforcement policies. Code enforcement staffing, inspection capacity, administrative overhead, and

any technology or systems needed to track compliance will be utilized through already existing channels.

The primary financial burden of this ordinance falls on the private sector, specifically landlords, rather than the City, an intentional design feature of the legislation.

Longterm effects of failure to implement the proposed ordinance would include possible strains on the health system due to increased 911 calls, hospital transports, emergency department visits, and hospital admissions in periods of extreme heat. ([UW Climate Impacts Group, 2023](#)). Impacts of extreme heat include increased illness and death, resulting healthcare costs, and productivity and wage losses. (*Id.*) As a whole, the United States stands to lose \$100 billion annually from lost labor productivity during periods of extreme heat, a number that is expected to double by 2030. (*Id.*) Spokane is no different and will face proportional losses during periods of extreme heat absent intervention.

Are there financial costs or other impacts of not implementing the legislation?

No there are not.

a. Appropriations

This legislation does not add, change, or delete any existing appropriations.

b. Revenues/Reimbursements

This legislation does not add, change, or delete any revenues or reimbursements.

c. Positions

This legislation does not add, change, or delete positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This ordinance would likely originate from the City's code enforcement or housing division.

b. Is a public hearing required for this legislation?

Yes, a public hearing will be scheduled as part of the City Council's legislative process.

c. Does this legislation affect a piece of property?

This legislation affects properties within Spokane, but not one specific property.

- d. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This ordinance carries significant positive implications for the principles of the Race and Social Justice Initiative. Extreme heat disproportionately impacts low-income renters, communities of color, elderly residents, people with disabilities, and other historically disadvantaged groups who are less likely to have access to adequate cooling in their homes and are less able to absorb the cost of purchasing their own cooling equipment. ([Gonzaga Climate Institute, 2025](#)). By making cooling a condition of habitability, this ordinance shifts the burden of providing safe indoor temperatures from tenants to landlords, directly benefiting those who are most economically vulnerable.

Renters, who are disproportionately represented among communities of color and lower-income households in Spokane, stand to benefit most from these protections. The ordinance's provisions allowing tenants to withhold rent or deduct the cost of cooling devices when landlords fail to comply to provide meaningful legal tools to populations that have historically lacked leverage in the landlord-tenant relationship. Anti-retaliation protections further safeguard tenants from being penalized for asserting their rights, a concern that is particularly acute for renters who may fear eviction or rent increases if they raise habitability complaints.

The ordinance also directly addresses a known health equity gap. Heat-related illness and death fall heavily on vulnerable populations, many of whom are concentrated in historically disadvantaged communities. Making residences more habitable during extreme heat events is not only a housing policy but a health equity intervention.

Language Access Plan: Any public communications related to this ordinance, including notices to landlords and tenants regarding new rights and obligations, compliance timelines, and the process for reporting violations, should be made available in all languages spoken by a significant portion of Spokane's renter population. This includes, at minimum, Spanish and other languages consistent with the City's existing language access obligations. The City should coordinate with the Spokane Regional Health District and community-based organizations to develop and distribute accessible materials ahead of the 2031 compliance deadline.

- e. **Climate Change Implications**

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

There is potential for a modest increase in carbon emissions, depending on how landlords choose to ensure cool dwellings. Additional air conditioning units and portable cooling devices may increase emissions. However, given the alternative options that landlords could choose to employ, it is unlikely that there would be a significant, material increase.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Spokane's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

This ordinance materially increases Spokane's resiliency to climate change. Average annual temperatures in Spokane have already risen 2°F since 1950, peak August temperatures have risen 3.5°F since 1979, and summer temperatures are projected to increase by an additional 3.6°F by 2049. The region is expected to experience 20-30 extreme heat days annually by the 2050s, compared to an average of just three per year between 1971 and 2021. ([Spokane Climate Project, 2022](#)). By establishing a baseline standard of indoor cooling for all residential rental units, the ordinance ensures that Spokane's housing stock is better prepared to protect residents as these conditions worsen over time.

The ordinance also addresses the compounding effects of wildfire smoke, which increasingly prevents residents from opening windows for natural ventilation during heat events. By requiring landlords to provide mechanical or passive cooling solutions the ordinance acknowledges that heat resilience and air quality resilience are deeply interconnected challenges in the Inland Northwest.

f. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This ordinance represents an expansion of Spokane's habitability standards and establishes cooling as an essential service on par with heating. The primary long-term goal of this ordinance is to ensure that 100% of residential rental units in Spokane provide adequate cooling to tenants by January 1, 2031.

Summary Attachments: N/A

From: [Daniel Klemme](#)
To: [City Council Testimony](#)
Subject: Written Testimony for Council Packet re Proposed Renters' Right to Cooling Ordinance
Date: Wednesday, April 15, 2026 12:05:35 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear Council President and Members of the Spokane City Council,

Please include the following written testimony in the council packet for the next agenda item concerning the proposed renters' right to cooling ordinance.

Coalition Statement to the Spokane City Council

Re: Proposed Renters' Right to Cooling Ordinance (SMC 10.57.175)

March 2026

Dear Council President Wilkerson and Members of the Spokane City Council,

As industry professionals and members of our community, the undersigned organizations collectively represent thousands of rental housing units in the City of Spokane. We share the Council's commitment to tenant health and safety. That is why we respectfully ask the Council to allow the tenant protections and rights of Engrossed Senate Bill 6200 to take effect before attempting to address these issues. ESB 6200 went through a rigorous stakeholder process and addresses the core issue of the proposed ordinance.

The State Has Already Solved This Issue

ESB 6200, which has passed both chambers of the Legislature with bipartisan support and been delivered to the Governor, now establishes a statewide framework ensuring all tenants may install and use portable cooling devices of their choosing. It is the best way to protect tenants from unhealthy heat levels. ESB 6200 puts the power directly in the hands of tenants to select and install cooling solutions that work best for their homes, their budgets, and their families—without requiring landlord permission or costly building-wide retrofits.

ESB 6200 will become effective well before temperatures reach concerning levels in Spokane, giving residents ample time to prepare.

Spokane's Affordable Housing Stock Cannot Absorb This Mandate

The median construction year for housing in Spokane is 1961. Approximately 61% of rental units were built before 1980. This housing stock typically lacks central ductwork

and has electrical panels insufficient for significant added cooling load. However, these are Spokane's naturally occurring affordable housing units, the homes that low-income tenants and participants in housing assistance programs depend on.

This housing stock is not incidental to Spokane's safety net. It is the safety net. Rapid rehousing programs, Housing Choice Voucher placements, and other publicly funded housing interventions rely on the availability of private-market units at accessible price points. A mandate that renders a significant share of this inventory non-compliant does not protect vulnerable residents—it reduces the housing available to them.

The ordinance also creates a potential fire safety conflict. Many older units have only a single opening window per bedroom, which serves as required fire egress. Installing a window-mounted cooling unit in that opening renders the unit non-compliant with fire code. The ordinance as drafted does not address this conflict, placing housing providers in the position of violating one safety requirement to satisfy another.

A Better Path Forward

ESB 6200 was drafted with cities like Spokane in mind. It empowers tenants to choose their own cooling solutions, protects their right to install portable units without landlord interference, and will take effect well before summer temperatures arrive. Tenants who use portable cooling units can take those units with them when they move, ensuring access to cooling across the housing market, including in buildings where building-wide retrofits are not feasible.

If the City wishes to further support tenants in accessing cooling, we would welcome a conversation about a subsidy program to assist residents in purchasing portable cooling devices as a direct investment in tenant welfare that avoids the unintended consequences of this mandate.

We are open to continued collaboration on housing-related issues, and we value our relationship with the Council. We respectfully ask that the Council rely on ESB 6200 and the existing portable cooling ordinance as the appropriate path forward.

Respectfully,

Signed:

Sean Flynn, President & Executive Director, Rental Housing Association of Washington

Emilie Cameron, President & CEO, Downtown Spokane Partnership

Titus Hug, President, Spokane Homebuilders Association

Jake Mayson, GA Director, Washington Multi-Family Housing Association

Lee McIntyre, President, Spokane Realtors

Tisha Goodman, General Manager, Rockwood Property Management

Chris Batton, Designated Broker, RenCorp Realty

Bryan Gwynn, Designated Broker, Urban Settlements

Tom Clark, Realtor & Broker, Coldwell Banker Tomlinson

Gordon Hester, President & CEO, Kiemle Hagood

Ryan Lewis, President, BOMA Spokane

Submitted by:

Daniel Klemme, on behalf of the Rental Housing Association of Washington and the undersigned organizations.

Daniel Klemme | Membership Development & Government Affairs | dklemme@RHAwa.org
Rental Housing Association of Washington | T (206) 905 - 0611 | RHAwa.org

This email contains general information and is not intended to apply to any specific situation. If you need legal advice or have questions about the application of the law in a particular matter, you should consult a lawyer.

From: [Emilie Cameron](#)
To: [City Council Members and Staff](#); [City Council Testimony](#); [McDaniel, Adam](#)
Cc: [Dana Harbaugh](#); [Christopher G. Varallo \(chris.varallo@kutakrock.com\)](#); [Kevin Campbell](#)
Subject: ORD C36877: Concerns
Date: Wednesday, June 17, 2026 6:05:51 PM
Attachments: [image001.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear Spokane City Council:

On behalf of the Downtown Spokane Partnership, which represents downtown employers, property owners, businesses, nonprofit organizations, and residents in downtown Spokane, I am writing to express concerns regarding ORD C36877, "Establishing Right to Cooling."

We support the goal of protecting residents from extreme heat and ensuring safe living conditions. However, as currently drafted, the ordinance could create unintended consequences for downtown Spokane's historic housing stock, threatening affordability and the long-term viability of existing residential units.

Downtown Spokane's housing inventory is distinct. According to the [2025 Downtown Housing Study](#), downtown offers a higher concentration of lower-cost rental units and smaller housing options than Spokane County as a whole. The same study identified that approximately 50% of downtown housing is located in historic buildings more than 50 years old. These properties, preserved through significant private investment, provide a substantial share of Spokane's naturally occurring affordable housing.

Many of these buildings were not designed to accommodate modern cooling systems. Meeting prescribed indoor temperature standards may require extensive electrical upgrades, rewiring, structural modifications, and new mechanical systems that for many historic properties, are physically challenging and financially prohibitive. At a time when Spokane faces ongoing housing shortages, policies that substantially increase operating and capital costs risk reducing reinvestment, increasing rents, and ultimately diminishing existing housing inventory downtown.

We urge the Council to amend the ordinance to achieve its public health objectives while recognizing the realities of historic housing. Flexible compliance pathways, historic-building exemptions and/or accommodations, targeted grants, utility assistance, and incentives for cooling improvements would help protect residents without jeopardizing affordable housing. In addition, SB 6200 already provides tenants with greater access to portable cooling devices, offering a practical and flexible solution for many older buildings.

Spokane can advance heat resilience while preserving the housing residents depend on. This ordinance needs to balance resident safety with the practical realities of historic properties, ensuring that efforts to improve cooling access do not unintentionally reduce housing affordability or availability downtown.

Thank you for your consideration. -Emilie



From: [Tisha Goodman](#)
To: [City Council Testimony](#)
Subject: Cooling Ordinance Testimony
Date: Thursday, July 9, 2026 10:39:14 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello Council Members,

My name is Tisha Goodman. I am a multifamily property owner and the General Manager of Rockwood Property Management. Of the 1,800 units we manage, 700 will be directly and severely impacted by this proposed cooling ordinance.

While I completely agree that heat-related illnesses are a serious matter, this ordinance, as written, will yield unintended consequences that directly undermine public health, housing stability, and structural infrastructure in Spokane.

1. Reduction of Rental Housing Inventory

Public health authorities universally recognize that housing instability and homelessness are among the most severe risks to human health. This mandate places a massive burden on existing affordable housing providers, risking the loss of current units and aggressively deterring future development in our city. We cannot solve one public health concern by exacerbating homelessness. During a housing crisis, I can't think of anything more detrimental than rolling out legislation that will reduce housing inventory.

2. Electrical Infrastructure Risks and Strain

Spokane's historical and older rental properties are structurally incapable of handling the electrical loads required by modern cooling systems.

- **Lack of Utility Consultation:** I recently spoke with a representative from Avista. While they are aware of this proposal, they explicitly indicated that Avista had not been formally consulted regarding the grid's capacity to handle this sudden surge. Without structural and grid coordination, we risk localized grid failures and increased rolling blackouts.
- **Expert Warnings:** I urge you to look back at the formal letters of concern submitted to this council on May 11th by Kartchner Engineering and Boone Electric, which highlight these exact structural and electrical vulnerabilities.

3. Operational and Enforcement Concerns:

The City of Spokane has a documented history of struggling to execute the operational components of housing legislation.

- **The Landlord Mitigation Fund Precedent:** In March 2023, the city passed a Landlord-Tenant Ordinance. Housing providers have paid their annual, per-door registration fees ever since. Yet, over three years later, the city's landlord mitigation fund remains non-operational, leaving housing providers completely unable to submit claims.
- **Tenant Behavior vs. Legal Liability:** How will the city fairly enforce this ordinance when tenant behavior directly dictates a unit's indoor temperature? A housing provider cannot control whether a tenant leaves shades open to direct sunlight, keeps bedroom doors shut when the a/c unit is in another part of the

unit, waits until the hottest part of the day to turn on the a/c, or runs heat-heavy appliances like ovens, clothes dryers, and high-powered gaming rigs during the heat of the day. If a tenant's daily habits prevent a unit from reaching the mandated temperature, housing providers are left entirely exposed to unjust complaints, citations, or legal liability with zero clear avenues for defense.

I urge the City Council to reconsider this ordinance and instead allow time to evaluate the benefits of SB6200, the recently passed statewide legislation that grants tenants the right to install their own cooling devices.

Tisha Goodman

General Manager

Rockwood Property Management

tgoodman@rockwoodpm.com

(509) 458 5860 - Office

(509) 458 5862 - Fax



To whom it may concern:

As a professional mechanical HVAC engineer practicing in the City of Spokane, I am writing to express concerns regarding the proposed “Tenant’s Right to Cooling” ordinance, including amendments to Section 10.57.140, the enactment of new Section 10.57.175, and the repeal of portions of Chapter 10.57 of the Spokane Municipal Code.

I have reviewed a preliminary draft of the ordinance and was concerned to learn of the 19 heat-related deaths in 2021. I strongly support efforts to reduce heat-related illness and fatalities, particularly among the most vulnerable members of our community. At the same time, it is important to ensure that well-intended measures do not inadvertently create additional burdens for other vulnerable populations, including those reliant on low-income housing.

The ordinance establishes an indoor maximum temperature of 80°F. Current HVAC design standards, including the Washington State Energy Code (WSEC) and ASHRAE guidelines using the 0.5% cooling design conditions, require systems in Spokane to be designed for an outdoor temperature of approximately 95°F. These standards are intended to prevent system overdesign, which can result in uneven temperature control, increased energy consumption, and premature equipment failure. Because of this, many existing cooling systems may not be capable of maintaining an indoor temperature of 80°F during extreme heat events, particularly when outdoor temperatures exceed 110°F.

Additionally, an 80°F threshold may be unnecessarily stringent and could impose significant financial burdens on property owners, potentially exposing them to liability. Input from public health or medical professionals would be valuable in establishing an appropriate, evidence-based maximum temperature standard.

It is also important to recognize that occupant behavior can significantly affect cooling system performance. Actions such as leaving windows open, operating high heat-generating appliances, or otherwise undermining system efficiency can prevent indoor temperatures from being maintained. The ordinance should therefore include language that establishes reasonable expectations for tenant cooperation in maintaining habitable conditions.

Finally, I am concerned about the practicality of meeting these requirements in older buildings, many of which lack the infrastructure or electrical capacity necessary to provide cooling in every bedroom. In my current work on a low-income housing would in downtown Spokane, the additional costs associated with these requirements would render the project financially infeasible, potentially leading to its cancellation. Such an outcome would ultimately reduce the availability of affordable housing, which would be an unintended but significant consequence.



In closing, I respectfully encourage the City to carefully balance the urgent need to address heat-related health risks with the technical, economic, and practical realities of building systems, particularly in existing and affordable housing.

Thank you for your consideration.

Mark Kartchner, P.E., LEED
Principal Engineer/Owner Kartchner Engineering

Public Comment – “Right to Cooling” Ordinance (Electrical & Utility Concerns)

I want to start by saying I understand goal here. But from an electrical and infrastructure standpoint, this ordinance has some real gaps that could create safety issues and unintended consequences if it moves forward as written.

First, on the electrical side, the ordinance allows tenants to install portable cooling devices, even allowing cost recovery in some cases, while also acknowledging that existing electrical systems may not be able to support them. That’s a contradiction.

Many of Spokane’s rental units, especially older multifamily, were not designed for significant cooling loads. Bedrooms and living areas often share 15- or 20-amp circuits that already serve lighting and other loads. Under the NEC, you can’t just plug in a high-load appliance like an AC unit without considering circuit capacity.

A typical portable or window AC unit can easily push a circuit to its limits. Code requires that loads stay within safe operating limits of the circuit, and many of these units require dedicated circuits per manufacturer instructions, which are enforceable under NEC 110.3(B).

If this ordinance effectively overrides the landlord’s ability to restrict installations based on electrical capacity, as it appears to in Section E, it creates a situation where unsafe installations are encouraged. That leads to nuisance tripping at best, and overheating or fire risk at worst.

Second, the ordinance significantly underestimates the real cost and scope of compliance.

It suggests that cooling solutions can be as simple as a \$200 portable unit. That ignores what’s **actually required** to do this safely and legally:

- Load calculations (NEC Article 220)
- Possible panel upgrades
- New dedicated branch circuits
- Feeder or service upgrades in many buildings

For a large portion of Spokane’s older housing stock, especially multifamily, this becomes an electrical infrastructure project, not just an appliance purchase.

Third, and just as important, is the impact on the local power grid, specifically Avista.

This ordinance will drive coincident summer peak demand across thousands of units. That's not a small change.

At the same time, the grid is already seeing increasing electrification load, especially from EV charging. Level 2 EV chargers alone can add 30–50 amps of continuous load per household, and as EV adoption increases, that load is stacking on top of existing residential demand.

Avista has already identified summer peak demand as a major system constraint, and extreme heat events are already pushing the system to new peaks. We saw this during the 2021 heat dome, extreme temperatures combined with increased usage stressed the system enough that protective outages were used in some areas to prevent larger failures.

If this ordinance accelerates widespread AC adoption without coordination, on top of growing EV charging demand:

- Distribution transformers and feeders will see increased stress
- Peak capacity costs will rise
- Reliability risks increase during exactly the events this ordinance is trying to address

This isn't just a landlord issue, it's a system-wide load problem.

Closing

At a minimum, it should clearly require that any cooling installation, tenant or landlord, must comply with NEC requirements and only be allowed where the electrical system can safely support the load. It should also include coordination with Avista to understand and plan for the cumulative impact on the grid, including existing and projected EV charging load.

Without those safeguards, we risk trading one public safety issue for another—overheating inside homes for overheating electrical systems and stressed infrastructure across the city.



Brad VanSlyke

Electrical Contractor

From: [Chris Batten](#)
To: [City Council Testimony](#)
Subject: Cooling ordinance
Date: Monday, July 27, 2026 9:47:22 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

July 23rd, 2026

City Council President and City Council members

Spokane City Council 808 W. Spokane Falls Blvd. Spokane, WA 99201

Re: Concerns Regarding the Proposed "Right to Cooling" Ordinance (Cooling and Tenancy Habitability, SMC 10.57.175)

Dear City Council,

I am writing regarding the proposed amendment creating a cooling and tenancy habitability requirement under the Spokane Municipal Code. No one disputes that the 2021 heat dome was a tragedy, or that extreme heat is becoming a more frequent threat in the Inland Northwest. This ordinance comes from a real and understandable impulse: make sure no one dies in their own apartment because a bedroom hit 100 degrees. The ordinance as currently drafted, however, is not ready to deliver on it. As written, it asks property owners to meet an undefined standard, on an unworkable timeline, with no way to recover costs — and it hands tenants a remedy that could destabilize the very housing supply the ordinance is meant to protect. I ask the Council to consider the following before moving forward.

Start with the scale of the problem. City estimates suggest the ordinance would touch somewhere between 25,000 and 40,000 rental units. Retrofitting even a fraction of that stock — much of it in buildings that predate modern electrical standards — is not something that happens on command. Older historic buildings often need panel upgrades before they can support new cooling load at all. A five-year runway sounds generous until you consider that thousands of independent owners, not a handful of large management companies, would be racing the same contractors, electricians, and equipment suppliers at the same time. Treating this as an engineering and staffing problem, not just a policy problem, would produce a far more workable phase-in.

The building stock itself is the part getting overlooked. A large share of Spokane's rental housing was built decades before central air conditioning was ever a design consideration — some of it well over a century old. These buildings weren't wired to carry the additional electrical load that cooling equipment demands; their panels, breakers, and in many cases the service line running from the utility to the building itself were sized for lighting and small appliances, not for compressors and continuous-duty cooling systems running through the hottest months of the year. Bringing a single unit up to code often means more than mounting a device: it can mean replacing the panel for the whole building, running new circuits to individual units, and in older cases, working with the utility to upgrade the service entrance itself before any cooling equipment can safely be installed. That work requires permits,

licensed electricians, and inspections — none of which move faster because an ordinance has a deadline attached. For owners of historic and pre-war buildings in particular, this ordinance is effectively mandating a full electrical modernization project, not a simple equipment purchase, and the timeline and cost estimates in the current draft don't reflect that reality. In any case, this ordinance puts nearly every historic property at significant risk becoming functionally obsolete and financial insolvent.

Then there's who pays, and how. In many older buildings, utilities aren't separately metered — the landlord pays for electricity and it's baked into the rent. Under this ordinance, that same landlord would be required to add a new cooling load to the building's utility bill with no mechanism to recover the added expense. That isn't a minor drafting gap; it's a structural cost that falls entirely on one party, in perpetuity, for units that owners may already be running near the margin on.

The core definitions need work. "Adequate cooling" is defined by reference to avoiding harm to "tenant health" — a standard that, read plainly, could be argued to cover mental wellbeing as easily as physical safety. That is a subjective bar for a mandate with legal teeth. "Passive cooling" is invoked but never defined: does a masonry building with high thermal mass count? Do blinds and drapes count, and if so, what obligation does a tenant have to actually use them? Without answers, code enforcement, landlords, and tenants will each be left guessing at compliance until a dispute forces the question — usually after someone has already broken a lease or withheld rent.

The definition of a qualifying "room" has the same problem. The ordinance requires cooling in any room used for leisure or sleeping, which on its face includes open-concept living spaces that combine kitchen, dining, and living areas — spaces that take dramatically more capacity to cool than a single bedroom. A unit sized to adequately cool a bedroom could still fail the ordinance because the great room down the hall runs warm. That's a very different, and more expensive, engineering problem than the one the ordinance appears to have been written to solve.

The remedy is the part that most needs fixing. As drafted, a tenant who believes a unit lacks adequate cooling can terminate the lease outright after 72 hours' notice — no judicial process, no independent confirmation that the claim is valid, no third party weighing in before a binding contract is voided. Paired with a subjective definition of "adequate," that's an open invitation for a lease to be broken on one tenant's say-so. A hearing officer, a code inspector's sign-off, or some other independent check before termination becomes irreversible would protect tenants with legitimate claims without exposing every lease in the city to unilateral cancellation.

The self-install option raises a parallel concern: who is liable when a tenant-installed unit is done wrong, damages the building, or — in the case of a window unit several floors up — comes loose entirely? A modest, code-compliant, free-standing cooling device would meet most units' needs without adding real electrical load or installation risk, and it would sidestep the liability tangle a permanently mounted, tenant-installed system units.

And someone will ultimately pay for all of this — it will not be absorbed quietly. Panel upgrades, new circuits, service-entrance work, equipment, installation labor, and the ongoing electricity to run it all cost real money, multiplied across tens of thousands of units. Property owners operating on thin margins don't have a way to absorb a mandatory capital

project of this size without passing at least part of it through — in higher rents, in reduced investment in other maintenance and improvements, or in owners exiting the rental market altogether and shrinking the supply of available units. Many of us choose to keep our rents affordable rather than pricing units at what the market would otherwise bear, and an unfunded mandate like this puts that choice directly at risk. In a city already grappling with housing affordability and a tight rental market, an unfunded mandate of this scale risks making the underlying affordability problem worse for the same renters it's meant to protect, even as it succeeds at getting cooling equipment installed. A policy that solves a heat-safety problem by deepening a housing-cost problem hasn't actually made tenants better off; it's traded one hardship for another.

None of this is an argument against a cooling requirement. It is an argument for one that can actually be complied with, paid for, and enforced without litigating the meaning of "adequate" in every case. I respectfully ask the Council and the Mayor's office to revisit the ordinance's mechanics before adoption: clear, objective definitions; a phase-in tied to realistic construction and permitting capacity; a cost-recovery path for landlords carrying the utility bill; and a remedy that protects tenants without making every lease in the city provisional.

One approach worth serious consideration: rather than a blanket mandate applied uniformly across every unit, the Council could frame the requirement around reasonable accommodation tied to an actual, documented medical necessity, assessed on a case-by-case basis. This would target the ordinance's protections at the tenants who genuinely need them, avoid forcing costly retrofits onto buildings and units where no such need exists, and give property owners a workable, individualized standard to respond to rather than an undefined, one-size-fits-all obligation.

Thank you for your time and consideration.

Respectfully,

Chris Batten,
RenCorpRealty