

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 in each bedroom of a dwelling unit 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” means the use of passive cooling, mechanical cooling or both.
 3. “Dwelling unit” has the meaning set forth in RCW 59.18.030 (12), when occupied by a person or persons primarily for living or dwelling purposes under a rental agreement or lease.
 4. “Passive cooling” means the use of building design or nature-based solutions that prevent heat from entering a building and remove existing heat through methods such as, but not limited to, heat blocking curtains, shading, ventilation, insulation, building orientation, and material reflectivity.
 5. “Mechanical cooling” means the use of devices such as, but not limited to, fans, central air conditioning, an air-source or ground-source heat pump, or a portable air conditioning device.
 6. “Portable cooling device” means an air conditioner or evaporative cooler, 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.
- B. Subject to section E below, 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.____ (Chapter 184, Laws of 2026, Washington State Legislature).
- C. Upon the effective date of this ordinance or July 15, 2026, whichever is later, every dwelling unit governed by this chapter shall have adequate cooling in each bedroom of the dwelling unit.

D. Commencing on the effective date of this ordinance or July 15, 2026, whichever is later, if a dwelling unit does not have adequate cooling in each bedroom 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). For purposes of this section, a lack of adequate cooling shall constitute a defective condition. 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; and
2. Pursue any other remedies set forth in this chapter or state law; and.
3. Arrange for installation of adequate cooling in each bedroom and deduct the documented cost from the tenant's rent, consistent with the process and terms set forth in RCW 59.18.100(2). At the election of the landlord, ownership of the cooling measure shall vest in the landlord upon termination of the tenancy.

Temporary cooling measures that achieve adequate cooling in each bedroom may be installed by the landlord in cases where permanent measures are impossible to install within 72 hours for reasons outside of the landlord's control.

E. On any day 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 subject to the limitations in RCW 59.18.____ (Chapter 184, Laws of 2026, Washington State Legislature), the tenant may install a passive or mechanical cooling measure in any one room if the dwelling unit lacks any other cooling devices or systems and deduct a one-time maximum of \$500 (five-hundred dollars) from the tenant's normal monthly rent to offset the documented cost of the passive or mechanical cooling measure. At the election of the landlord, ownership of the cooling measure shall vest in the landlord upon termination of the tenancy. Nothing in this subsection E shall be deemed to limit or restrict other rights available to the tenant under subsection D.

F. A landlord of any dwelling for which building permits for its construction were issued on or after January 1, 2027, shall provide adequate cooling via cooling methods or facilities that:

1. Provide cooling in each bedroom of the dwelling unit.

2. Conform to applicable law at the time of installation and are maintained in good working order; and
 3. May include central air conditioning, an air-source or ground-source heat pump, passive cooling design and techniques, a portable air conditioning device capable of filtering PM2.5 smoke particles that is provided by the landlord or other devices or methods.
- G. A landlord who must limit or restrict the installation of portable cooling devices for a building shall prioritize allowing the use of devices for individuals who require a device to accommodate a disability or health concern.
- H. 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 a portable cooling device.
- I. Nothing in this ordinance shall be construed to limit the responsibilities of landlords to provide reasonable accommodations under existing state and federal law.
- J. 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.
- K. 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 adequate cooling at discounted or free rates.
- L. 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 in Downtown and other high intensity areas of the city to reduce energy use and improve resilience.
- M. This ordinance is intended to require 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