STATEMENT ON THE SUBJECT:
The City Council will consider taking steps to promote more effective cooling systems (air conditioning or similar cooling amenities) in residential units. This includes analyzing how the City can require cooling systems in new and existing residential developments to ensure interior thermal comfort while taking into consideration the City’s Climate Action goals.

RECOMMENDATIONS:
1. Direct the Rent Stabilization & Housing Division and the City Attorney’s Office to analyze the development of an ordinance to require landlords to allow tenants in residential buildings to install portable air conditioners or similar cooling amenities at their own expense.
2. Direct the Rent Stabilization & Housing Division to research funding opportunities through grants or rebates that may be available to assist tenants with purchasing air conditioning units or similar cooling amenities.
3. Direct staff to explore and recommend comprehensive citywide cooling measures and recommendations to mitigate the adverse impacts of extreme heat in buildings and public spaces as part of the City’s Climate Action & Adaptation Planning Process.
4. Direct staff to return to City Council with an analysis of how the City can require active or passive cooling methods in new and existing residential developments while taking into consideration the City’s climate action goals.

BACKGROUND / ANALYSIS:
Under California law, a rental unit must meet habitability requirements. This includes having plumbing, heating, electrical and gas systems in good working order. It does not include the provision of a cooling system, such as air conditioning, fans, or other design strategies. California law considers cooling systems amenities rather than a requirement...
of habitability. While air conditioning makes an apartment far more comfortable during hot weather, it is not currently the landlord's duty to provide such systems.

Recent heat waves in Southern California have set all-time high temperature records in some areas. Each year, we experience the temperatures reaching new extremes. According to climatologists, the heat waves have become hotter, longer-lasting, and more frequent. Over the last century, the average temperature in Los Angeles over the entire year has increased by about 5 degrees and the average temperature for the months of August and September has increased by 8 to 9 degrees. These trends are all but certain to persist.

These extreme conditions can be unbearable and even dangerous for vulnerable people, especially older adults, children, and people with chronic diseases. Heat-related illnesses, like heat exhaustion or heat stroke, may become deadly for some people. Extreme heat also increases risk of complications and death from other chronic illnesses, such as kidney disease, cardiovascular disease, and diabetes. More than 600 people in the United States are killed by extreme heat every year according to the Centers for Disease Control and Prevention. Though extreme heat is less visible than other disasters such as hurricanes or wildfires, it is climate change’s most life-threatening impact, causing more deaths each year in the United States than any other weather-related problem.

In some states, such as Arizona, air conditioning is considered an “essential” need. Under the Arizona Residential Landlord and Tenant Act, the landlord is required to provide a reasonable amount of air conditioning or cooling. While this may not be necessary in all parts of California, as the Los Angeles region continues to warm, this is a topic we need to consider at the local level in West Hollywood. This item gives direction to staff to empower tenants to take reasonable steps to increase access to cooling in their rental units and for staff to perform further analysis on ways the City can provide more adequate cooling options for renters in West Hollywood.

**Tenants’ Rights to Install Cooling Systems**

Some tenants without air conditioning or other cooling systems may have the interest and financial ability to install cooling systems in their apartments at their own expense but are nervous to make the request to the landlord or have had their request denied. Portable air conditioning or window units can range from $150 to $1,000, depending on the type and model. Electricity costs would also increase depending on how often the unit is used. Though these costs alone may not be prohibitive, concerns regarding landlord approval may be a deterrent for many tenants.

The recommendation in this report provides direction to the City Attorney and Rent Stabilization and Housing Division to review the possibility of adopting an ordinance that requires landlords to allow tenants in residential buildings to install portable air conditioners or similar cooling amenities at their own expense, assuming there is the
electrical capacity to do so. This ordinance would eliminate the potential obstacles for tenants and require landlords to approve reasonable requests for cooling systems at the tenant’s expense. Some buildings may not have the existing electrical service capacity to allow additional air conditioning in each unit. Staff will take into consideration specific conditions and building infrastructure needs when drafting the ordinance.

This ordinance would be similar to an ordinance that the City Council adopted in 2017 which requires landlords to approve a tenants’ written request to install an electric vehicle charging station at a parking space allotted to the tenant at the tenant’s personal cost. The ordinance requires the landlord to approve the request, with the tenant paying for the charging station, installation, maintenance, and electrical usage.

Staff will also research funding opportunities through grants or rebates that may be available to assist tenants with purchasing air conditioning units or similar cooling amenities as part of this direction. There may be opportunities to partner with non-profit organizations or other community partners to provide funding, specifically for lower-income households who may be more vulnerable in extreme heat conditions.

Climate Action and Adaptation Plan

The Long Range Planning Division is currently working on updating the Climate Action and Adaptation Plan (CAAP) to reassert and raise the standards on the City’s commitment to climate action. This project will incorporate the State’s updated greenhouse gas emissions reduction targets as well as align with the State’s efforts to coordinate and promote climate adaptation and community resiliency strategies at the local and regional levels.

This item directs staff to explore and recommend comprehensive citywide cooling measures and recommendations to mitigate the adverse impacts of extreme heat in buildings and public spaces as part of the City’s Climate Action & Adaptation Planning Process. This will include recommending measures to reduce the impacts of the urban heat island effect, which is the heat-collecting powers of concrete and paved roads that contribute to higher temperatures within urban areas than in less urbanized areas nearby. Cities are often five degrees to ten degrees Fahrenheit hotter than undeveloped areas, because hot pavement and buildings have replaced cool vegetated land. Measures to reduce these effects may include planting trees, installing green roofs, and adding vegetation.

The Climate Action Plan will seek to address the need for different types of cooling strategies across the City. This project will consider strategies such as passive design/natural ventilation, better building automations/thermostat controls, areas ripe for additional tree canopy, vegetations, or shade structures, energy efficiency standards for existing buildings, urban heat island mitigation, and targeting solutions in areas of the City with populations more susceptible to extreme heat events.
Requirements for Cooling Systems

In order to ensure tenants are safe and units are habitable as temperatures continue to rise, it may be necessary for the City to create a local requirement for new and existing residential buildings to include cooling systems, such as air conditioning or other cooling-related design strategies. This item directs staff to return to City Council with an analysis of how the City can require active or passive cooling methods in new and existing residential developments while taking into consideration the City’s climate action goals. An active cooling system is one that involves the use of energy to cool something, such as an air conditioning unit or HVAC system. A passive cooling system is a building design approach that focuses on heat dissipation to improve the indoor thermal comfort with low or no energy consumption.

New construction tends to always have heating, ventilation, and air conditioning (HVAC) systems included. When the cooling and heating systems are designed with the building, they are required to meet minimum building energy efficiency standards required by the California Energy Commission and CalGreen building code. In this way, the HVAC system’s energy consumption is designed into the building and does not create an added burden on the electrical grid.

Retrofitting existing buildings with air conditioning or other cooling systems may present more challenges depending on the building and the electrical capacity. Requiring retrofits of existing buildings needs more analysis to determine how much more energy would be used and how it would impact our ability to reach our climate goals. There are mitigation and adaptation strategies to consider in order to provide cooling systems in existing buildings while remaining in compliance with the Climate Action Plan. For example, heat pumps are much more efficient than window units and can keep electricity bills more manageable. The City may consider requiring the purchase of 100% renewable energy with the installation of cooling systems. A comprehensive approach including energy efficiency retrofits may also offset the additional electrical load created by adding the cooling systems.

As part of this direction, staff will work with local utilities and electrical service providers to determine the feasibility of requiring cooling systems in new and existing residential buildings and the potential impact on the electrical grid. This analysis will help determine how much more energy capacity or service would be needed. The City and providers can also showcase and promote existing rebate programs for HVAC system upgrades, energy efficiency measures, and smart temperature controls for residential buildings.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:
• OSP-5: Support People through Social Services.
• OSP-9: Upgrade Existing Buildings & Infrastructure.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

• LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community’s vision for its future.
• LU-8: Maintain and enhance residential neighborhoods.

EVALUATION PROCESSES:
N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:
The Climate Action and Adaptation Plan will update the City’s priorities related to climate action, climate adaptation, and sound environmental policies and programs. It will monitor the impact of City’s environmental and sustainability actions on the built environment and municipal operations as well as the quality of life of residents, businesses, and visitors. This item will take these environmental goals into consideration while addressing the need to provide additional cooling systems for people in rental units.

COMMUNITY ENGAGEMENT:
N/A

OFFICE OF PRIMARY RESPONSIBILITY:
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT / LONG RANGE PLANNING DIVISION
HUMAN SERVICES & RENT STABILIZATION DEPARTMENT / RENT STABILIZATION & HOUSING DIVISION

FISCAL IMPACT:
None at this time.