September 18, 2020

Via Electronic Mail

Hon. Mayor Lindsey P. Horvath and Members of City Council
West Hollywood City Hall
8300 Santa Monica Boulevard
West Hollywood, California 90069

Re: Initiative to Promote More Effective Cooling Systems in New and Existing Residential Units (Agenda Item 5.D.)

Dear Hon. Mayor Horvath and Members of the West Hollywood City Council:

At the September 21st City Council meeting, the City Council will consider matters related to requiring housing providers to allow renters in residential buildings to install portable air conditioners or similar cooling amenities at the renter’s expense and requiring active or passive cooling methods in new and existing residential developments.

While no one would dispute the dangers of extreme heat and the importance of a cool environment, particularly when temperatures reach record highs, as the City explores this matter, the Apartment Association of Greater Los Angeles (AAGLA or Association) requests that the Council consider the factors and recommendations set forth in this letter before taking action. It is important to note that when renters enter into a contractual agreement for a rental unit, they do so in recognition of the unit amenities. When air conditioning is not an available amenity the prospective renter should, at that time, discuss with the owner any available options for air conditioning. Most existing rental agreements require a renter who is seeking to place an air conditioner in their rental unit, to first notify the housing provider and obtain written approval prior to installation.

Air conditioning installation presents certain safety concerns. If an air conditioner is not properly and securely installed in the window the possibility that it will fall out increases as does the potential that an individual may be injured as a result. Poor installation of a window unit may cause damage to the window and/or window frame, and both window and mobile air conditioners may be subject to leaking which can cause water damage to the rental unit and building. Damage to the window or loss of an original window that is removed to accommodate an air conditioning unit can be expensive, especially in older buildings with original windows that are no longer available and an entirely new window must be purchased (and for conformity, often more than one new window). Professional installation, by a bonded technician, should be required for all air conditioners placed in a window and any resulting damage or window replacement should be paid for by the renter. Moreover, the property
owner should not be subject to any liability arising out of the installation or use of the air conditioner. The renter should be required to procure appropriate insurance to cover the potential liability inclusive of the owner as an additional insured. Renters should also be required to install energy efficient units which will reduce electricity costs and are environmentally friendly.

There are also other associated costs that should be considered. If the rental unit does not have an air conditioner, the electrical outlets may not support such an appliance and would necessitate new or upgraded outlets or upgraded electrical service to the building to avoid an electrical surge or potential fire hazards. Where the renter is installing their own air conditioning unit, following owner written approval, the renter should be responsible for any associated unit outlet upgrades and air conditioning related repairs. While we appreciate the City’s staff acknowledgement in the staff report “that some buildings may not have the existing electrical service capacity to allow additional air conditioning in each unit”, the report does not account for the considerable building costs to the owner to enable renters to install air conditioners.

Air conditioning units, particularly older units which are not energy efficient utilize a lot of electricity. In buildings where the utility costs are paid for by the housing provider, compelling the owner to allow the installation of air conditioners within a building will significantly increase electricity costs for the housing provider under a rent control system that would make recouping those costs almost impossible.

Regarding instituting a local requirement that existing residential buildings include cooling systems, it critical that the City recognize the impact on owners of older buildings in the city, to which there are many. As noted in the City’s Staff report, “retrofitting existing buildings with air conditioning or other cooling systems may present more challenges depending on the building and the electrical capacity.” The cost of retrofitting for air conditioners particularly for small owners of older buildings would be enormous and simply insurmountable. The Staff report notes that staff will research funding through grants and rebates to assist renters in purchasing air conditioning units. As the City contemplates establishing requirements on owners of existing buildings, we urge the Council to also direct staff to seek funding to assist housing providers with the prohibitive associated costs.

Thank you for your time and consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at danielle@aagla.org.

Very truly yours,

Danielle Leidner-Peretz

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