



Right to Air Conditioning Ordinance

Houston City Council

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What does the Right to A/C ordinance do?



- The ordinance eliminates Houston's window screen exemption and requires rental properties to provide and maintain operable air conditioning in habitable spaces.

Proposal:

This ordinance shall amend Subsection (d)(8) and add Subsection (h) of Section 10-363, Division 4, Article IX, Chapter 10 to read as follows:

Sec. 10-363. - Responsibilities of owner.

(d) Utility standards. An owner of property shall:

(8) In each habitable space, ~~if screens are not provided as required in subsection (e)(2) of this section,~~ provide and maintain in good operating condition refrigerated air equipment capable of maintaining a maximum inside temperature 20 degrees Fahrenheit lower than the outside temperature or no higher than 80 degrees Fahrenheit, whichever is warmer;

(h) An owner of property shall comply with subsection (d)(8) of this section no later than the 90th day after the passage and approval of an ordinance adopting any amendments to subsection (d)(8). Before that date, an owner shall make reasonable and continuous progress toward providing and maintaining refrigerated air equipment capable of complying with subsection (d)(8).

Current Utility Standards Requirements of Landlords



- CODE OF ORDINANCES
Chapter 10 - BUILDINGS AND NEIGHBORHOOD PROTECTION
ARTICLE IX. - BUILDING STANDARDS
DIVISION 4. MINIMUM STANDARDS

DIVISION 4. MINIMUM STANDARDS

(d) *Utility standards.* An owner of property shall:

- (1) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition one or more connections to discharge sewage from the building into a public sanitary sewer system, where service is available, or into an approved septic system where public sanitary sewer service is not available;
- (2) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition a toilet located in a room affording privacy to the user and connected to a water source and to a public sanitary sewer system, where service is available, or to an approved septic system where public sanitary sewer service is not available;
- (3) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition connections and pipes to supply potable water at adequate pressure;
- (4) In each non-vacant dwelling unit and congregate living facility, provide and maintain in good operating condition a device to supply hot water at a minimum temperature of 120 degrees Fahrenheit;
- (5) In each non-vacant dwelling unit and congregate living facility, provide a bathtub or shower in a room affording privacy to the user and maintain connections to sources of cold and hot water for each bathtub, shower, and lavatory;
- (6) In each kitchen, provide and maintain connections to sources of cold and hot water for a sink;
- (7) In each habitable space, provide and maintain in good operating condition heating equipment capable of maintaining a minimum inside temperature of 70 degrees Fahrenheit when it is 20 degrees Fahrenheit outside, the inside temperature to be measured at a point three feet above the floor;
- (8) In each habitable space, if screens are not provided as required in subsection (e)(2) of this section, provide and maintain in good operating condition refrigerated air equipment capable of maintaining a maximum inside temperature 20 degrees Fahrenheit lower than the outside temperature or 80 degrees Fahrenheit, whichever is warmer;
- (9) In each non-vacant building (except for buildings lawfully used exclusively for storage), provide and maintain in good operating condition such electrical circuits and outlets as are sufficient to carry safely an electrical load imposed by the normal use of equipment, appliances, and fixtures;

- (10) In each habitable space, connect the space to an approved electrical service and provide and maintain in good operating condition either two wall-type convenience outlets or one wall-type convenience outlet and one ceiling-type light fixture with a wall switch;
- (11) In each bathroom, toilet room, laundry room, and furnace room in a non-vacant building, connect the room to an approved electrical service and provide and maintain in good operating condition one ceiling or wall-type light fixture or one wall-type convenience outlet;
- (12) Provide each public hall and stairway with illumination sufficient to allow occupants who are not visually impaired to use the hall or stairway without an unreasonable risk to safety; and
- (13) In each non-vacant dwelling unit and congregate living facility, connect each heating or cooking device that burns solid fuel to a chimney or flue.

For purposes of this division, existing plumbing and electrical equipment and heating and cooling facilities that at the time of installation were in compliance with the then-existing Construction Code are permissible, provided the equipment or facility is in good operating condition and capable of being used in a safe manner.

(e) *Health standards.* An owner of property shall:

- (1) Substantially eliminate insects, ectoparasites, and rodents in or on the premises, except as may be limited in section 10-364(b) of this Code;
- (2) Provide and maintain a screen for keeping out insects at each exterior opening of each non-vacant dwelling unit, congregate living facility, and sleeping unit not cooled with refrigerated air;
- (3) Maintain the interior of each vacant building or vacant portion of a building free from refuse;
- (4) Properly grade the property surrounding a building to obtain thorough drainage and to prevent the accumulation of stagnant water;
- (5) Provide each non-vacant dwelling unit, congregate living facility, and sleeping unit with means of egress as required by the Construction Code in effect at the time of construction and as required by Appendix D to the Existing Building Code; and
- (6) Provide a kitchen in each dwelling unit.



Why is this ordinance needed?

- According to [2023 Census data](#) and [reporting](#), there are more than 20,400 rental units in the Houston metro area without any A/C (Source: [U.S. Census](#), [Houston Landing](#))
- Thousands of renters in the Houston metro area, disproportionately in Black and Latino neighborhoods, lack air conditioning.
- As Houston faces more frequent extreme heat, residents are at risk. At least [279 people](#) died due to heat in Texas in 2022 (Source: [Texas Tribune](#))
- Harris County Public Health reported more than [7,600 cases](#) of heat-related illness between 2019-2023 and found that indoor areas without air conditioning significantly increase the risk of heat-related health issues (Source: [Harris County Public Health](#))
- Houston's first heat-related [death](#) of the 2023 heat waves was a man who lived in a home without A/C (Source: [Houston Public Media](#))

An official website of the United States government	
United States [®] Census Bureau	
// Census.gov / Our Surveys & Programs / American Housing Survey (AHS) / American Housing Survey Table Creator	
American Housing Survey (AHS) 2023 Houston — Heating, Air Conditioning, and Appliances — All Occupied Units Houston-The Woodlands-Sugar Land, TX MSA (2013 OMB definition) Tenure Filter: Renter • Geography Filter: All Geographies Variable 1: None, Variable 2: None	
[Estimates and Margins of Error in thousands of housing units, except as indicated. Medians are rounded to four significant digits as part of disclosure avoidance protocol. Margin of Error is calculated at the 90% confidence interval. Weighting consistent with Census 2020. Blank cells represent zero; Z rounds to zero; '!' Represents not applicable or no cases in sample; S represents estimates that did not meet publication standards or withheld to avoid disclosure.] Subject Definitions	
Characteristics	Estimate
Primary Air Conditioning	
With primary air conditioning	1,061.0
Central air conditioning	1,004.3
Powered by:	
Electric	997.7
Piped gas	S
Liquid propane gas	S
Other	.
Room air conditioning	56.7
Unit has 1 room air conditioner	S
Unit has 2 room air conditioners	23.3
Unit has 3 or more room air conditioners	22.7
Unit does not have air conditioning	20.4



What do other cities do?

- Dallas, El Paso, Denton, and Austin already require air conditioning in rental housing without Houston's window screen loophole. Houston renters deserve the same basic protection

Texas City	Year Adopted	Exemptions?
El Paso	2007	None
Houston	2011	Yes – window screens
Dallas	2016	None
Austin	2025	None

Other National Cities	Year Adopted	Exemptions?
Tempe, AZ	1998	None
Phoenix, AZ	2015	None
Palm Springs, CA	2018	None
Tucson, AZ	2021	None
New Orleans, LA	2022	None

- More national examples here: [Reuters](#)*

How would this impact affordable housing and development costs?



- There have not been any documented rent increases connected to A/C ordinances passed in Dallas, El Paso, Denton, and Austin.
- An affordability review conducted by the Austin Housing Department determined that its air conditioning requirement would have a neutral impact on affordable housing and development costs (Source: [City of Austin](#))

City of Austin
Council Meeting Backup: April 10, 2025

File ID: 25-0604



Affordability Impact Statement

2024 International Property Maintenance Code and local amendments

Initiated by: Resolution No. 20230831-088

Date: 7/3/2024

Land Use/Zoning Impacts on Housing Costs

The proposed changes would have a **neutral** impact on land use/zoning. The proposed changes relate to building codes and public safety, and do not have an impact on land use/zoning.

Impact on Development Cost

The proposed changes would have a **neutral** impact on development cost:

For the air conditioning requirement, Development Services Code staff met with a Texas Air Conditioning Contractors Association (TACCA) representative to obtain information on how this would impact development

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Impact on Affordable Housing

The proposed changes would have a **neutral** impact on affordable housing. The proposed changes are meant to establish minimum standards for basics health and safety and alignment with national standards.



How will this ordinance be enforced?

- Similar to all other code violations of the Building Standards Code (Article IX. - Buildings Standards) and pursuant to Section 10-366 Enforcement of minimum standards, following a tenant-driven 311 call, a city inspector would be sent to examine the complaint. Landlords would have an opportunity to cure any violation, and should they not comply, they would be issued an administrative citation or summons.
- Other requirements mandated by the existing code are heating equipment in rental properties, so this would parallel that requirement.

Sec. 10-366. - Enforcement of minimum standards.



Upon discovery of a violation of this division, the building standards official may issue to the violator:

- (1) A criminal citation enforceable in municipal court, provided that the violation remains after the building standards official has issued to the violator a written warning affording a reasonable opportunity to cure the violation; or
- (2) An administrative citation or summons issued pursuant to article XVIII of this chapter.

(Ord. No. 2011-108, § 4, 2-9-2011)

Would this ordinance require central HVAC in every rental property?

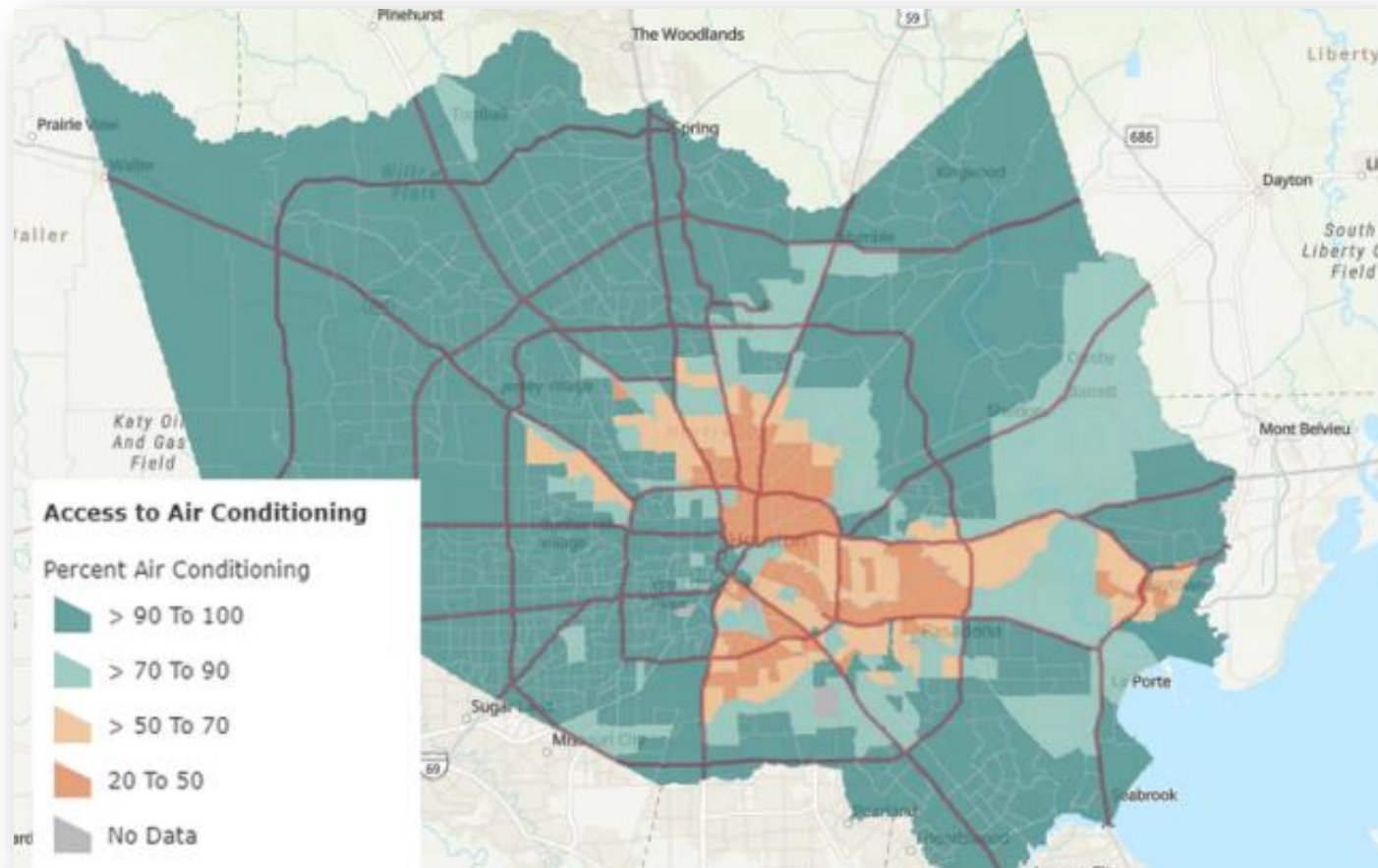


- No. Property owners could comply through central air, window A/C units, portable A/C units, or other refrigerated air equipment capable of meeting the standard of cooling a space to 80 degrees Fahrenheit.



Where in Houston doesn't have A/C?

- Harris County Public Health published a [map](#) that estimated areas of the city without A/C access (Source: [Harris County Public Health](#)).





Who is supporting this ordinance?

- The following community organizations, including numerous low-income tenant service and advocacy organizations are supportive of this ordinance:

African American Health Coalition
Bayou City Waterkeeper
Coalition for Environment, Equity, and Resilience (CEER)
Coalition of Community Organizations
Friends of Fonde Park
Gulfton Citizens Advisory Council
Houston Apartment Association
Houston Eviction Advocacy Center
Houston Food Bank
Houston LGBTQ+ Political Caucus
Houston Tenants Union
New Liberty Road Community Development Corporation
Prevention Institute
Project 8
Tahirih Justice Center

Texas Federation of the People Foundation
Texas Housers
South Union Proud Civic Association
Super Neighborhood 6 - Acres Homes
Super Neighborhood 13 - Independence Heights
Super Neighborhood 45 - Northside / Northline
Super Neighborhood 48 - Trinity / Houston Gardens
Super Neighborhood 52 - Kashmere Gardens
Super Neighborhood 55 - Greater Fifth Ward
Super Neighborhood 64 & 88 - Greater Eastwood, Lawndale, and Wayside
Super Neighborhood 71 - Sunnyside
Super Neighborhood 72 - South Park
We The People Of: Sunnyside Gardens Bayou Estates Civic Association
Workers Defense Action Fund