



CITY OF HOUSTON – CITY COUNCIL

Meeting Date: 7/28/26
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Proposition A Council Member Item: Right to Air Conditioning for Rental Housing

Summary: ORDINANCE AMENDING SECTION 10-363, DIVISION 4, ARTICLE IX, CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, to require operable air conditioning in rental properties and eliminate the window screen exemption.

Background:

The City of Houston currently requires owners of rental properties to provide and maintain air conditioning in good operating condition, but exempts properties that provide window screens. As a result, a landlord can legally avoid providing air conditioning as long as the property has window screens. This ordinance would eliminate that exemption and require operable air conditioning, such as a window air conditioning unit or portable air conditioning unit, in each habitable space. Retrofitting of older buildings with central air would not be required under this ordinance, providing flexibility for property owners.

Pursuant to Section 92.052 of the Texas Property Code, landlords are required to repair or remedy a condition that materially affects the physical health or safety of a tenant, such as non-operable air conditioning. However, state law currently does not require a landlord to provide air conditioning if the unit did not previously have it. This ordinance closes that gap by establishing operable air conditioning as a basic health and safety habitability standard for Houston rental housing.

As Houston continues to experience more frequent historic heat waves and extreme heat, renters across the city are left vulnerable to heat illnesses. While the vast majority of landlords already provide air conditioning, 2023 U.S. Census data indicates that thousands of renters in the Houston metro area still live in single-family and multi-family rental units without any air conditioning, neither central air nor window units.^{1,2} That same year, Houston experienced multiple record-breaking days of heat, reaching the hottest temperatures ever recorded in the city at 109 degrees Fahrenheit.³ Under current Houston law, on a 109-degree day, a landlord would only be required to provide a window screen or, if air conditioning is required, maintain an interior temperature of 89 degrees.

Between 2019 and 2023, Harris County Public Health reported more than 7,600 cases of heat-

¹ See United State Census Bureau, “2023 Houston — Heating, Air Conditioning, and Appliances — All Occupied Units” (2023), https://www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html?s_areas=26420&s_year=2023&s_tablename=TABLE3&s_bygroup1=1&s_bygroup2=1&s_filtergroup1=3&s_filtergroup2=1&s_show=SO

² See Elena Bruess, Houston Landing, “How one map tells the story of Houston’s heat inequity across vulnerable communities” (2023), <https://www.houstonlanding.org/how-one-map-tells-the-story-of-houstons-heat-inequity-across-vulnerable-communities/>

³ See National Weather Service, “Heat Stats” (2023), <https://www.weather.gov/media/hgx/climate/hotcoldtempstats.pdf>

related illnesses and found that indoor areas without air conditioning significantly increased the risk of heat-related health issues.⁴ Houston tenants frequently turn to 311 to report air-conditioning complaints, and Houston Health Department data show that heat waves have driven sharp increases in 911 calls and hospitalizations.⁵ At least 279 people died due to heat in Texas in 2022, many of whom were Texans experiencing homelessness and people without air conditioning.⁶ Houston's first heat-related death of 2023 was a man who lived in a home without air conditioning.⁷

Extreme heat and limited access to air conditioning disproportionately impact Black and Latino neighborhoods, where residents are more likely to face higher heat exposure, fewer cooling resources, and greater health risks when rental housing lacks adequate cooling.^{8,9}

Dallas, Denton, and Austin have already adopted air conditioning requirements for rental properties, with no exceptions for screens. Houston should do the same. Peer Texas cities have not shown documented rent increases tied to the adoption of these air conditioning requirements, and 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.¹⁰

For renters – especially seniors, young children, and disabled residents – the lack of air conditioning can create dangerous living conditions and leave tenants vulnerable to heat stroke, heat cramps, and heat exhaustion. Texas Health and Human Services states that staying in an air-conditioned area, either at home or in public places, is the best way to combat heat.¹¹ In the face of extreme heat, working air conditioning should be a basic health and safety habitability standard.

Specific Explanation:

This ordinance amends Subsection (d)(8) and adds Subsection (h) of Section 10-363, Division 4, Article IX, Chapter 10, which defines minimum utility standards for rental properties, by requiring an owner to provide and maintain air conditioning in good operating condition in each habitable space, including interior spaces lawfully occupied for living, sleeping, eating, or cooking.

The ordinance removes the existing window screen exemption, which currently allows a landlord to avoid providing refrigerated air equipment if window screens are provided. Under this amendment,

⁴ See Harris County Public Health, Excessive Heat in Harris County, TX (2024),

https://publichealth.harriscountytexas.gov/Portals/hcph/Documents/Reports/REPORT_Heat-2024-FINAL.pdf

⁵ See Matt Sledge, Houston Landing, “Heat, broken air conditioning drive seasonal surge in calls to Houston’s 311 system” (2023), <https://www.houstonlanding.org/heat-broken-air-conditioning-drive-seasonal-surge-in-calls-to-houstons-311-system/>

⁶ Alex Nguyen & Erin Douglas, Texas Tribune, “Texas heat-related deaths reached a two-decade high in 2022 amid extreme temperatures” (2023), <https://www.texastribune.org/2023/01/26/texas-heat-deaths-migrants-climate-change/>

⁷ See Adam Zuvanich, Houston Public Media, “Houston records its first heat-related death of 2023” (2023), <https://www.houstonpublicmedia.org/articles/news/weather/2023/07/17/457082/houston-first-heat-related-death-2023/>

⁸ See Harris County Public Health, “Climate & Health Vulnerability Assessments” (2026 - Access to Air Conditioning screenshot), <https://publichealth.harriscountytexas.gov/Divisions-Offices/Offices/Office-of-Epidemiology-Surveillance-Emerging-Diseases/Non-Communicable-Diseases/Climate-Program/Climate-Health-Vulnerability-Assessments>

⁹ Ben Martin, Texas Housers, “Renters, Air Conditioning, and Extreme Heat in Texas” (2023), <https://texashousers.org/wp-content/uploads/2023/09/Renters-Air-Conditioning-and-Extreme-Heat-in-Texas-9-26-23.pdf>

¹⁰ See Austin Housing Department, City of Austin, “Affordability Impact Statement - 2024 International Property Maintenance Code and local amendments” (2024), <https://services.austintexas.gov/edims/document.cfm?id=448377>

¹¹ See Texas Health and Human Services, “State health officials provide hot weather precautions” (2023), <https://www.dshs.texas.gov/news-alerts/state-health-officials-provide-hot-weather-precautions>

window screens would no longer serve as a substitute for working air conditioning.

The purpose of this change is to ensure rental housing in Houston meets a basic standard of safety during extreme heat, reduce preventable heat-related health risks, and provide better protections for tenants.

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).



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