



# City of Chicago



O2020-3334

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 6/17/2020

**Sponsor(s):** Cardenas (12)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Titles 5 and 13 by modifying various sections and adding new Sections 13-196-405 and 13-196-415 concerning cooling facilities and refrigerated air in residential buildings

**Committee(s) Assignment:** Committee on Environmental Protection and Energy

**ORDINANCE**

**WHEREAS**, Due to climate change, Illinois is projected to develop a climate similar to the Southern United States over the next 30 years; and

**WHEREAS**, Intense heat can create respiratory challenges and exacerbate underlying health conditions, including mental health and dehydration; and

**WHEREAS**, Populations most vulnerable to the effects of extreme heat are similar to those most susceptible to contracting and dying from COVID-19: namely, seniors and individuals with underlying chronic health conditions like cardiovascular and respiratory issues, obesity, asthma, and history of stroke; and

**WHEREAS**, According to the World Health Organization, the population of individuals aged 60 years and older, who are more likely to spend time at home, is projected to significantly increase in the next 30 years – increased time spent at home and increases in extreme weather patterns associated with climate change highlight the importance of emergency preparedness to reinforce resilient communities; and

**WHEREAS**, During a heat wave, a healthy person is 3.8 times more likely to experience adverse health effects in an unventilated building than outdoors; and

**WHEREAS**, In order to avoid the health risks that accompany high temperatures, the indoor temperature of a home should be no hotter than 79 degrees Fahrenheit when the outside temperature reaches or exceeds 84 degrees or when the heat index, which factors in relative humidity, reaches or exceeds 80 degrees; and

**WHEREAS**, According to the Center for Disease Control, those living in urban areas are likely at greater risk of experiencing effects from prolonged heat waves than those in rural areas; and

**WHEREAS**, The City of Chicago will never forget and must never repeat the devastating effects of the 1995 Chicago Heatwave when 739 mostly black, elderly, low-income Chicagoans died over a period of five days; and

**WHEREAS**, Access to air conditioning in the summer and access to heat during the winter months to make a home habitable are both equity issues, but only heat is currently required to be provided to tenants in the City; and

**WHEREAS**, As summer days get hotter every year, residents must have the ability to stay cool at home; and

**WHEREAS**, There are growing number of cities in the US introducing legislation requiring landlords to provide functioning refrigerated air, and it is imperative that the City of Chicago acts now to ensure that every resident of Chicago has access to safe indoor temperatures; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 5-12-110 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

**5-12-110 Tenant remedies.**

In addition to any remedies provided under federal law, a tenant shall have the remedies specified in this section under the circumstances herein set forth.

For purposes of this section, material noncompliance with Section 5-12-070 shall include, but is not limited to, any of the following circumstances:

*(Omitted text is unaffected by this Ordinance)*

Failure to maintain heating facilities, cooling facilities, or gas-fired appliances in compliance with the requirements of the municipal code;

Failure to provide heat, refrigerated air, or hot water in such amounts and at such levels and times as required by the municipal code;

*(Omitted text is unaffected by this Ordinance)*

(f) *Failure to Provide Essential Services.* If there is material noncompliance by the landlord with the rental agreement or with Section 5-12-070, either of which constitutes an immediate danger to the health and safety of the tenant or if, contrary to the rental agreement or Section 5-12-070, the landlord fails to supply heat, refrigerated air, running water, hot water, electricity, gas or plumbing, the tenant may give written notice to the landlord specifying the material noncompliance or failure. If the landlord has, pursuant to this ordinance or in the rental agreement, informed the tenant of an address at which notices to the landlord are to be received, the tenant shall mail or deliver the written notice required in this section to such address. If the landlord has not informed the tenant of an address at which notices to the landlord are to be received, the written notice required in this section shall be delivered by mail to the last known address of the landlord or by other reasonable means designed in good faith to provide written notice to the landlord. After such notice, the tenant may during the period of the landlord's noncompliance or failure:

(1) Procure reasonable amounts of heat, refrigerated air, running water, hot water, electricity, gas or plumbing service, as the case may be and upon presentation to the landlord of paid receipts deduct their cost from the rent; or

*(Omitted text is unaffected by this Ordinance)*

**SECTION 2.** Section 5-12-160 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

**5-12-160 Prohibition on interruption of tenant occupancy by landlord.**

It is unlawful for any landlord or any person acting at his direction knowingly to oust or dispossess or threaten or attempt to oust or dispossess any tenant from a dwelling unit without authority of law, by plugging, changing, adding or removing any lock or latching device; or by blocking any entrance into said unit; or by removing any door or window from said unit; or by interfering with the services to said unit; including but not limited to electricity, gas, hot or cold water, plumbing, heat, refrigerated air, or telephone service; or by removing a tenant's personal property from said unit; or by the removal or incapacitating of appliances or fixtures, except for the purpose of making necessary repairs; or by the use or threat of force, violence or injury to a

tenant's person or property; or by any act rendering a dwelling unit or any part thereof or any personal property located therein inaccessible or uninhabitable. The foregoing shall not apply where:

*(Omitted text is unaffected by this Ordinance)*

**SECTION 3.** The Municipal Code of the City of Chicago is hereby amended by inserting new Section 13-196-405, as follows:

**13-196-405 Residential buildings – Cooling facilities.**

Every family unit and rooming unit shall have cooling facilities that are capable of safely and adequately cooling all habitable rooms, bathrooms, and water closet compartments within its walls to a temperature no hotter than 79 degrees Fahrenheit, when: (1) the outside temperature is 84 degrees Fahrenheit or higher; or (2) the heat index reaches or exceeds 80 degrees Fahrenheit. Fans that do not produce refrigerated air shall not be considered as cooling facilities within the meaning of this section. The owner shall provide and maintain all fixed air conditioning systems and install any window-mounted air conditioning units required to comply with this section but may pass any utility costs onto the tenant for fixed air conditioning systems.

**SECTION 4.** The Municipal Code of the City of Chicago is hereby amended by inserting new Section 13-196-415, as follows:

**13-196-415 Residential buildings – Refrigerated air to be furnished.**

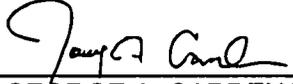
Every family unit or rooming unit to which refrigerated air is furnished from a central cooling unit used in common for the purpose of cooling the various rooms of the dwelling shall be supplied with refrigerated air from June 8th to September 8th of each year so that the occupants of a family unit or rooming unit may secure, without such undue restriction of ventilation as to interfere with proper sanitary conditions, a maximum temperature of 79 degrees. For every family unit or rooming unit to which refrigerated air is furnished from any window-mounted air conditioning unit, the owner shall supply to the tenant such air conditioning unit from June 8th to September 8th, and at any time as required by Section 13-196-405.

**SECTION 5.** Section 13-200-370 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

**13-200-370 Heat, light and ventilation requirements.**

Existing safe and well-maintained heating and air-conditioning systems may remain, provided they comply with the minimum heat and refrigerated air output requirements of Sections 13-196-400, 13-196-405 and 13-196-410, and 13-196-415. If heating or air-conditioning systems are altered, the alterations shall conform with Chapters 11-4 and 18-28.

**SECTION 6.** This Ordinance shall take effect on June 8, 2021.

  
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GEORGE A. CARDENAS  
Alderman, 12th Ward