

REVISED MOTION BY SUPERVISORS HILDA L. SOLIS

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AND LINDSEY P. HORVATH

Establishing a Safe Maximum Temperature Threshold for Residential Units

Extreme heat is the deadliest climate risk facing Los Angeles County.¹ Exposure to high temperatures for long periods can cause heat-related illnesses that may require hospitalization and, in severe cases, prove fatal. From 2010 to 2019, California reported 599 deaths due to extreme heat. However, an analysis by the Los Angeles Times pins the actual number of deaths to be around 3,900.² With the severity of heat worsening, the California Department of Public Health projects extreme heat could kill up to 4,300 people annually by 2025 and increase to 11,300 individuals annually by 2050.³ While

¹ Climate Emergency Mobilization Office. Heat Relief 4 LA. Climate4LA.
<https://www.climate4la.org/heat-relief-4-la/>

² The L.A. Times investigation into extreme heat's deadly toll
<https://www.latimes.com/environment/story/2021-10-07/la-times-investigation-extreme-heat>

³ California's Fourth Climate Change Assessment.
https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf

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heat-related illness can impact anyone, older adults, young children, and those with preexisting health conditions are particularly vulnerable.

As human-caused climate change continues to alter our environment, Los Angeles County heat waves are worsening. Between 1950 and 2020, Southern California's heat waves have become more frequent, longer, and more intense. Compared to the 1950s, our region is now two degrees warmer and expected to increase by four to five degrees in the coming decades.⁴ These conditions are most acute in highly paved inland, urban areas with low tree canopy.⁵ Despite existing mitigation efforts, the United Nations Intergovernmental Panel on Climate Change (IPCC) anticipates, even in the best-case scenario, that surface temperatures will continue to increase until at least mid-century.⁶

The County has taken critical steps forward to address extreme heat. On November 1, 2022, the Board of Supervisors passed a [motion](#) authored by Supervisor Hilda L. Solis entitled "Investigating Safe Maximum Indoor Temperature Thresholds to Assist Heat Vulnerable Tenants and Workers in High-Risk Workplaces." Passed unanimously by the Board, that motion directed the Department of Public Health (Public Health) to investigate safe maximum temperature thresholds for dwelling units and high-risk workplaces in coordination with the Chief Sustainability Office (CSO). Acknowledging

⁴ Ibid.

⁵ Hulley, Dousset, & Kahn. Rising Trends in Heatwave Metrics Across Southern California. *Earth's Future*, <https://doi.org/10.1029/2020EF001480>; May 2020.

⁶ Intergovernmental Panel on Climate Change. (2021). *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Masson-Delmotte, V., et al. (eds.)]. Cambridge University Press.

https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf

the economic realities for many small landlords, the motion also directed Public Health to identify funding sources to promote cost- and energy-efficient indoor cooling options, including how the County could leverage managed healthcare plans to assist low-income households and small businesses.

In a March 23, 2023 [response](#), Public Health summarized existing heat thresholds in other jurisdictions and offered recommendations for local action focusing on dwelling units. The response does not make a recommendation regarding high-risk workplaces or mobile homes because those settings are regulated by the California Occupational Safety and Health Administration (Cal/OSHA) and the California Department of Housing and Community Development, respectively.

Safe Maximum Indoor Temperature Thresholds for Dwelling Units

Existing local ordinances from across the country and guidelines from the World Health Organization informed Public Health's recommendation. That recommendation set a maximum temperature threshold for dwelling units in LA County unincorporated areas of 82 degrees Fahrenheit in all habitable rooms if there is an active cooling unit and 86 degrees Fahrenheit if there is evaporative cooling or no cooling unit.

However, the implementation of a two-tiered maximum temperature threshold would likely cause confusion amongst landlords and tenants, make for complex programmatic implementation, and disincentivize landlords from installing active cooling units. For these reasons, the Board of Supervisors (Board) desires a simpler, single-tiered, system. Additionally, as extreme heat is a critical public health emergency that is

unanimously growing more dire, the Board is interested in implementing the policy through the Health and Safety Code.

Nevertheless, for many residents, addressing the health and comfort concerns of extreme heat requires indoor temperatures below 82 degrees Fahrenheit. Thus, it is also important for tenants to have the opportunity to further cool their dwellings. In units where air conditioning is not provided by the landlord, tenants should be able to install air conditioning without fear of eviction or retaliation. Furthermore, all units should be “cooling-ready,” with tenants having the necessary electrical service to operate standard cooling devices. The proposed ordinance should enshrine tenants with a right to responsibly and safely further cool their dwellings at their own cost.

In parallel with the County’s effort, the State of California is also developing a related policy. In 2022, the Governor signed Assembly Bill 209, which requires the California Department of Housing and Community Development (HCD) to recommend a policy to ensure safe maximum indoor air temperatures for residential dwellings. HCD has developed a stakeholder working group to develop these recommendations, which are due to the Legislature by or before January 1, 2025. Representatives from the County are participating in those working group meetings.

Later this year, the Chief Sustainability Office, in partnership with Public Works, will make recommendations to the Board regarding building decarbonization and energy efficiency policies for new and existing for buildings in unincorporated LA County. These recommendations will likely align with federal and state policies and incentive programs to conserve energy and promote building electrification. A building decarbonization policy

in unincorporated LA County will align well with strategies to provide safer indoor temperatures, reducing tenants' energy bills, and promoting improvements to the building envelope and the installation of highly efficient air source heat pumps which provide cooling.

Funding Sources

Public Health's report also noted that there are a variety of funding streams from the State that should be accessible to landlords for weatherization, energy efficiency, building decarbonization, and cooling of buildings rental units. The Low-Income Home Energy Assistance Program provides eligible low-income tenants with assistance paying utility bills, and several utilities including Southern California Edison and the Clean Power Alliance offer further discounted rates for low-income customers. There are also examples in other jurisdictions of health plans covering the cost of air conditioners and air filters for their members. These examples could serve as a model for LA County.

Immediate assistance is needed for vulnerable tenants who lack sufficient indoor cooling and other protections against extreme heat. The County must implement targeted interventions to set its own maximum temperature requirements to protect the most heat-vulnerable tenants.

Extreme Heat Action Plan Framework

This effort to mitigate the impacts of extreme heat within dwellings complements other efforts by the County. On July 25, 2023, Supervisors Solis and Horvath authored a [motion](#) entitled "Addressing Extreme Heat in Los Angeles County Through State and

Federal Partnerships and Developing a County Extreme Heat Action Plan Framework.”

Among other tasks, that motion directed CSO to pursue state, federal, and philanthropic funding to support the development of a Heat Action Plan. In response to the motion, the CSO reported back on November 27, 2023, with a proposed framework, guiding principles, and next steps for implementing the program. One of the key pillars of that framework is to create heat-resilient indoor spaces, which can include supporting the implementation of a residential indoor temperature standard to protect public health.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct Public Health in collaboration with the Chief Sustainability Office (CSO), LA County Development Authority (LACDA), and the Department of Consumer and Business Affairs (DCBA), to conduct stakeholder engagement, including to renters, landlords, public health professionals, and other relevant community-based organizations and groups regarding a maximum indoor temperature for rental dwellings in the County of Los Angeles and report to the Board within 420 150 days with recommendations for how to equitably establish, define, implement, and enforce relevant policy for rental units.
2. Direct County Counsel, in consultation with Public Health, Chief Sustainability Office, Department of Public Works, Department of Regional Planning, Department of Economic Opportunity, Department of Consumer and Business Affairs, and other applicable departments, and based on stakeholder engagement, to prepare and report back to the Board within 180 days with a draft ordinance

establishing a safe maximum indoor temperature for rental dwellings in the County of Los Angeles. The Ordinance should:

- a. Establish a single maximum indoor temperature threshold for dwellings ~~and a right for tenants to safely and responsibly cool their dwellings.~~
- b. Require that all rental housing be “cooling ready” so that there is a code-compliant and safe way for a tenant to add air conditioning ~~should they desire.~~
- c. Center health concerns regarding extreme heat by utilizing the Health and Safety Code, where possible.
- d. Use a phased implementation approach, such that:
 - i. Recently constructed dwellings and those constructed or undergoing substantial remodeling after the Ordinance’s implementation are immediately subject to the maximum indoor heat temperature threshold, and
 - ii. existing buildings not subject to Directive 2(d)(i) are granted extended time to comply with the maximum indoor heat temperature threshold, with additional consideration based on the age of the building, the number of units owned by the landlord, and landlord’s financial ability to comply.
- e. Include anti-displacement provisions to prevent landlords from passing the cost of complying with the Ordinance on to tenants in the form of additional fees, rent, or other charges, to the extent possible.

- f. Update tenant protections to ensure that cooling practices are not considered cause for eviction.
 - g. Include a plan to incentivize landlords to timely adopt cooling measures that achieve safe indoor temperature thresholds.
- 3. Direct CEO with the assistance of the CSO and the Internal Services Department (ISD) to identify and report within 120 days on potential funding streams and facilitate access to existing federal and State resources to implement this Ordinance, including resources to provide technical and financial assistance to small landlords, low-income tenants, and those who would be unduly burdened by a retrofit requirement. Technical assistance should include, but is not limited to, assessing the dwelling's needs and installing electric air conditioning units or weatherization to meet the ordinance requirements.
- 4. Direct Public Health in collaboration with the Department of Health Services to report within 120 days and explore opportunities for health plans to cover active and passive cooling as a covered benefit for high-risk beneficiaries.
- 5. Delegate authority to the Director of the DPH or designee to execute agreements or to amend agreements including sole source agreements for stakeholder engagement, education, prevention, and outreach and related activities; to increase funds to existing agreements for these purposes; and execute further amendments as required as long as funding is available.
- 6. Direct the Chief Executive Officer (CEO) to identify \$750,000 to support the stakeholder engagement contract and contracted staff to oversee this effort.

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