ORDINANCE 71839

BOARD BILL NUMBER 226 AS AMENDED INTRODUCED BY ALDERWOMAN ALISHA SONNIER

An ordinance also known as the "Safe Temperatures In Rentals," that provides a temperature performance standard to protect the health and safety of tenants from extreme temperatures; containing an enforcement provision, providing for penalties; containing a severability clause; and including an effective date.

WHEREAS, global climate change has caused the warming of the environment; and

WHEREAS, the Environmental Protection Agency has warned against the dangerous conditions caused by climate change, including high air temperatures that can cause heat stroke and dehydration and affect people's cardiovascular and nervous systems, as Midwestern cities like St. Louis are vulnerable to heat waves, urban areas are typically warmer than their rural surroundings and many houses and apartments lack air conditioning; and

WHEREAS, the most vulnerable groups of people include children, the elderly, the sick, and the poor; and

WHEREAS, minimum cooling standards are becoming increasingly necessary to prevent heat-related deaths and injuries; and

WHEREAS, a Missouri state statute currently requires landlords to provide equipment to heat a rental unit for the safety of tenants, but not to cool; and

WHEREAS, between 1980 and 2016, the City of St. Louis lost more than 400 lives to heat-related deaths, including a devastating 2012 heat wave that killed 18 St. Louisians; and

WHEREAS, a 2020 study found that formerly red-lined neighborhoods in St. Louis are on average about 5 degrees hotter than non-related neighborhoods and St. Louis itself around 7 degrees hotter on average than the surrounding areas; and

WHEREAS, all dwelling units must meet minimum health and safety standards as set out in the City of St. Louis Building Code, including but not limited to ventilation, sanitation facilities, heating facilities, fire safety, and other code-required equipment; and

WHEREAS, minimum maintenance requirements for existing buildings and exterior property shall be met to protect the health, safety, and welfare of tenants and the general public with compliance responsibilities on the part of the owners, operators, and occupants of the property; and

WHEREAS, raising awareness of community residents who are vulnerable to extreme temperatures and track inadequate living conditions were identified as recommended priorities in developing a resilient community against climate change and disaster in the 2018 Gravois Jefferson Historic Neighborhoods Plan.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Definitions.

*"**Cooling System**"* means a mechanism or set of devices designed to reduce or maintain the temperature of an environment. Examples of cooling systems include, but are not limited to, air conditioning units installed in windows, portable electronic air conditioners, and HVAC systems.

"***CREA***" means the St. Louis Civil Rights Enforcement Agency.

"***Owner,***" as defined in Section 25.56.020, means any person, agent, operator, firm, corporation, or any other legal entity having a legal or equitable interest in a parcel of real property; recorded

in the official records of the City of St. Louis as holding title to a parcel of real property; or otherwise having control of real property, including as a landlord, collector of rent, or a guardian of an estate for any such person, executor, personal representative, administrator of the estate of such person, or bankruptcy trustee.

*"**Rental Dwelling Unit**,"* as defined in section 25.56.020, is a Dwelling Unit that is being held out or being offered for rent or is being let for rent and/or occupied by any person who is not the owner of the premises.

"***Temperature Sensor***" means a device that detects and measures hotness and coolness and converts it into an electrical signal.

SECTION TWO. **Rental Dwelling Cooling Requirements.**

a. Rental Dwelling Units shall be designed and maintained in such a manner that from May 1 through September 30, annually, the unit is capable of sustaining an indoor temperature between 68- and 85-degrees Fahrenheit in at least one habitable room, not to include the bathroom.

b. Rental Dwelling Units shall be designed and maintained in such a manner that from June 1 through September 30, annually, the unit is capable of sustaining an indoor temperature between 68- and 85-degrees Fahrenheit.

c. If a Cooling System is provided by the Owner, such system shall be maintained in such a manner that it is capable of maintaining an indoor temperature of 85 degrees Fahrenheit or below in each room of the Rental Dwelling Unit and is in compliance with all applicable City building, construction, and maintenance code requirements. Owners shall ensure that the Cooling System is maintained in good working order through regular inspection as described under Section _____ and maintenance in a reasonable time after a tenant reports a problem. Owners are required to

inform tenants of the availability and proper use of the Cooling System upon occupancy, if provided. Clear instructions on reporting any Cooling System-related issues must be provided to tenants.

d. Temperature measurements shall be taken at a distance of three feet above the floor in the center of the room.

SECTION THREE. Enforcement. The Building Division is hereby empowered to enforce the provisions of this Section. When the Building Division has determined that a violation has occurred, the Division will impose penalties pursuant to Chapter 25.33. Additionally, the Building Division is directed to share that information with CREA, including details about the violation, the owner of the unit, the address of the unit, the corrective action taken to rectify the violation, and the fines paid as a penalty for the violation. Nothing in this ordinance or the administration or application thereof shall be construed to create a private right of action.

SECTION FOUR. Reporting and Prohibition of Retaliatory Acts.

A tenant of a Rental Dwelling Unit can report noncompliance with the rental dwelling cooling requirements to the Citizens Service Bureau. Owners shall not retaliate when tenants report or complain of code violations as defined herein applicable to the premises to a competent governmental agency, elected representative, or public official charged with responsibility for enforcement or exercise any right or remedy provided by law. Retaliatory acts may include but are not limited to deferring or ceasing maintenance services and contacting or threatening to contact a law enforcement department or agency.

SECTION FIVE. Penalties. Any person, firm, partnership, or corporation who violates any provision or provisions of this ordinance shall be issued a fine up to five hundred dollars ($500.00),

unless a higher maximum fine is subsequently dictated by Charter amendment, in which case the maximum fine shall be increased to such higher maximum authorized by the amendment. Each day's violation shall constitute a separate offense. Penalties of this ordinance shall not become effective until July 1, 2025.

SECTION SIX. **Severability Clause.** The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.