



Legislation Text

File #: O-24-59, Version: 2

**CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL**

COUNCIL BILL NO. O-24-59 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

ORDINANCE

Amending The Uniform Housing Code To Require Cooling Systems (Fiebelkorn)

WHEREAS, access to a safe and comfortable indoor environment is fundamental to housing quality and in Albuquerque, adequate cooling is essential to ensure the comfort and safety of a tenant; and

WHEREAS, Albuquerque's summers have become increasingly hotter and longer, with rising temperatures and prolonged heatwaves, creating an emerging need for cooling systems to be required in all rental units; and

WHEREAS, extreme heat can cause serious health issues, including heat exhaustion, heat stroke, and other heat-related illnesses, especially affecting vulnerable populations such as the elderly, children, and individuals with underlying health concerns; and

WHEREAS, the State of New Mexico mandates that all essential amenities provided in rental housing, including any cooling facilities, be maintained in good repair; and

WHEREAS, many residents of Albuquerque, many of whom are seniors and/or have low incomes, who rent their homes may not have the financial resources to purchase or install cooling equipment, making it necessary to require landlords to provide this essential utility; and

WHEREAS, any additions or improvements made to a rental unit, including but not limited to cooling systems, shall remain with the property; therefore, the installation and maintenance of these systems is the responsibility of the property owner; and

WHEREAS, neighboring cities like Dallas, Texas and states such as Arizona have implemented regulations to require landlords to provide renters with cooling systems in their rental housing; and

WHEREAS, ensuring access to cooling systems in rental properties reflects the City's dedication to the well-being of all residents, aligning with the City's commitment to providing safe, comfortable, livable housing for all residents.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The Uniform Housing Code (ROA 1994, Chapter 14, Article 3) is hereby amended as follows:

§ 14-3-3-2 MECHANICAL REQUIREMENTS.

(A) *Heating[, Cooling,] and Ventilation.*

(1) Heating [and Cooling].

(a) Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68° F. at a point of three feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the city's currently adopted New Mexico Mechanical Code as adopted in the UAC.

(b) Unvented fuel-burning heaters shall not be permitted. All heating devices or appliances shall be of an approved type. Ovens, stoves or ranges, or other cooking appliances shall not be used for the purpose of heating any portion of a dwelling. Approved portable space heaters may only be used as the sole source of heating on a temporary basis when the permanent heating system is being repaired or replaced.

[(c) Every dwelling unit and guest room shall be provided with cooling facilities capable of maintaining a room temperature of 80° F or lower at a point of three feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the city's currently adopted New Mexico Mechanical Code as adopted in the UAC.]

(d) Portable coolers may only be used as a sole source of cooling on a temporary basis when the permanent cooling system is being repaired or replaced.]

(2) Electrical Equipment.

(a) All electrical equipment, wiring and appliances shall be installed and

maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(b) Every habitable room shall contain at least two supplied electric convenience outlets or one such convenience outlet and one supplied electric light fixture. Every toilet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one supplied electric light fixture.

(3) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by § 14-3-2-2(C), such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

§ 14-3-4-7 HAZARDOUS MECHANICAL EQUIPMENT.

***HAZARDOUS MECHANICAL EQUIPMENT* shall include any mechanical equipment that does not conform to all applicable laws and codes in effect at the time of installation and which has been maintained in a good and safe condition.**

All dwellings and dwelling units that use gas shall be provided with gas service. Gas facilities connected to or in any building or structure are to be maintained hazard-free and in a state of good repair. All heating [and cooling] facilities shall be free from health hazards associated with ventilation, mounting, and gas connections and other defects. Unvented fuel-burning heaters must be of a listed and approved type and are prohibited as the sole source of heating. Ovens, stoves or ranges, or other cooking appliances shall not be used for the purpose of heating any portion of a dwelling. Listed, approved portable space heaters may only be used as the sole source of heating on a temporary basis when the permanent heating system is being repaired or replaced. [Portable space coolers may only be used as the sole source of cooling on a temporary basis when the permanent cooling system is being repaired or replaced.]

§ 14-3-4-2 INADEQUATE SANITATION.

***INADEQUATE SANITATION* shall include but not be limited to the following:**

(A) Lack of, or not properly operative toilet compartment, lavatory, bathtub or shower in a dwelling unit.

(B) Lack of, or not properly operative toilet compartments, lavatories and bathtubs or showers in a motel/hotel/bed & breakfast.

- (C) Lack of, or not properly operative kitchen sink.
- (D) Lack of hot and cold running water to plumbing fixtures in a motel/hotel/bed & breakfast.
- (E) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (F) Lack of, or not properly operative adequate heating [and cooling] facilities.
- (G) Lack of, or improper operation of required ventilating equipment.
- (H) Lack of minimum amounts of natural light and ventilation required by this code.
- (I) Lack of required room and space dimensions as defined by this code.
- (J) Lack of required electrical lighting.
- (K) Lack of adequate weather protection that results in dampness of habitable rooms.
- (L) Lack of adequate maintenance or the presence of general dilapidation.
- (M) Lack of connection to required sewage disposal system or approved septic system.
- (N) Lack of one or more of the following services: electrical, gas, water, sewer connection by a utility company or approved septic system.

SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends, is incorporated in, and is to be complied as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after publication by title and general summary.

