

ORDINANCE NO. C36877

An Ordinance creating a right for cooling for residential tenants; amending section 10.57.140, enacting a new section 10.57.175 of Chapter 10.57 and repealing Section 10.57.170 of the Spokane Municipal Code.

WHEREAS, according to the memorandum “Spokane Climate Impacts and Climate Justice,” average annual temperatures in Spokane have increased by 2°F since 1950 and peak August temperatures have risen 3.5°F since 1979; and

WHEREAS, according to the same memorandum, summer temperatures are projected to increase by another 3.6°F by 2049; and

WHEREAS, according to the 2023 report “In the Hot Seat” by the University of Washington Climate Impacts Group, Washington state is expected to see an increase in extreme heat days, a projected average of 20-30 extreme heat days annually by the 2050s compared to the average of three extreme heat days per year between 1971 and 2021; and

WHEREAS, extreme heat can cause illness and death; and

WHEREAS, the 2021 Northwest Heat Dome resulted in at least 19 heat-related deaths and over 300 people seeking medical treatment for heat related illness in Spokane County; and

WHEREAS, extreme heat is the number one weather-related cause of death in the U.S., killing more people most years than hurricanes, floods, and tornadoes combined; and

WHEREAS, poor outdoor air quality due to wildfire smoke often prevents residents from safely opening windows for cooling, making adequate cooling essential to maintaining the health and safety of Spokane residents; and

WHEREAS, establishing performance-based cooling requirements ensures that all landlords operate under fair and consistent habitability standards; and

WHEREAS, according to Spokane’s “Climate Risk and Vulnerability Assessment” the elderly and youth are particularly vulnerable to health impacts resulting from extreme heat; and

WHEREAS, RCW 59.18.060 requires a residential landlord to “keep the premises fit for human habitation”; and

WHEREAS, RCW 59.18.060 also requires that a residential landlord “provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant”; and

WHEREAS, just as heating is an essential service to maintain habitability in the winter months, our changing climate now requires that cooling similarly be treated as an essential service to maintain habitability in the summer months; and

WHEREAS, on June 10, 2024, the City Council adopted Ordinance C36523 and establishing a tenant right to install portable cooling devices, which right has since been incorporated into state law by the 2026 Washington State Legislature in Senate Bill 6200, effective June 11, 2026; and

WHEREAS, the Spokane Municipal Code requires the City to provide cooling centers “when necessary to protect vulnerable individuals and families from extreme cold, extreme heat, poor air quality conditions, and severe weather events” and goes on to characterize extreme heat as “any days during which the heat index is predicted by the National Weather Service to be 95 (ninety-five) degrees Fahrenheit or higher for two (2) consecutive days or more”; and

WHEREAS, that City Council finds that further measures are needed to ensure the safety of tenants in Spokane during extreme heat events;

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. Chapter 10.57.140 is amended to read as follows:

Section 10.57.140 ((Private Right of Action)) Supplemental Claims, Right of Termination

- A. ~~((Any person or class of persons who claim to have been injured by a violation of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, ((10.57.170)) 10.57.175, or 10.57.180 may commence a civil action in Superior Court, not later than three (3) years after the occurrence of the alleged violation to obtain relief with respect to such violation. Upon prevailing, such aggrieved person may be awarded reasonable attorneys’ fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages, a penalty of up to \$500, and injunctive relief.))~~ Nothing in this chapter shall be deemed to prevent any person or class of persons from commencing a cause of action or raising a defense in any court of competent jurisdiction for alleged violations of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, 10.57.175, or 10.57.180 and for harm arising therefrom. Such claims shall be in addition to any other claims or damages available under federal, state or local law.
- B. If a landlord fails to comply with the requirements of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, ~~((10.57.170,))~~ or 10.57.180. and such failure was not caused by the tenant, the tenant may terminate the rental agreement by written notice pursuant to law.

Section 2. Chapter 10.57.170 entitled “Portable Cooling Devices” is repealed.

Section 3. There is enacted a new section 10.57.175 of the Spokane Municipal Code to read as follows:

Section 10.57.175 Cooling and Tenancy Habitability

- A. The definitions in section 10.57.005 apply to the terms in this section unless a different meaning is provided. In addition, for purposes of this section, the following terms are defined:
1. “Adequate Cooling” means cooling from cooling equipment and passive cooling measures that is sufficient to avoid risks to tenant health, including, but not limited to, heat exhaustion, dehydration and worsening cardiovascular or respiratory conditions.
 2. “Cooling equipment” means central air conditioning, an evaporative cooler, or a portable cooling device.
 3. “Department” means the Department of Code Enforcement established pursuant to Section 03.01B.051 of the Spokane Municipal Code.
 4. “Dwelling unit” has the meaning set forth in RCW 59.19.030 (10), when occupied by a person or persons primarily for living or dwelling purposes under a rental agreement or lease.
 5. “Portable cooling device” means an air conditioner or other cooling device, including a device mounted in a window or one that is designed to sit on the floor, but not including a device whose installation or use requires permanent alteration to the dwelling unit.
 6. “Room” means a space in the dwelling unit that is used for leisure or sleeping. It excludes kitchens or bathrooms.
- B. A landlord may not prohibit or restrict a tenant from installing or using a portable cooling device of the tenant’s choosing, except as otherwise permitted under RCW 59.18.740 (Chapter 184, Laws of 2026, Washington State Legislature).
- C. Commencing on the effective date of this ordinance, at least one room in a dwelling unit shall be provided with cooling equipment that achieves adequate cooling. For purposes of this section, a lack of cooling equipment shall constitute a defective condition.
- D. If a dwelling unit property owner does not have cooling equipment that achieves adequate cooling in at least one room as required under this section, a tenant may provide a written notice of the defect given to the landlord pursuant to RCW 59.18.070(2). If, more than 72 hours following the receipt of written notice, the landlord fails to remedy the defective condition, the tenant may:

1. Terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement, in which case the tenant shall be (a) discharged from payment of rent for any period following the termination date, and (b) entitled to a pro rata refund of any prepaid rent, and (c) shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280; or
2. Pursue any other remedies set forth in this chapter or state law; or
3. Arrange for installation of cooling equipment and deduct the documented cost from the tenant's rent, consistent with the process and terms set forth in RCW 59.18.100(2), and not to exceed a value of five hundred dollars. For purposes of this subsection D.3, the following shall apply:
 - a. The maximum value of the rent deduction shall begin at five hundred dollars upon the effective date of this ordinance and adjusted to increase annually thereafter on June 1 according to the United States Bureau of Labor Statistics Consumer Price Index inflation calculator. This data represents changes in the prices of all goods and services purchased for consumption by urban households. The new value shall be rounded to the nearest dollar.
 - b. Where a tenant deducts the documented cost of a cooling measure under this subsection, the dwelling unit is deemed in compliance with cooling requirements under this section and the following apply: (i) the cooling measure is the property of the landlord and the tenant shall not remove it from the dwelling unit; (ii) the tenant shall maintain the cooling measure in good working order during the tenancy, ordinary wear excepted; and (iii) if, on termination of the tenancy, the cooling measure has been removed from the dwelling unit or is not in good working order for any reason other than the landlord's act or ordinary wear, the amount the tenant deducted is owed to the landlord and may be deducted from the deposit and accounted for under RCW 59.18.280 or may be recovered as a debt against the tenant. This subsection D.3.b does not apply to a cooling device the tenant installs at the tenant's own expense without deducting its documented cost from the rent.

E. A landlord of any dwelling for which building permits for its construction were issued on or after January 1, 2027, shall provide cooling equipment in the dwelling unit that:

1. Conforms to applicable law at the time of installation, including the requirements of this chapter; and
2. Is maintained in good working order.

- F. All new leases, or any renewal of an existing lease, signed after the effective date of this ordinance shall be accompanied by a separate and prominent notice to tenants of their rights, responsibilities, and restrictions related to installation and operation of cooling equipment.
- G. Nothing in this ordinance shall be construed to limit the responsibilities of landlords to provide reasonable accommodations under existing state and federal law.
- H. The City of Spokane may partner with energy providers, other regional partners, and state regulators to offer incentives or rebates for property owners who make energy-efficient improvements such as insulation, ventilating, air conditioning, weatherization, or heat pump installations, operations, and maintenance, on the condition that cost savings are shared with tenants.
- I. The City of Spokane may partner with energy providers and other regional partners to identify tenants who are most vulnerable to extreme heat and provide them with cooling devices, energy bill assistance, weatherization, and other services. These funds will be available to tenants, landlords and agencies needing assistance with purchase of devices and weatherization.
- J. The City of Spokane may encourage the development of heat mitigating roofs and other passive cooling site and building features by exploring code updates and incentives to reduce energy use and improve resilience to extreme heat.
- K. Consistent with its authority under Sections 10.57.010 and 10.57.040 of this Code, the Department shall enforce the requirements of this Section. The Director of the Department or the Director's designee may grant the owner of a dwelling unit an extension of time to comply with the requirements of subsection C where such owner demonstrates that:
 - 1. Compliance with this section would cause undue hardship, including but not limited to financial hardship, the need to make major capital improvements, the need to make significant electrical upgrades, or designation of such covered dwelling as a landmark, as a landmark site, as an interior landmark, or within a historic district; and
 - 2. Such owner intends to install a centrally supplied cooling system or a permanent non-central cooling system in order to comply with the requirements of this section and completing such installation by the applicable deadline would be impracticable.
- L. Extensions granted pursuant to subsection K shall be in increments of no more than 2 years; provided, extensions may only be renewed where the Department determines that the owner of the dwelling unit is making meaningful progress to achieving the requirements of this ordinance.

- M. No less than 30 days after providing an extension to an owner of a dwelling unit pursuant to subsection K, the Department shall provide written notice of such extension to each tenant of such covered dwelling unit receiving an extension. The owner or manager of the dwelling shall assist the Department in providing such notice to the tenant(s) of the dwelling unit.
- N. This ordinance is intended to require safe cooling in structures intended or used for residential rental use or tenant habitability. Nothing in this ordinance shall be construed to require cooling systems that do not comply with residential and emergency building codes adopted under RCW 19.27.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 5. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date