

Full Temperature Control for Tenants

**Protecting tenants from
extreme heat**



**Hamilton
ACORN**

September 2022

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Executive Summary

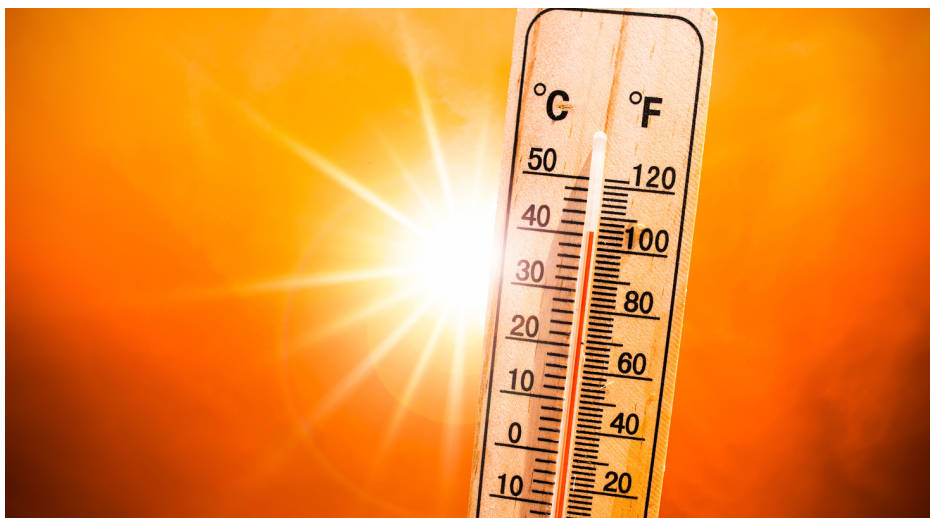
Extreme heat is a growing issue for Hamilton tenants. For years, tenants have been raising the alarm on unsafe conditions in rental housing during the hot summer months. Currently, there are no laws provincially or municipally requiring air conditioning or that indoor temperatures do not exceed a maximum temperature.

The climate crisis will mean heat events will continue to increase in intensity, duration, and frequency. And it is well documented that those disproportionately affected by heat related deaths and illness are seniors, people with disabilities, and low-income, racialized and tenant communities.

In June, ACORN members voted to start a new campaign on the issue and organized over the summer to discuss the impacts of extreme heat and put together policy demands for the City of Hamilton.

This report will provide an overview on the impact of extreme heat, what other jurisdictions are doing, testimonials from ACORN members, share the results from our extreme heat tenant survey and demands for the City of Hamilton.

The City of Hamilton has the power to ensure rental housing is safe during heat events. ACORN will be working with its allies to demand the city move quickly to pass local legislation.



ACORN Hamilton started in 2017 and has grown to four chapters across the city since then: Downtown, Mountain, East End and Stoney Creek.



Introduction

Hamilton is getting hotter and residents that live in rental housing are struggling to keep cool. The climate crisis will result in more and longer heat events in Hamilton, increasing the risk of heat related death and illness for vulnerable community members. Instead of recognizing the threat of extreme heat and providing safe housing, many Hamilton landlords are restricting or preventing altogether a tenant's ability to keep cool.

During ACORN community meetings, tenants have been sounding the alarm in recent years of landlords imposing new rules around air conditioning use and other barriers such as cost. Access to cooling is no longer a luxury, it is a necessity.

In July 2022, ACORN members voted to start a new campaign on the issue of extreme heat. Over July and August, members hosted two community meetings to discuss the issue and plan out the launch of the campaign.

Existing rules

In Ontario, under the Residential Tenancies Act, tenants must have access to vital services such as heat, hot and cold water, and electricity. Currently, the regulations do not include air conditioning as a vital service.

In Hamilton, there is a minimum heat bylaw. Landlords are required to supply adequate and suitable heat from September 15 to May 15 of each year. Temperatures must be at least 20°C in all spaces where people live.

Despite pressure from tenant groups and even the Ontario Human Rights Commission, the current Ontario provincial government has refused to bring in provincial rules to protect tenants from extreme heat. In a recent statement the Ministry of Housing has said "Municipalities establish and enforce bylaws for property standards, which set out operation and maintenance standards for rental housing, including air conditioning,".

While provincial legislation would ensure all Ontario tenants benefit, there is no indication that this is a priority for the current government. It will fall on municipalities to respond.

Introduction

The City of Hamilton has the power to protect tenants from extreme heat. The health and wellbeing of thousands of renters is at stake.

ACORN looks forward to working with our allies, Councillors and city staff to make Hamilton a leader on this issue and pass the first maximum heat bylaw in Ontario.

Tenant Rights

1) Can I have an Air Conditioner?

Check your lease!

Does it say that you require the landlord's consent to have an AC? If not, the landlord cannot dictate whether you can have an AC in your home. If you don't have a written lease, then the landlord cannot prevent you from having an AC.

Even if your lease says you can't have AC, if you have had your AC unit installed for a long period of time, with the landlord's knowledge, and they have never said anything about it, it may be possible to argue that the landlord has given "implied consent".

2) Can the landlord introduce a new AC unit charge all of a sudden?

Possibly. If you pay for electricity yourself, then the landlord cannot charge you extra for AC. If the landlord pays for electricity and the lease doesn't say anything about additional AC charges, they cannot charge you more.

But, if the landlord pays for electricity, and your lease agreement says there may be an additional charge for using AC, then they may be able to charge you extra – although they cannot impose a one-time charge for the whole season, it must be a monthly charge. You can negotiate the charge with your landlord.

What is extreme heat?

What is extreme heat?

The City of Hamilton considers a heat event when two or more consecutive days with daytime highs greater than or equal to 31°C and nighttime lows greater than or equal to 20°C or Humidex of 40°C or greater.

As the impacts of climate change worsen, as per the 2021 Climate Science Report Prepared for the City of Hamilton by ICLEI Canada, **Hamilton is expected to see:**

- Increase in number of +30°C days
- Increase in number and length of heatwaves
- Increase in length of the hot season

Heat related risks

At most risk are people with disabilities, older people and low-income, Indigenous, Black and other racialized communities that have little or no access to air conditioning and are more likely to live in areas with fewer parks and shaded outdoor areas (Ontario Human Rights Commission).

Extreme heat can cause heat exhaustion, heat cramps, heat stroke and death, but also exacerbate pre-existing chronic conditions, particularly heart and respiratory diseases.

What is Hamilton doing?

Hamilton's climate adaptation plan

Hamilton declared a Climate Emergency in 2019 to recognize that the impacts of climate change are here in the city and will increase over the 21st century.

In August 2022, the City of Hamilton approved its Climate Change Impact Adaptation Plan which identifies extreme heat as a priority climate change impact.

The plan includes the following actions related to extreme heat in rental housing:

- **Develop guidelines and incentives for homeowners and landlords to improve the resilience of residential buildings to climate-related risks through upgrades and/or retrofits.**
- Develop and implement a response program for vulnerable populations to protect residents from climate-related risks (i.e. extreme cold, extreme heat, etc.).
- Consolidate existing vulnerable persons' contact lists and update/expand them to guide emergency response and/or other assistance programs.
- **Coordinate local efforts to address excessive indoor temperatures in rental housing.**
- Align ongoing efforts within the City to continue expanding affordable housing to protect vulnerable populations to reduce climate-related impacts from extreme weather and temperatures.
- Establish buddy systems/help-your-neighbour programs to implement during extreme weather events.

What are other jurisdictions doing?

Maximum heat bylaws

Some Ontario cities like Mississauga and Ajax do require landlords to keep indoor air temperatures not above 26 degrees Celsius **BUT only** if air conditioning is provided by the landlord. Currently there are no Canadian examples of a maximum heat bylaw (requiring landlords to provide cooling) for rental housing but several jurisdictions in the United States have passed local legislation.

To date, several cities in the United States require landlords to provide air conditioners for their tenants such as Tempe, Arizona, Dallas, Texas and Montgomery County.

Case study: Montgomery, Maryland

- Montgomery County has a population of just over 1 million outside of Washington, DC
- Bill 24-19, Landlord – Tenant Relations – Obligations of Landlord – Air Conditioning was passed in February 2022
- Law requires that property owners “supply and maintain” air conditioning service at 80 degrees Fahrenheit or less during the summer months

Council enacts bill spearheaded by Council Vice President Tom Hucker to require air conditioning for all rental units in Montgomery County

For Immediate Release: Tuesday, February 25, 2020

Bill 24-19 is part of Hucker's ongoing efforts to improve living conditions for renters

ROCKVILLE, Md., Feb. 25, 2020—Today the Montgomery County Council unanimously enacted Bill 24-19, Landlord – Tenant Relations – Obligations of Landlord – Air Conditioning, that would improve living conditions for renters across Montgomery County. Councilmember Tom Hucker, chair of the Transportation and Environment Committee and Council vice president, is the lead sponsor of Bill 24-19, which requires landlords to provide and maintain air conditioning service for rental housing in the County. Councilmembers Will Jawando, Gabe Albornoz, Nancy Navarro and Hans Riemer are cosponsors of the bill.

“Extreme heat can be just as deadly to vulnerable residents as extreme cold,” Hucker said. “Yet the County Code has a limit on only how cold an apartment can get. As climate change worsens, we are going to see hotter days for longer periods of time, so it will be more important than ever that tenants have access to a safe and cool environment.”

Many residents who rent older and more affordable housing units do not have access to consistent air conditioning. This bill requires that individual air conditioning units, or a central air conditioning system, be maintained in good working condition to provide an inside temperature of 80 degrees or less from June 1 through Sept. 30 each year. Prior to Bill 24-19, County law required only that each rental unit be able to maintain a minimum temperature of 68 degrees but didn't mandate a maximum temperature.

Survey Results

Methodology

In order to understand the issues tenants are facing during extreme heat, Hamilton ACORN undertook a survey between July 13 2022 and August 29 2022. The survey was shared and filled out by ACORN members and tenants through community meetings, outreach, phone banking and social media. In total, 120 individual surveys were collected from 79 different apartment addresses. 66% of respondents reported an annual household income of under \$60,000.

Key takeaways from the survey:

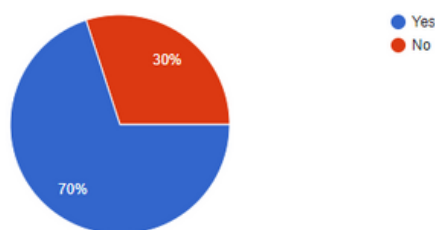
1) Extreme heat impacts many Hamilton tenants

70% of survey respondents reported being impacted by extreme heat in their home.

The top 5 ways that heat impacted tenants was poor sleep, fatigue, headaches, and inability to concentrate and complete tasks.

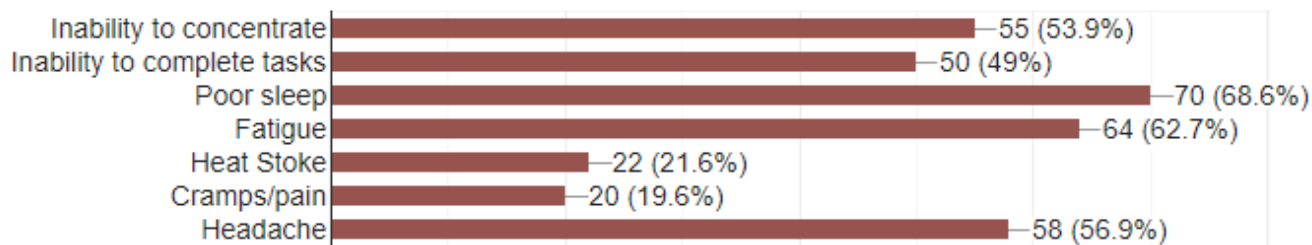
22 individual respondents reported suffering from heat stroke in their apartment.

Are you impacted by extreme heat in your apartment?
120 responses



If yes - what are some of the main ways you are impacted? (Check all that apply)

102 responses



Survey Results

2) A significant percentage of respondents reported no access to in-suite air conditioning

30% of respondents shared that they do not have access to air conditioning in their apartment.

The biggest barriers to access air conditioning were cost (purchase of an AC and utilities) and restrictions by landlords.

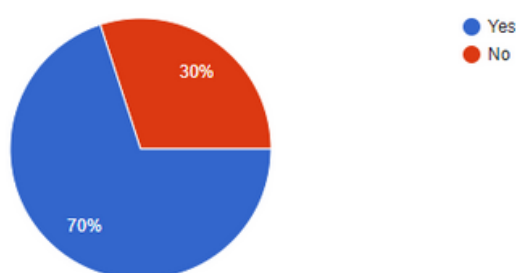
Tenants reported that their lease didn't allow AC use, were threatened with eviction if they didn't take their window AC out, unable to safely install a window AC, and extra fees required to use AC.

Using fans was the most popular way to cope for tenants without AC (55 respondents). 18 respondents without AC shared they go to indoor community or public spaces to keep cool during the day.

Of the tenants that do have air conditioning, 51% have window, 32% portable and 17% central air conditioning. 61% reported that the cost of utilities was included in their rent.

Do you have access to air conditioning in your home?

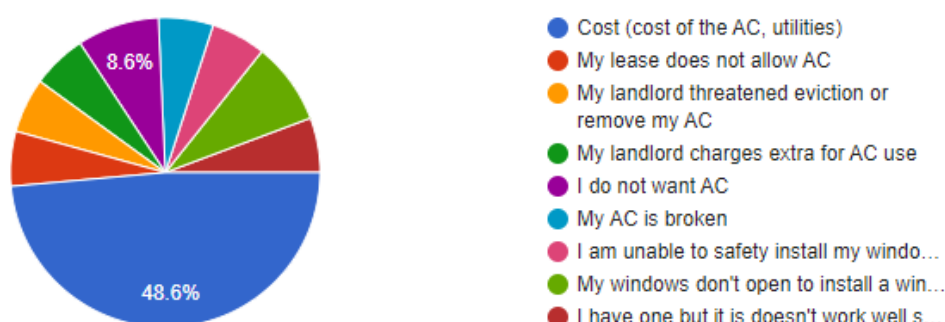
120 responses



*If no What is the main reason for not having AC?

35 responses

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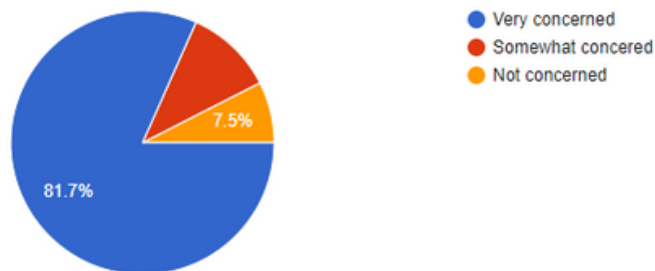
Survey Results

3) Tenants are extremely concerned about the impacts of climate change in their communities.

82% of tenants said they were 'very concerned' about climate change in relation to rising temperatures.

Are you concerned about climate change, in relation to rising heat?

120 responses

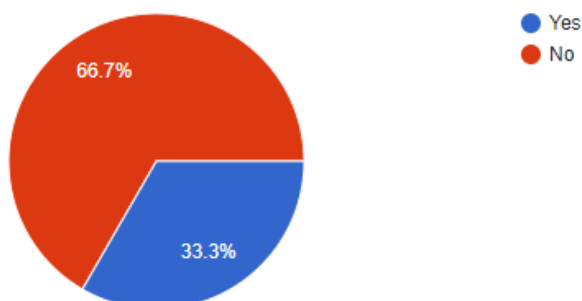


4) Tenants are unsure of their rights as it relates to their ability to keep cool at home.

67% of respondents said they do not know their rights as a tenant on this issue.

Do you know your rights as a tenant as it pertains to air conditioning use in apartments in Ontario?

120 responses



5) Tenants agree that action needs to be taken to protect tenants from extreme heat.

98% of respondents agree that tenants have the right to be cool and safe in their apartment during the hot summer months.

Campaign Demands

ACORN's survey results demonstrate the impact of extreme heat on tenants and the urgent need for policy to ensure rental housing does not exceed unsafe temperatures. Below are Hamilton ACORN campaign platform demands:

1. The City of Hamilton needs to develop and implement a maximum heat bylaw for rental housing.

- The bylaw needs to apply to all rental housing (all densities, market and social housing)
- 26 degrees has been recognized by other jurisdictions as a maximum indoor temperature but development of the bylaw should include consultation with tenant, housing organizations and health professionals to determine the maximum temperature.
- Support from Hamilton's licensing department to ensure landlord compliance
- Similar to Hamilton's minimum heat bylaw, financial penalty for landlords who fail to comply with the maximum heat bylaw.

2. The City of Hamilton needs to develop a municipal program to support retrofits at market rental housing.

- Similar to the development of the Home Retrofit Program (HERO) for homeowners, Hamilton needs a program for landlords to reduce energy consumption and retrofit older market affordable housing stock to adapt to a hotter climate.

3. The City of Hamilton needs to expand measures in community and public spaces for Hamilton residents to keep cool when outside the home.

- More drinking fountains.
- Improvements to Hamilton's tree canopy especially in low- and moderate-income tenant communities.

4. The City of Hamilton needs to track heat-related deaths and illness

- To better understand the extent of the problem and demonstrate the urgent need for local action on extreme heat, the city needs to initiate monitoring of the impact of extreme heat on human health.

ACORN Member Testimonial: Jay S.

"I have a window air conditioner, but my landlord threatened me with eviction if I put it in."

I live downtown, at Saint John Place Apartments, and DMS is the property management. Extreme heat in my apartment affects every part of my daily life. I can't bear to be in my apartment from 4:00pm to an hour after sundown. It's quite a challenge to be in the apartment at the time because of heat waves. I'm currently experiencing this, right now the temperature is 29 degrees Celsius, and it hasn't been below 28 in about four days. It affects my sleep which affects my mental state, I always feel exhausted and sometimes confused.

I have a window air conditioner, but my landlord threatened me with eviction if I put it in. When I originally moved into the building 18 years ago everyone had window air conditioners. Some people paid seasonal fees for it. It's the only way for anyone to make their apartment livable. But the management underwent window repairs which were decades overdue, and once they were done, they prohibited window air conditioners, and purposely sized the windows too small so the air conditioners would not fit.

They were blaming the fact they had to replace the windows past their expected lifetime on air conditioners but it's just so that their buildings look better cosmetically. I was helping a fellow tenant who was going to be evicted because of her window air conditioner. She would die without AC because she had heart problems. The property management still took her to the landlord tenant board for eviction, citing a clause that said, "the landlord has to give permission for the use of an appliance." But that's contrary to the fact that they had signed people up to pay for AC prior to this, prior to the window renovation. They had previously given people permission for AC. This was a medical necessity for her and yet they were willing to evict her.

Everyone had AC for 40 years prior to the new windows. Now, the landlord is putting up a few times a summer saying window AC is prohibited, and sending nasty letters to tenants saying they needed to remove their AC, or they would face legal action. I want the landlord to know that ventilation and AC are both instrumental to maintaining one's health. Not only just comfort but they are literally health needs.

I'm concerned about climate change. If you read anything on climate change it is predicted to get worse. I'm a First Nations person and you can ever just tell from the plant life how much is changing, and the arctic is much worse off, we're seeing ice that hasn't been exposed in thousands of years.

ACORN Member Testimonial: Lara Friedrich

*"It's not fair
that AC is
affordable
for some
people,
while for
many
people it is
not."*



I live downtown, near Main and Wellington, and my property management is Magna Property Management. The heat in my apartment affects me quite a bit, it makes me tired and gives me a headache as well. I don't have access to central air conditioning in my home.

I did have a portable cooler which sat on the floor, and I have a tube that sits out the window, but I found it was only cooling the bedroom and the tube wasn't fitting, it was annoying. This is the main reason I don't have air conditioning; I haven't picked up another one.

Cost is a barrier in Hamilton now for many people. It is expensive for a lot of tenants. A lot of people would need help installing it [air conditioning], if they were able to have access to it that is. Everyone should be allowed to put one in if they want to.

I'm very concerned about climate change. People's health, the environment, all these things will be affected. There are problems that arise from climate change, like floods, and droughts. I'm very concerned about that. Especially because I don't think the city of Hamilton provides fair access to air conditioning, I have heard landlords are making people take out their air conditioners. It's not fair that it's affordable for some people but for many people it's not. The city could provide a subsidy for people to be able to afford it in the hotter months for low-income individuals and seniors. The city could have a maximum temperature, a certain temperature bylaw of what is considered safe, so if the temperature is at a certain heat, the landlord would be required to provide air conditioning.

ACORN Member Testimonial: Elizabeth Scott

*"You should
be more
worried
about your
tenants
than money
in your
pocket."*



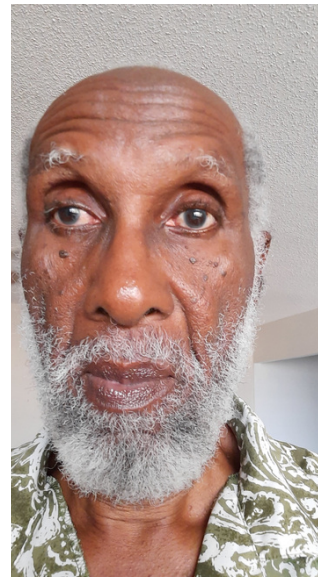
I live in Stoney Creek, at 2520 Barton St. My management is Golden Equity Properties. My household income is about 20,000 a year. The heat in my apartment affects my health. When I get overheated I get migraines. Sometimes, it feels like I'm in an oven. It affects my sleep. I have problems sleeping at night because it's too hot.

I could have access to AC but I can't afford the hydro bill. Cost is the major barrier for me. Last summer, for one month, my hydro bill was almost a hundred dollars and I had three AC's going in my apartment. If I could, I would tell the landlord, well, do you want to see your tenants die in a heat wave? Or from heat stroke? You should be more worried about your tenants than money in your pocket. I'm pretty concerned about climate change. This summer's going to be hot, next summer is going to be even hotter because of climate change.

The City of Hamilton doesn't provide fair access to air conditioning, either. In Hamilton, there's places that you can cool down in Downtown, but in Stoney Creek, there's only a mall and even then, you still need to walk to the mall in the heat, and it could cause a heat stroke just from walking from your apartment to the mall. It could also cause you to get sick from changing temperatures so quickly, but if you were in your apartment you wouldn't have to worry about that. I'd like to see mandatory central AC in buildings, and more locations for cooling centres which are not a long distance of a walk.

ACORN Member Testimonial: Arnim

*"I don't
think the
City of
Hamilton
provides
fair access
to AC."*



I live in Stoney Creek, and my property management is Effort Trust. My apartment gets very hot when the sun is going down, it heats up my apartment and I don't have air conditioning of any kind. I don't want to remain in my apartment when it is hot. I leave, and I go to the mall where it's cooler and the library. That's how I am coping with the heat. My building is not allowed window units or free standing units. It has to do with the age of the building; the window's can't accommodate window units. If I could, I would ask landlords in Hamilton if they would be interested in subsidizing the cost of a freestanding unit. It's too expensive to get a unit myself, and it would jack up my hydro bill.

I am very much concerned about climate change, I think it's going to be something we will have to deal with soon on a permanent basis and we need legislation to keep the apartments at a livable temperature, just as we have laws for warmth in the winter, we need legislation for cooling in the summer. I can see something like that happening going forward.

There has been no conversation between the landlords and tenants at my building regarding AC. My neighbour next to me installed a window unit and that is what other people did too, that is what prompted management to put up posters all over the public areas informing us that we cannot have window units. .

I don't think the City of Hamilton provides fair access to AC. Personally, I think this issue is relatively new, it's happening because of the extreme heat we are experiencing now but this will become a permanent problem going forward. They have announced in the newspapers information about pool and splash pads and mentioned cooling at community centres, but that's not accessible to everyone. The people most at risk such as older people are less mobile and they are the ones stuck in the apartment. I leave the apartment and come back, but not everyone can do that. I would demand that the city puts some consideration into those of us who live in buildings.

Closing

Climate change means heat events will continue to increase in intensity, duration, and frequency. Urgent action is required to protect low- and moderate-tenant communities from the impacts of extreme heat.

The City of Hamilton has the opportunity to be a leader on the issue and use its municipal powers to ensure indoor temperatures in apartments are safe during the summer months.

ACORN will be working with its allies to urge the city to move quickly to develop and pass a maximum heat bylaw.

We need the city to put the health and safety of tenants ahead of the profit of landlords and developers. ACORN demands housing and climate justice!

ACORN Contact Info



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Sources

BC Human Rights Clinic. (2022). *Human Rights in Heat Waves*. <https://bchrc.net/human-rights-in-heat-waves/#:~:text=%5B11%5D%20The%20United%20Nations%20says,options%20in%20this%20warming%20world>.

Centres for Disease Control and Prevention (2017). *Natural Disasters and Extreme weather*. https://www.cdc.gov/disasters/extremeheat/heat_guide.html.

City of Dallas. (n.d). Code Compliance Chapter 27 Housing Standards Manual. <https://dallascityhall.com/departments/codecompliance/DCH%20document/docs/Chapter%2027%20Reference%20Manual%20%282%29%20%28003%29.pdf>

City of Hamilton. (2022). Hamilton's Climate Change Action Strategy. City of Hamilton. <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=325828>

Davis, E. (2021). Should Access to Air Conditioning be Legally Mandated? Storeys. <https://storeys.com/air-conditioning-legally-mandated/#:~:text=In%20an%20incredible%20overdue%20movie,conditioning%20by%20May%2015%2C%202021>.

Government of Canada. (2020). *Communicating the health risks of extreme heat events*. <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/climate-change-health/communicating-health-risks-extreme-heat-events-toolkit-public-health-emergency-management-officials-health-canada-2011.html#a1.0>

Hallman, T. (2016). Dallas makes rules tougher on landlords with new housing standards. The Dallas Morning News. <https://www.dallasnews.com/news/2016/09/28/dallas-makes-rules-tougher-on-landlords-with-new-housing-standards/>

Hamilton. (n.d.). Climate Change Impact Adaptation Planning. <https://engage.hamilton.ca/climate-change-adaptation#:~:text=Climate%20change%20impacts%20are%20worsening,more%20precipitation%20leading%20to%20flooding>.

Local Governments for Sustainability. (2016). *Climate Data for the City of Hamilton, Ontario*. <https://climatechangehamilton.files.wordpress.com/2017/06/the-science-of-climate-change.pdf>

O'Malley, I. (2022). Canada is Warming Twice as Fast as the Rest of the World. The Weather Network. <https://www.theweathernetwork.com/ca/news/article/global-warming-driving-canadas-temperatures-up-at-twice-global-rate-climate-change-arctic-anomaly-maps>:

<https://conservationhamilton.ca/climate-change-and-hca/>

<https://www.istockphoto.com/photo/hamilton-ontario-canada-gm170456527-24914649>

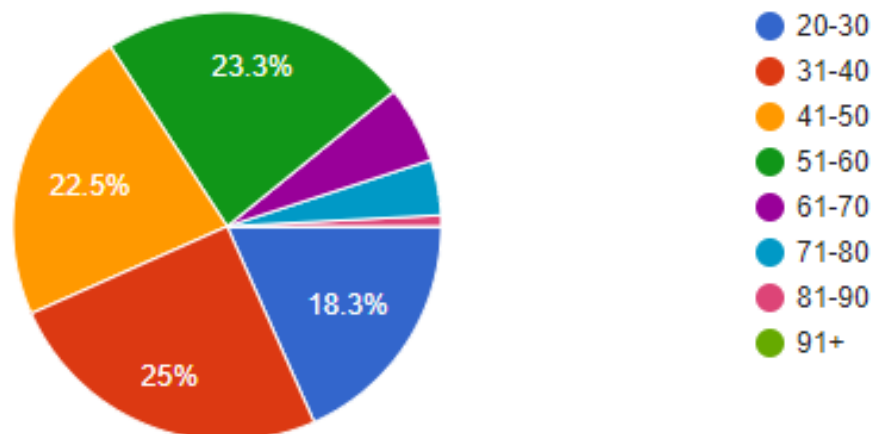
Ontario Human Rights Commission

https://www.ohrc.on.ca/en/news_centre/ohrc-statement-human-rights-extreme-heat-waves-and-air-conditioning

Complete Survey Results

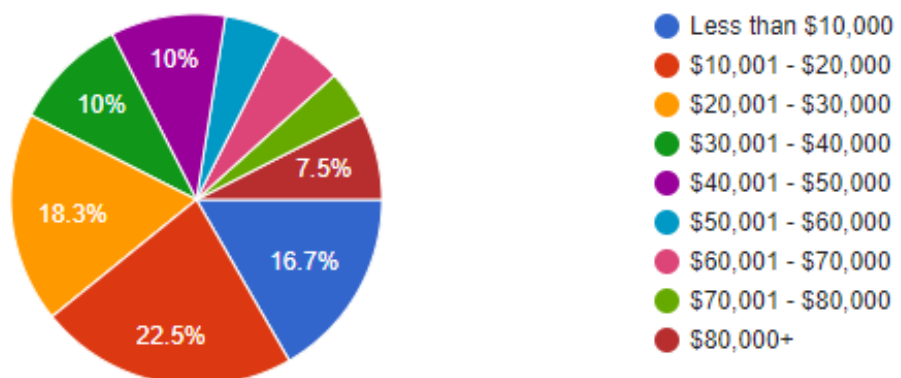
How old are you?

120 responses



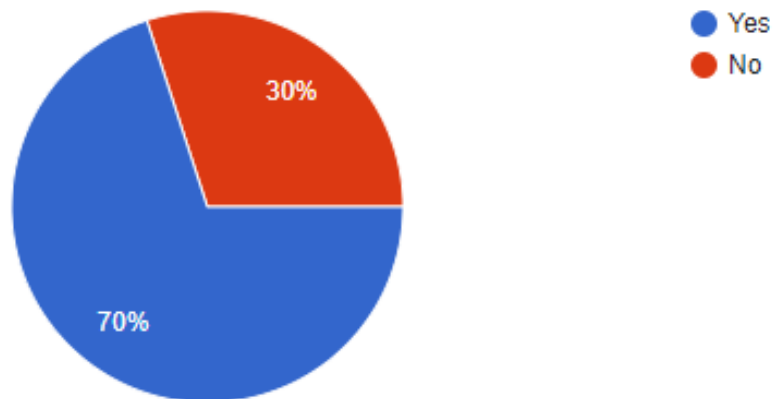
What is your household income?

120 responses



Do you have access to air conditioning in your home?

120 responses



If yes What type of air conditioning unit do you have?

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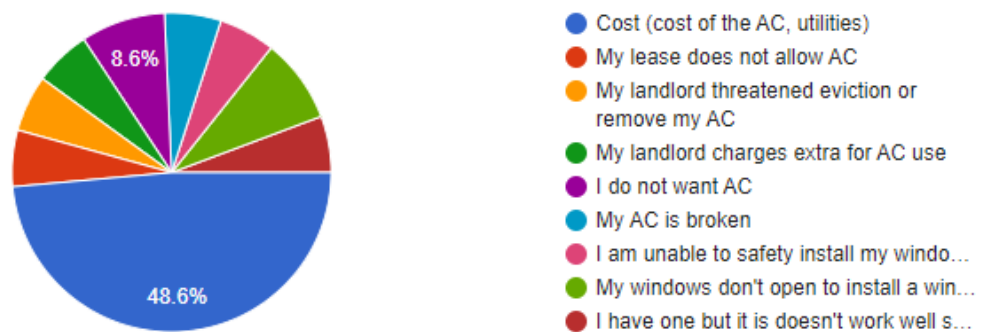
112 responses



*If no What is the main reason for not having AC?

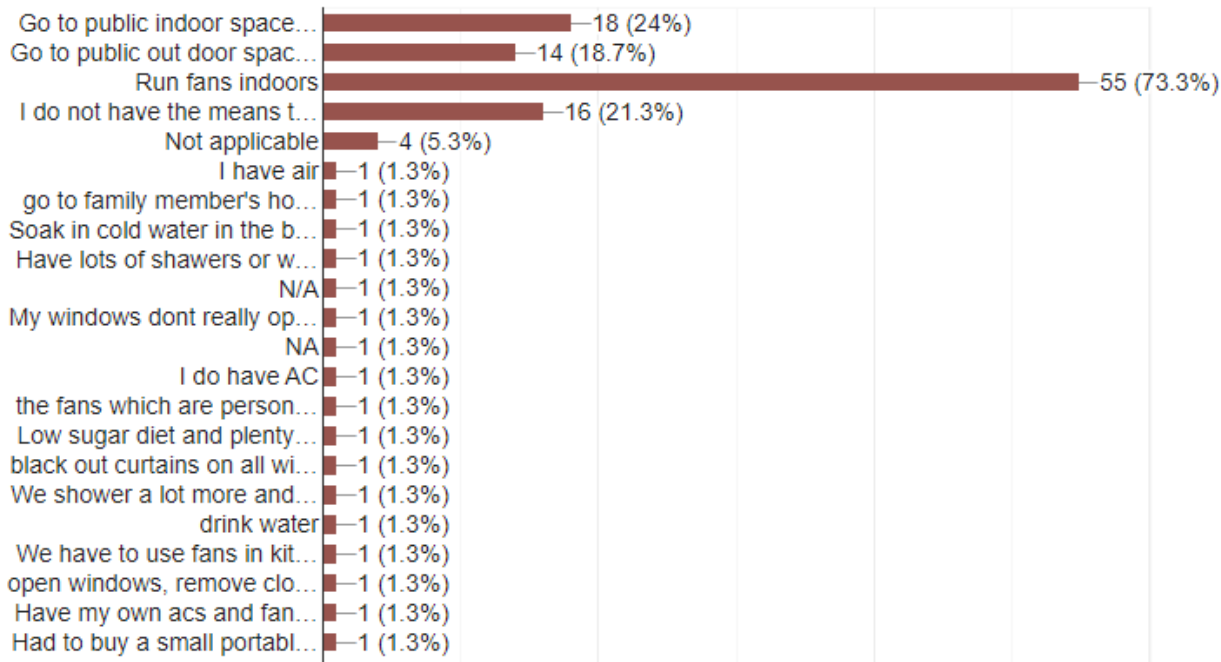
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35 responses



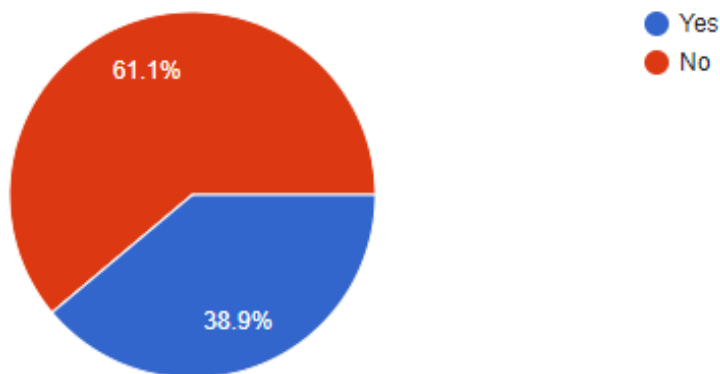
If you don't have air conditioning in your home, what do you do when it gets hot in your home? (Check all that apply) [Copy](#)

75 responses



If answered yes - do you pay extra for air conditioning?

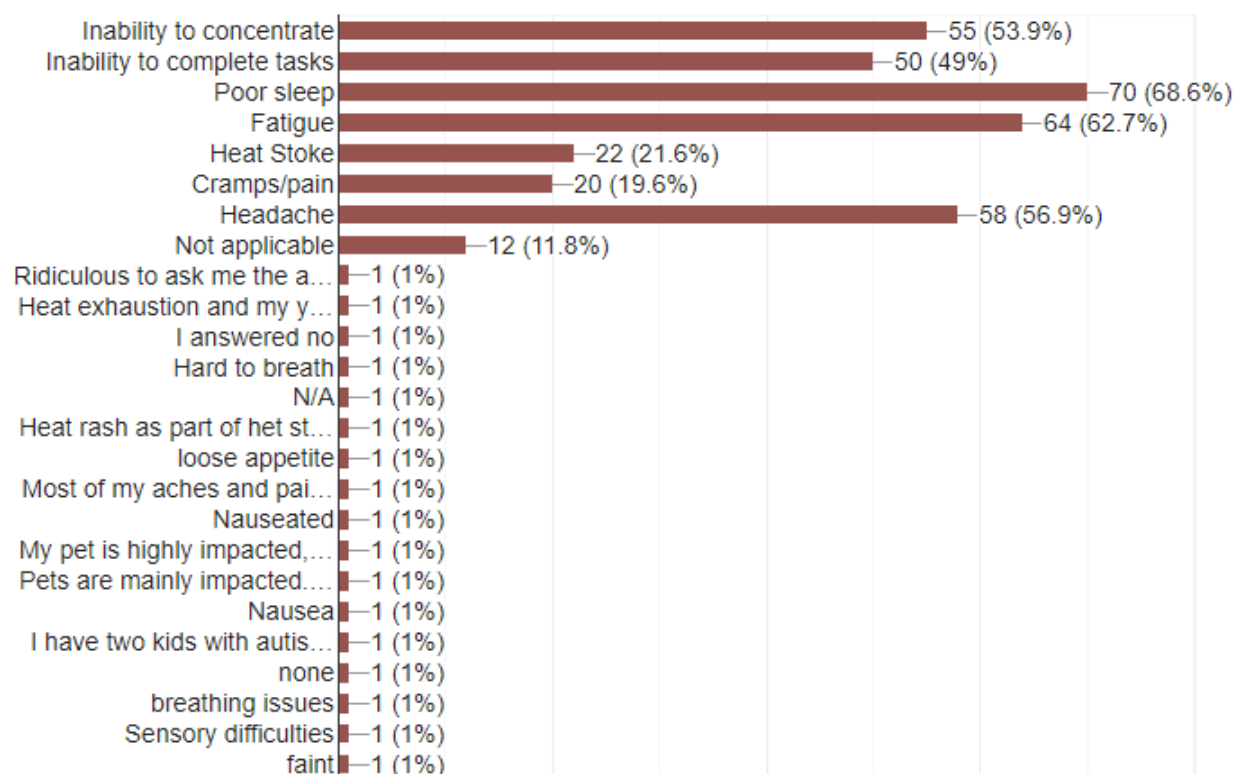
108 responses



If yes - what are some of the main ways you are impacted? (Check all that apply)

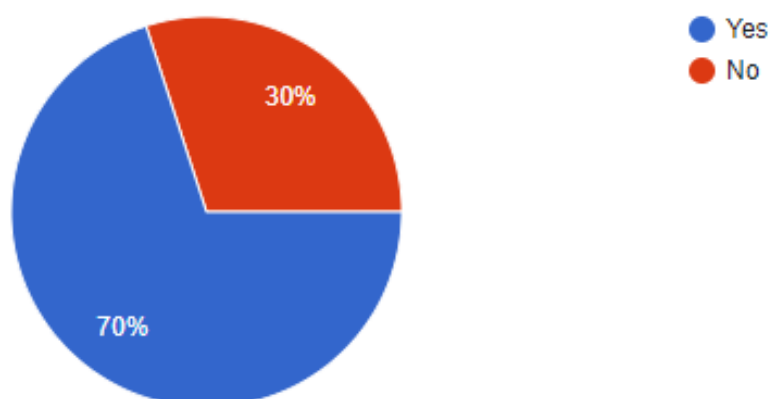


102 responses



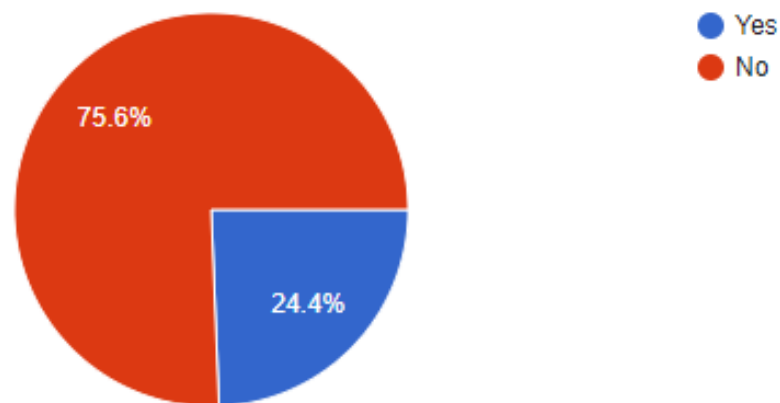
Are you impacted by extreme heat in your apartment?

120 responses



Do you have children that live with you or are dependants?

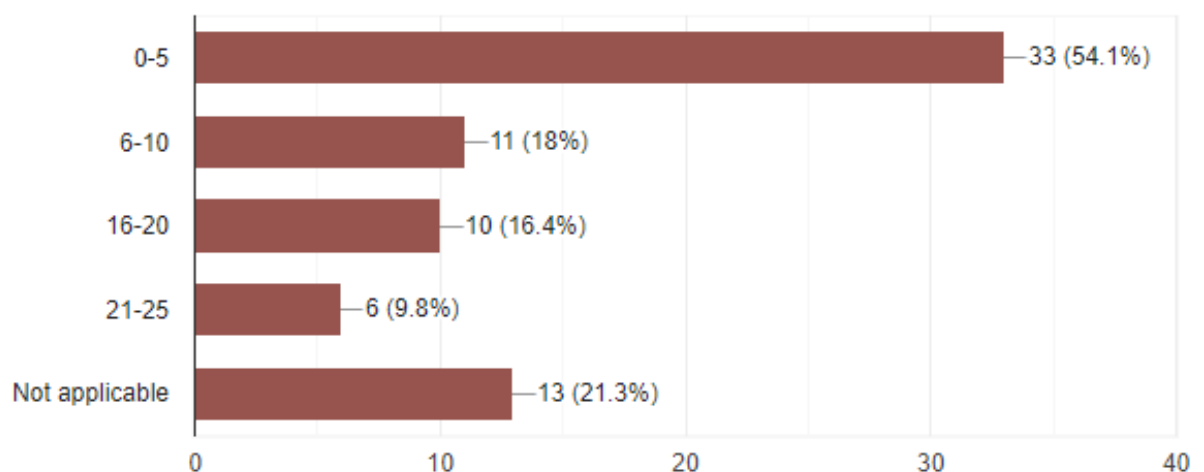
119 responses



What is the age range of your child(ren)? (if you have more than one child, check all ranges that apply)

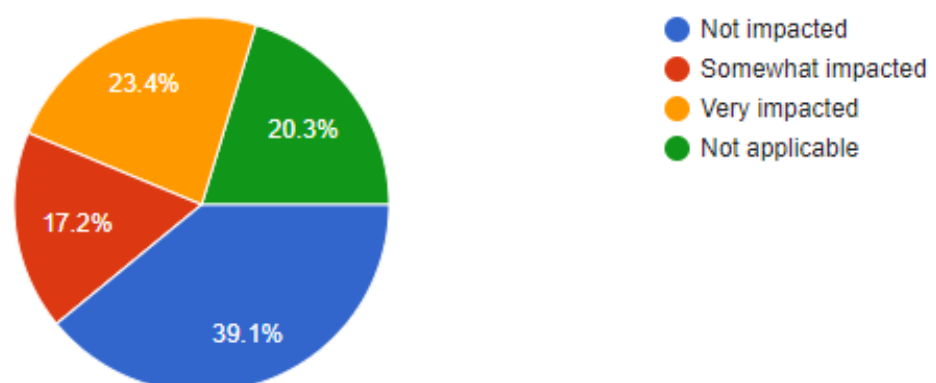
Col

61 responses



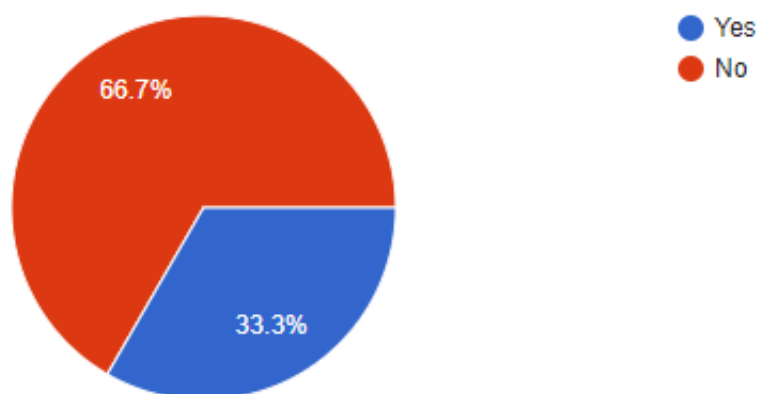
If yes, how impacted are you children by the extreme heat in your home?

64 responses



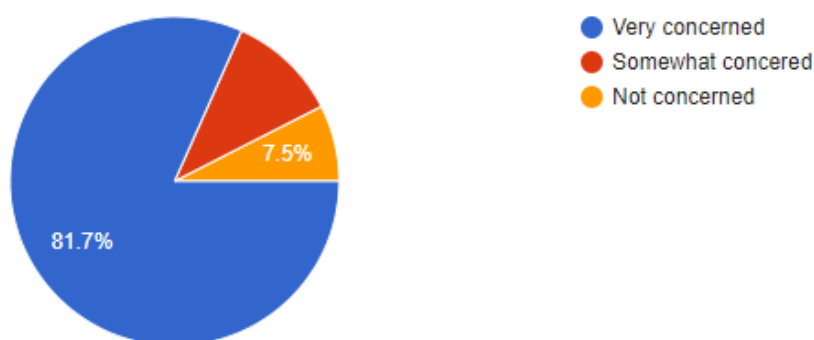
Do you know your rights as a tenant as it pertains to air conditioning use in apartments in Ontario?

120 responses



Are you concerned about climate change, in relation to rising heat?

120 responses



Do you agree that tenants should have the right to be cool in their apartments during the summer? (similar to rules about minimum temperatures during the winter)

120 responses

