

Maximum Temperature By-law Jurisdictional Scan



Clean Air Partnership



INTRODUCTION

Maximum temperature bylaws are local regulations that establish a limit on indoor temperatures in residential buildings to promote safe and comfortable living conditions during periods of extreme heat.

With extreme heat exposure becoming a growing concern in Canadian cities as a result of climate change and urban heat island impacts, many are exploring or adopting these bylaws as a solution.

These regulations to provide cooling can align with other municipal goals, such as reducing carbon emissions and improving community resilience. By promoting energy-efficient heat pumps as a way to meet maximum temperature requirements, municipalities can lower carbon emissions while helping landlords and tenants save money.

When implemented, maximum temperature bylaws have the potential to protect most vulnerable community members from heat impacts by ensuring that they have round-the-clock access to cooling, minimizing disruption to their lives (e.g. visiting a cooling centre to seek temporary refuge from heat waves, reduction in productivity due to excessive indoor temperatures, etc.). However, maximum temperature bylaws could have unintended effects, such as increasing rents or utility costs for tenants. To ensure an equitable and successful outcome, it's crucial to design bylaws thoughtfully, with a phased approach, support for building owners, and coordination with climate action efforts.

This extensive jurisdictional scan showcases indoor cooling bylaw examples from across North America. It outlines cooling requirements and compliance options in different jurisdictions, along with links to the relevant policies.



JURISDICTIONAL SCAN

1. BUILDING TYPE - RENTAL AND LEASED UNITS

Jurisdiction— City of Mississauga, Ontario

Status—Passed

Year— 2018

Buildings and Areas— Rented or leased dwelling units. All areas of the dwelling unit

Maximum Temperature— 26°C

Compliance and Enforcement— Subsection 4(1) [cooling requirement] does not apply if:

(a) the rented or leased dwelling unit is not equipped or furnished with an air conditioning system or unit;

(b) a landlord and tenant have expressly agreed that the rented or leased dwelling unit will not be air conditioned by or at the expense of the landlord; or

(c) a tenant is able to directly regulate the temperature such that adequate and suitable cooling can be provided and maintained and such regulation of the temperature by the tenant has been enabled, if necessary, by the landlord.

Link— <https://www.mississauga.ca/wp-content/uploads/2023/10/Adequate-Temperature-By-law-0110-2018.pdf>

Jurisdiction— Tempe, Arizona, USA

Status—Passed

Year— 2024

Buildings and Areas— All rental housing units. All habitable rooms.

Maximum Temperature— 82F or 27.8°C.

Compliance and Enforcement— Permanent cooling equipment required. Temperature measurements shall be taken at a distance three (3) feet above floor level in the center of the room.

Link— <https://www.tempe.gov/government/community-development/code-compliance-open-min-d/landlords-and-renters/violations/owner-tenant-building-requirements/thermal-environment>

Jurisdiction— Dallas, Texas, USA

Status—Passed

Year— 2024

Buildings and Areas— All rental homes. All habitable rooms.

Maximum Temperature— 8.3°C (15°F) cooler than the outside temperature — up to a maximum



indoor temperature of 29.4°C (85°F).

Compliance and Enforcement– Portable or permanent cooling equipment solutions allowed.

Link– [https://dallascityhall.com/departments/codecompliance/DCH%20documents/docs/Chapter%2027%20Reference%20Manual%20\(2\)%20\(003\).pdf](https://dallascityhall.com/departments/codecompliance/DCH%20documents/docs/Chapter%2027%20Reference%20Manual%20(2)%20(003).pdf),

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-111216

Jurisdiction– Phoenix, Arizona, USA

Status–Passed

Year– 2023

Buildings and Areas– Every rental housing unit where such systems are installed. All habitable rooms.

Maximum Temperature– 82F/ 86F or 27.8°C / 30°C

Compliance and Enforcement– Required cooling shall be provided by permanently installed cooling facilities. Temperature measurements shall be taken at a distance three feet above the floor in the center of the room.

Link– <https://www.phoenix.gov/humanservicessite/Documents/Cooling%20Ordinance.pdf>, <https://phoenix.municipal.codes/CC/39-5#:~:text=1.,connections%20and%20other%20potential%20defects>.

Jurisdiction– Montgomery County, Maryland, USA

Status–Passed

Year– 2020

Buildings and Areas– Rental townhomes and multi-family buildings. All habitable rooms.

Maximum Temperature– 80 F or 26.7°C

Compliance and Enforcement– Air conditioning units or central air conditioning.

Link– <https://www3.montgomerycountymd.gov/311/Solutions.aspx?SolutionId=1-6VX9W2>

Jurisdiction– Pennsylvania, USA

Status–Passed

Year– 2024

Buildings and Areas– All rental housing units. All habitable rooms.

Maximum Temperature– 82F or 27.8°C.

Compliance and Enforcement– Permanent cooling equipment required. Temperature



measurements shall be taken at a distance three (3) feet above floor level in the center of the room.

Link– <https://www.tempe.gov/government/community-development/code-compliance-open-m-i-n-d/landlords-and-renters/violations/owner-tenant-building-requirements/thermal-environment>

Jurisdiction– Houston, Texas, USA

Status–Passed

Year– 2022

Buildings and Areas– All rental properties. Each habitable space.

Maximum Temperature– 80F (26.7°C) or 20F (11.1°C) less than outside whichever is warmer.

Compliance and Enforcement– In each habitable space, if screens are not provided as required in subsection (e)(2) of this section, provide and maintain in good operating condition refrigerated air equipment capable of maintaining a maximum inside temperature 20 degrees Fahrenheit lower than the outside temperature or 80 degrees Fahrenheit, whichever is warmer.

The inside temperature to be measured at a point three feet above the floor.

Link– http://houston-tx.elaws.us/code/coor_ch10_artix_div4_sec10-363

Jurisdiction– New Orleans, LA, USA

Status–Passed

Year– 2023

Buildings and Areas– All rental housing units. All bedrooms.

Maximum Temperature– 80 F or 26.7°C

Compliance and Enforcement– A cooling system in good working condition. Measured at a point three feet above the floor and two feet from exterior walls.

Link– <https://nola.gov/next/healthy-homes/home/>, https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodemd=PTIICO_CH26BUBUREHOST_ARTXIIIHEHOPR.

Jurisdiction– Palm Springs, California, USA

Status–Passed

Year– 2018

Buildings and Areas– Any building that rents, leases or lets one or more dwelling units or sleeping units.

Maximum Temperature– 80 F or 26.7°C.

Compliance and Enforcement– 602.2 Residential occupancies. Dwellings shall be provided with



air conditioning facilities at all times, capable of maintaining a maximum temperature of 80 degrees Fahrenheit in all habitable rooms. 602.3.1 Air conditioning supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units shall supply air conditioning at all times, to maintain a maximum temperature of 80 degrees Fahrenheit in all..... habitable rooms

Link– <https://ecode360.com/42995764#42995693>



2. ALL OTHER BUILDING TYPES

Jurisdiction— British Columbia

Location— Province of British Columbia

Status—Passed

Year— 2024

Buildings and Areas— All new residential buildings or homes. At least one room in each residential unit (excluding bathrooms, storage rooms, etc.)

Maximum Temperature— 26° C

Compliance and Enforcement— Permanent cooling equipment and/or passive measures (with modelling demonstrating compliance with temperature limit).

Part 9 designers are to use CSA F280 “Determining the Required Capacity of Residential Space Heating and Cooling Appliances” in determining the minimum capacity required to meet the cooling requirement. Applicants are required to provide sufficient information, as per Sentence 2.2.2.1.(1) of Division C, to demonstrate that a minimum of one living space in each dwelling unit meets the 26°C requirement. Part 3 designers are to follow the energy modelling procedures as required under Division B, Article 10.2.3.4. Further, should mechanical cooling only be provided for one living space in each dwelling unit, then ASHRAE 55 “Thermal Environmental Conditions for Human Occupancy” analysis is to be performed as outlined in the City of Vancouver Energy Modelling Guidelines. Similar to Part 9 designers, applicants are to provide sufficient information as per Sentence 2.2.2.1.(1) of Division C.

Link— <https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/bulletins/2024-code/b24-08>

Jurisdiction— City of Campbell River, British Columbia

Status—Passed

Year— 2024

Buildings and Areas— New dwelling units in all large (Part 3) and smaller (Part 9) residential occupancies, including secondary suites.

A minimum of one living space within each dwelling unit

Maximum Temperature— 26° C

Compliance and Enforcement— Permanent cooling equipment and/or passive measures (with modelling demonstrating compliance with temperature limit).

Calculations are required to be submitted to the City as part of all building permit applications for buildings containing dwelling units.



Link– https://www.campbellriver.ca/docs/default-source/planning-building-development/application-forms-guidelines/building-information-bulletins/bulletin-dwellings-protection-from-overheating.pdf?sfvrsn=73657608_8

Jurisdiction– City of Nanaimo, British Columbia

Status–Passed

Year– 2024

Buildings and Areas– Secondary Suites. At least one living space in each dwelling unit.

Maximum Temperature– 26° C

Compliance and Enforcement– Summer design temperature requires cooling facilities capable of maintaining an indoor air temperature of not more than 26 degree C in at least one living space in each dwelling unit.

The BC Building Code and Zoning Bylaw apply to the construction of a secondary suite, whether this construction be a renovation; an addition to an existing building; or a new building that incorporates a secondary suite.

Link– <https://www.nanaimo.ca/docs/property-development/building-permits/secondarysuitesbuildingcoderequirements.pdf>

Jurisdiction– Ontario

Status–Passed

Year– 2022

Buildings and Areas– Long Term Care Buildings

Maximum Temperature– 26° C

Compliance and Enforcement– Every licensee of a long-term care home shall ensure that air conditioning is installed, operational and in good working order for the purpose of cooling the temperature in the following areas of the long-term care home during at least the period from May 15 to September 15 in each year:

1. Every resident bedroom.
2. Every designated cooling area, in the case of a home without central air conditioning.

Where an inspector or the Director issues a notice of administrative penalty for the failure to comply with subsection pertaining to air conditioning requirements of this Regulation, the amount of the administrative penalty is \$25,000.



Where an inspector or the Director issues a notice of administrative penalty for a licensee's second or subsequent failure to comply with subsection pertaining to air conditioning requirements of this Regulation, resulting in an order being made where the amount of the administrative penalty is,

- (a) for the second failure, \$50,000;
- (b) for the third failure, \$75,000;
- (c) for the fourth failure, \$100,000; and
- (d) for each subsequent failure, \$125,000

Link– <https://www.ontario.ca/laws/regulation/r23066>

Jurisdiction– Chicago, Illinois, USA

Status–Passed

Year– 2022

Buildings and Areas– Residential buildings over 80ft in height or 100 units, or any building housing seniors. One common area gathering room or all common areas for seniors housing.

Maximum Temperature– 75F or 23.9°C

Compliance and Enforcement– Portable equipment allowed until 2024, permanent equipment required thereafter. At a point 3 feet above the floor.

Link– https://www.chicago.gov/city/en/depts/bldgs/supp_info/cooling-requirements.html

Jurisdiction– Tucson, Arizona, USA

Status–Passed

Year– 2024

Buildings and Areas– Every dwelling unit, guest room, and congregate residence. All habitable rooms.

Maximum Temperature– 82F (Air Conditioners) 86F (Evaporative coolers) or 27.8°C (Air Conditioners)/ 30°C (Evaporative coolers).

Compliance and Enforcement– Permanent cooling equipment required. Fans or portable cooling devices may be used temporarily while a permanent cooling system is being repaired or replaced. Measurements shall be taken at a distance of three (3) feet above the floor in center of the room.

Link– https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az/0-0-0-11113



Jurisdiction– New York, USA

Status–Passed

Year– 2024

Buildings and Areas– School Buildings.

Maximum Temperature– 88 F or 31.1°C.

Compliance and Enforcement– If classroom temperatures climb above 88F, schools must create a plan to relocate students and staff. School districts must also develop plans to reduce extreme heat when classroom temperatures reach 82 degrees, like turning on fans or providing water breaks.

Link– <https://www.nysenate.gov/legislation/bills/2023/A9011/amendment/A>, <https://www.wskg.org/regional-news/2024-12-19/hochul-signs-bill-setting-maximum-temperature-for-ny-classrooms>.

Jurisdiction– Clark County, Nevada, USA

Status–Passed

Year– 2019

Buildings and Areas– Applies to new construction and renovation. All dwelling units, with a permit issuance date for construction or alteration, after February 3, 2019.

Maximum Temperature– 85 F or 29.4°C

Compliance and Enforcement– Designed in a manner such that an interior temperature can be maintained between 68°F and 85°F, by the use of active or passive heating or cooling systems.

Link– http://clarkcounty-nv.elaws.us/code/coor_title22_ch22.02_sec22.02.067

Jurisdiction– Georgia, USA

Status–Passed

Year– 2012

Buildings and Areas– Residential Care. All areas in the assisted living community.

Maximum Temperature– 85 F or 29.4°C.

Compliance and Enforcement– Not specified

Link– [https://casetext.com/regulation/georgia-administrative-code/departments-111-rules-of-department-of-community-health/chapter-111-8-healthcare-facility-regulation/subject-111-8-63-rules-and-regulations-for-assisted-living-communities/rule-111-8-63-22-temperature-control#:~:text=\(2\)%20Temperatures%20in%20the%20assisted,temperatures%20exceed%2080%20degrees%20F](https://casetext.com/regulation/georgia-administrative-code/departments-111-rules-of-department-of-community-health/chapter-111-8-healthcare-facility-regulation/subject-111-8-63-rules-and-regulations-for-assisted-living-communities/rule-111-8-63-22-temperature-control#:~:text=(2)%20Temperatures%20in%20the%20assisted,temperatures%20exceed%2080%20degrees%20F).



Jurisdiction— Portland, OR, USA

Status—Passed

Year— 2015

Buildings and Areas— Every dwelling unit and guest room. All habitable rooms

Maximum Temperature— 78 F or 25.6°C

Compliance and Enforcement— Regulate the design and construction of the exterior envelopes and selection of heating, ventilating and air conditioning systems and equipment. At a point 3 feet or 91.44 centimeters above the floor.

Link— <https://www.portland.gov/code/27/05/021>

Jurisdiction— Washington DC, USA

Status—Passed

Year— 2012

Buildings and Areas— All residential and non-residential structures in the District of Columbia, excluding federal government buildings.

Maximum Temperature— 78F/ 25.6°C or at least 15F less than outside

Compliance and Enforcement— Not specified

Link— [https://dob.dc.gov/service/dc-housing-code-standards#:~:text=Air%20Conditioning%20\(A%2FC\)%3A,less%20than%20the%20outside%20temperature.](https://dob.dc.gov/service/dc-housing-code-standards#:~:text=Air%20Conditioning%20(A%2FC)%3A,less%20than%20the%20outside%20temperature.)

Jurisdiction— El Paso, TX, USA

Status—Passed

Year— 2022

Buildings and Areas— Interior spaces intended for human occupancy. All habitable spaces.

Maximum Temperature— 90 F or 32.2°C

Compliance and Enforcement— The installation of portable space heaters shall not be used to achieve compliance with this section. At a point 3 feet above the floor and 2 feet from exterior walls.

Link— https://www.elpasotexas.gov/assets/Documents/CoEP/Planning-and-Inspections/2021-International-Building-Codes/Chapter-18.10-RESIDENTIAL-CODE.pdfcodes/code_of_ordinances?nodeId=PTIICO_CH26BUBUREHOST_ARTXIIIHEHOPR.



Jurisdiction— California, USA

Status—Passed

Year— -

Buildings and Areas— Residential Care. All rooms occupied by the residents.

Maximum Temperature— 85F/29.4°C or 30F less than outside

Compliance and Enforcement— Not specified

Link— <https://www.law.cornell.edu/regulations/california/22-CCR-87303>

Jurisdiction— Texas, USA

Status—Passed

Year— 2000

Buildings and Areas— Residential Care. All resident use areas.

Maximum Temperature— 81 F or 27.2°C

Compliance and Enforcement—

(a) The heating system must maintain a temperature of not less than 71 degrees Fahrenheit at the resident level in all resident-use areas. Auxiliary heating devices permanently installed, such as heat strips in ducts, electric ceiling-mounted heating units, and electric baseboards, may be used to augment a central heating system as approved by HHSC.

(b) The cooling system must be capable of maintaining a temperature suitable for the comfort of the residents in resident-use areas to an upper limit of 81 degrees.

(c) Air flow must be directed or adjusted so that a resident is not in direct drafts that could be harmful to the health and comfort of the resident.

(d) Unvented heating units and portable heaters are prohibited.

Link— [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_floc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=554&rl=321#:~:text=\(b\)%20The%20cooling%20system%20must,and%20comfort%20of%20the%20resident.](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_floc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=554&rl=321#:~:text=(b)%20The%20cooling%20system%20must,and%20comfort%20of%20the%20resident.)



Jurisdiction— Washington State, USA

Status—Passed

Year— -

Buildings and Areas— Residential Care. Each resident-occupied building.

Maximum Temperature— 85F or 29.4°C

Compliance and Enforcement— The assisted living facility must:

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F. The assisted living facility must:

(a) Maintain the assisted living facility at a minimum temperature of 60°F during sleeping hours; and

(b) Maintain the assisted living facility at a minimum of 68°F during waking hours, except in rooms:

(i) Designated for activities requiring physical exertion;

(ii) Where residents can individually control the temperature in their own living units, independent from other areas; or

(iii) Where residents cannot individually control the temperature in their own living units, maintain all living units at a temperature range of 70°F to 75°F;

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F two percent of the year per the ASHRAE standards;

(3) Equip each assisted living facility with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;

(4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection;

(5) Equip each resident sleeping room with individual temperature controls located between eighteen and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F, these individual temperature controls may be modified to prevent resident access only when:

(a) Appropriate, as documented in resident assessment(s) and their negotiated service plan; and

(b) The temperature range is maintained at a range of 70°F to 75°F.

Link— <https://app.leg.wa.gov/wac/default.aspx?cite=388-78A-2990>

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