

---

**Government of the District of Columbia**



**Office of the Tenant Advocate**

Testimony of

**Johanna Shreve**  
Chief Tenant Advocate

**Public Hearing on:  
Bill 23-643, the “Keeping Cool Elderly Tenants and Tenants with a Disability  
Amendment Act of 2020”**

Committee on Housing and Neighborhood Revitalization  
The Honorable Anita Bonds, Chairperson  
Council of the District of Columbia

on

Wednesday, October 21st, 2020  
9:00 a.m.  
Via Virtual Platform

---

Good morning, Chairperson Bonds, members of the Committee, and staff. I am Johanna Shreve, Chief Tenant Advocate at the Office of the Tenant Advocate. I am here today to testify regarding Bill 23-643, the “Keeping Cool Elderly Tenants and Tenants with a Disability Amendment Act of 2020.”

***What the bill does***

Bill 23-643 would require landlords to provide refrigerated air equipment, or air conditioning, in every habitable room in each rental unit occupied by an elderly tenant or a tenant with a disability. The air conditioning would have to be in the control of the tenant, and be able to maintain a temperature of 78 degrees Fahrenheit or less as measured at a point three feet above the floor. The landlord would be required to pay for the installation of the air conditioning, and if the landlord paid for the electricity before the installation of the air conditioning then he or she must continue to do so. If a landlord has not provided air conditioning to the extent required by the bill, he or she would be required to do so within 14 days of a request by an elderly tenant or a tenant with a disability.

## ***The importance of indoor climate control in 2020***

As the planet warms due to climate change, the last six years have been the six hottest years in recorded history – with last year being the second-hottest.<sup>1</sup> The District has fared similarly to the rest of the world, with the last decade being the hottest on record here,<sup>2</sup> and this year being the fifth-hottest single year on record<sup>3</sup>. Stunningly, the temperature in the District hit 90 degrees or above in a record 28 days in July alone.<sup>4</sup>

It is important that as temperatures continue to rise, the most vulnerable among us are able to keep cool – especially in the summer months. According to the National Oceanic and Atmospheric Administration, heat not only causes illnesses, but it is also one of the top weather-related causes of death in the United States.<sup>5</sup> We are in search of data that is more specific to the District; nonetheless we believe the national statistics and the record temperatures in the District speak for themselves. Of course excessive heat is dangerous for everyone,

---

<sup>1</sup> Climate Central, “Top 10 Warmest Years on Record” (January 15, 2020), available at <https://www.climatecentral.org/gallery/graphics/top-10-warmest-years-on-record>.

<sup>2</sup> *The Washington Post*, “The 2010s were D.C.’s hottest decade as warm became the new norm” (January 3, 2020), available at <https://www.washingtonpost.com/weather/2020/01/03/s-were-dc-hottest-decade-warm-became-new-norm/>.

<sup>3</sup> *The Washington Post*, “2020 was Washington’s 5th-hottest summer on record, with 8 inches more rain than normal” (September 1, 2020), available at <https://www.washingtonpost.com/weather/2020/09/01/washington-dc-summer-2020-recap/>.

<sup>4</sup> *Id.*

<sup>5</sup> National Weather Service, “Heat Safety Tips and Resources,” available at <https://www.weather.gov/safety/heat>.

but it is particularly dangerous for individuals with disabilities or chronic medical conditions as it increases the risk factors associated with heat-related illness.<sup>6</sup>

The elderly are especially vulnerable to overheating. Older residents are at an increased risk of heat-related illnesses, known collectively as hyperthermia, during the summer.<sup>7</sup> As humans get older, their ability to sweat declines.<sup>8</sup> This makes it hard for someone to tell when they are becoming overheated.<sup>9</sup> As one ages, it also becomes more difficult for the human body to regulate its own temperature.<sup>10</sup> Additionally, elderly individuals are more prone to having chronic health conditions that change normal body responses to heat. They are also more likely to take medications that affect the body's ability to control its temperature or sweat.<sup>11</sup> As of 2016, elderly residents made up 16.5% of the District's population, and the 65-to-74 age group had the highest share of growth since 2010.<sup>12</sup> Therefore, to the extent this population lacks indoor temperature control in today's climate, this is a public health concern for the District.

---

<sup>6</sup> Centers for Disease Control and Prevention, "Heat and People with Chronic Medical Conditions" (June 19, 2017), available at <https://www.cdc.gov/disasters/extremeheat/medical.html>.

<sup>7</sup> National Institutes of Health, "Heat-related health dangers for older adults soar during the summer" (June 27, 2018), available at <https://www.nih.gov/news-events/news-releases/heat-related-health-dangers-older-adults-soar-during-summer>.

<sup>8</sup> National Institutes of Health, "Aging changes in vital signs" (October 8, 2020), available at <https://medlineplus.gov/ency/article/004019.htm>.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Centers for Disease Control and Prevention, "Heat and Older Adults" (June 19, 2017), available at <https://www.cdc.gov/disasters/extremeheat/older-adults-heat.html>.

<sup>12</sup> Department on Aging and Community Living, "2019-2022 District of Columbia State Plan on Aging," available at <https://dacl.dc.gov/page/dacl-state-plan-aging-2019-2022>.

Moreover, about 57% of seniors live alone, making it more important for them to be able to easily control their own indoor climate rather than potentially face a sudden heat-related health problem without assistance when temperatures get too high.<sup>13</sup>

Rising temperatures are not the only good reason to provide air conditioning to our most vulnerable residents. Air conditioning likely provides health benefits other than keeping residents safe from hot temperatures. For example, environmental health researchers at Yale University found that well-maintained air conditioning can lower the risk of cardiovascular issues.<sup>14</sup> This is because air conditioning filters out outdoor pollutants that can be inhaled via open windows.<sup>15</sup>

In the absence of air conditioning many people use fans to keep the temperature in their units as low as possible. Unfortunately, fans are known to circulate dust, pollen, and other irritants through the air, which is particularly harmful for those with allergies or asthma.<sup>16</sup> Fans can also dry out the mouth and

---

<sup>13</sup> Id.

<sup>14</sup> *Time*, “You Asked: Is My Air Conditioner Killing Me?” (July 1, 2015), available at <https://time.com/3942050/air-conditioner-healthy/>.

<sup>15</sup> Id.

<sup>16</sup> Sleep Advisor, “Is Sleeping With a Fan On Safe? – Can It Make You Feel Sick?” (June 8, 2020), available at <https://www.sleepadvisor.org/sleeping-with-a-fan-on/>.

nasal passages by causing moisture evaporation.<sup>17</sup> In addition, the concentration of cool air created by a fan blowing directly onto a person can cause excessive muscle tension and cramps.<sup>18</sup> Most of all, however, fans cannot truly regulate the temperature of the whole unit, though they may provide some measure of respite from the heat.

It should be noted that air conditioning systems, when damaged or not properly maintained, can present dangers such as the growth of mold or fungus.<sup>19</sup> Therefore, it is important that air conditioning units and systems be maintained according to the property maintenance code, which requires that they be in safe and good working condition as well as requiring that systems other than window units be inspected yearly by a master refrigeration and air conditioning mechanic<sup>20</sup>.

### ***Recommendations***

Our recommendations are as follows:

I believe the air conditioning units should be removed by the landlord during the off season. Often the size of the air conditioning unit is not a perfect fit

---

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> *Time*, "You Asked: Is My Air Conditioner Killing Me?" (July 1, 2015), available at <https://time.com/3942050/air-conditioner-healthy/>.

<sup>20</sup> 12G DCMR 608.

with the window frame, and this results in gaps that can allow cold air to enter the unit. To prevent this, the air conditioning unit should be removed when the cold weather season begins and replaced before the following spring. The dates for removal and re-installation could be aligned with the property maintenance code, which requires that if a landlord provides air conditioning it must do so from May 15<sup>th</sup> through September 15<sup>th</sup> of each year at minimum<sup>21</sup>. OTA originally recommended the inclusion of this requirement in the property maintenance code to prevent landlords from providing air conditioning too late in the year and deactivating it too early, but here it may be wise to require that the presence of window air conditioning units not overlap with the cold season and to set specific associated dates.

I would also recommend that the Council ensure the Low-Income Home Energy Assistance Program (LIHEAP) is adequately funded to assist those tenants who are entitled to air conditioning equipment but who are also responsible for paying their electric bills. Many of these tenants may be facing tight budgets already, and so the fact that the landlord provides the equipment will not eliminate their hurdles to being able to keep themselves safe from the heat during the summer months. The bill should also ensure tenants are given

---

<sup>21</sup> 12G DCMR 608.1.

information about LIHEAP as well as alternative payment options offered by the utility provider.

Having reviewed some of the other testimony on this legislation, I can imagine that the Committee may see some hurdles to overcome – including determining the merits of requiring air conditioning in more units, and how to prevent discrimination against elderly tenants and tenants with a disability because the landlord does not want to provide air conditioning. OTA supports the goal of this legislation, and we want to express our willingness to engage in a working group with the Committee to address the identified issues with the goal of moving the bill forward as soon as possible

***Conclusion***

In conclusion, Chairperson Bonds, I want to thank you for holding this hearing on this important piece of legislation. This concludes my testimony and I am happy to answer any questions you may have at this time.