



Air Conditioning Regulation

ID 24-295

APRIL 16, 2024

A vibrant mural on a wall, featuring a large blue bird with white and yellow accents, surrounded by large yellow and pink flowers. The mural is set against a background of green foliage. The mural is partially obscured by a diagonal blue and red stripe.

COMMUNITY SERVICES

BACKGROUND – TWO MINUTE PITCH

- On October 17, 2023, Council Member Meltzer requested a Work Session on the pros, cons, and options regarding requiring working air conditioning in rentals and prohibiting HOAs from disallowing air conditioners. (ID 23-224, 10/17/23)

CURRENT CONDITIONS

- Denton's Property Maintenance Code **does not require** air conditioning (A/C) in rental units.
- Denton's Property Maintenance Code **does require working** air conditioning if provided ([Sec 17.166](#)).
- Denton's Development Code **only requires heating** in new construction.
- There is **no State law** that requires A/C to be provided in rental units.

CURRENT CONDITIONS

Homeowners' Associations (HOAs) have certain powers and authorities granted to them by law and outlined in the governing documents of the association, such as the Covenants, Conditions, and Restrictions (CC&Rs). Specific authorities may include:

- Enforcing CC&Rs
- Collecting Assessments
- Architectural Control
- Maintenance and Repairs
- Rules and Regulations
- Dispute Resolution
- Imposing Fines
- Legal Action

CURRENT CONDITIONS

HOAs CAN:

- Enact and enforce rules related to **aesthetics, safety, and property maintenance**;
- Set guidelines for the **placement, appearance, and maintenance of air conditioning units**, but outright bans on air conditioning could not be found;
- Establish restrictions on the installation or use of **window units** for noise, aesthetics, safety, or other concerns that negatively impact property values:
 - Property Damage
 - Personal Injury
 - Electrical Hazards
 - Noise Complaints
 - Neighborhood Aesthetics

ASSISTANCE PROGRAMS

- The City currently operates a **Rental Inspection Program**. This program was started in 2014.
- The City provides **interior inspections of rental units** by request at no cost. When violations exist, the officer works with the landlord to gain compliance in a timely manner.
- Tenants can **report issues** by phone, email, Engage Denton or by visiting Development Services.
- **12%** (17 out of 140) cases were related to A/C units in FY22-23.

Rental Inspections

Violation Type	Totals
☐ ELECTRICAL	34
☐ EXTERMINATION	29
☐ MECHANICAL COOLING	17
☐ ROOFS	15
☐ MAJOR APPLIANCES	8
☐ WATER SYSTEM - WATER HEATING	8
☐ DOORS	7
☐ PLUMBING SYSTEMS	7
☐ SANITARY DRAINAGE	6
☐ ELEVATORS	3
☐ MECHANICAL HEATING	3
☐ REQUIRED FACILITIES	2
☐ FIRE PROTECTION SYSTEMS	1
Total	140

Rental Inspection Program data FY22-23.

ASSISTANCE PROGRAMS

- The City currently operates a **Minor Repair Program**.
- MRP assists income qualified homeowners living within the Denton city limits who cannot afford to complete emergency repairs.
- Homeowners can phone, email, or apply online via [Neighborly](#) for assistance.
- In FY 22-23, 19 households were assisted with HVAC repairs or replacements.
- Environmental and Sustainability programs such as the GreenSense rebate and COG federal tax incentives are available.
- Residents may visit Find Help Denton County for a comprehensive list of services and assistance programs available in the area.



DISCUSSION

1. Does the City Council wish to implement a policy requiring the **mandatory installation of air conditioning in all rental properties**?
2. Does the City Council wish to establish a policy **that prohibits Homeowners Associations (HOAs) from forbidding the installation of air conditioning units**?