



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Community Services/Finance

**CM/DCM/ACM:** Christine Taylor

**DATE:** April 16, 2024

### **SUBJECT**

Receive a report, hold discussion, and give staff direction regarding requiring working air conditioning in rentals and prohibiting HOAs from disallowing air conditioners.

### **STRATEGIC ALIGNMENT**

This action supports Key Focus Area: Support Healthy and Safe Communities.

### **DISCUSSION**

On [October 17, 2023](#) CM Metzler proposed and received support for a 2M pitch request for “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](#))

#### **(1) Policy requiring the mandatory installation of air conditioning in all rental properties?**

The City of Denton does not have a Property Maintenance code requirement that requires air conditioning (A/C) in rental units. Denton’s Property Maintenance Code does require working air conditioning if provided (Sec 17.166). The Denton Development Code only requires heating in new construction. There is no state law that requires A/C to be provided in rental units.

If a rental unit has A/C provided, then there are minimum building standards in Texas state law and the Denton Property Maintenance Code (DPMC) that require the A/C be in operable condition and capable of maintaining a maximum inside temperature. The local code is found in [Sec. 17-166 - Mechanical Facilities](#):

(b) Air conditioning. If refrigerated air equipment is provided in rental units:

- it shall be maintained and operable
- must be capable of maintaining a maximum inside temperature that is 20° lower than the outside temperature or 81° F, whichever is warmer,
- Is effective May 1 through October 1.
- If provided refrigerated air equipment becomes in need of repair, a reasonable length of time will be required to allow for repair of said equipment.
- If no refrigerated air equipment is provided, then screens shall be provided on all operable windows.

## **(2) Policy that prohibits Homeowners Associations (HOAs) from forbidding the installation of air conditioning units**

Both the Texas and United States constitutions have rules that prevent the government from interfering with private contracts. These rules protect the agreements people make in business and personal matters.

In Texas, as in many other states, Homeowners' Associations (HOAs) or other legal entities such as Neighborhood Associations, Manufactured Home Community, etc. 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). The specific authorities of HOAs in Texas can include:

- **Enforcing CC&Rs:** HOAs are responsible for enforcing the rules and regulations set forth in the CC&Rs. These rules typically cover various aspects of property use and appearance, such as architectural guidelines, landscaping requirements, and maintenance standards.
- **Collecting Assessments:** HOAs have the authority to collect regular assessments (dues or fees) from homeowners to cover common expenses like maintenance, landscaping, and amenities. They can place liens on properties or take legal action against homeowners who do not pay.
- **Architectural Control:** Many HOAs in Texas have the power to review and approve or deny requests for architectural changes, exterior modifications, or additions to properties within the community. This is done to maintain a uniform appearance and protect property values.
- **Maintenance and Repairs:** HOAs often oversee the maintenance and repair of common areas and amenities within the community, such as parks, pools, and roadways.
- **Rules and Regulations:** HOAs can establish and enforce additional rules and regulations beyond those in the CC&Rs, as long as they do not conflict with state or federal law.
- **Dispute Resolution:** HOAs may provide mechanisms for resolving disputes between homeowners or between homeowners and the association itself. This can include the use of dispute resolution committees or alternative dispute resolution (ADR) methods.
- **Imposing Fines:** In some cases, HOAs have the authority to impose fines on homeowners who violate the CC&Rs or other community rules. However, these fines are typically subject to certain limitations and must be reasonable.
- **Legal Action:** If necessary, HOAs can take legal action against homeowners who consistently violate the CC&Rs or fail to pay assessments. This can include filing liens or pursuing foreclosure actions.

The ability of an HOA to restrict or regulate air conditioning use may vary depending on the specific provisions outlined in the CC&Rs. HOAs have the authority to enact and enforce rules related to aesthetics, safety, and property maintenance.

An HOA may set guidelines for the type, placement, appearance, and maintenance of air conditioning units, but outright bans on air conditioning could not be found. Regulations with specific restrictions on the installation or use of window units include noise, aesthetics, safety, or other concerns.

- **Property Damage:** Improper installation or maintenance of window A/C units can lead to water leaks, which can cause damage to walls, ceilings, floors, and surrounding structures. If a window unit falls from its installation, it can cause property damage to both the homeowner's property and neighboring properties.
- **Personal Injury:** Falling window A/C units can also pose a significant risk of personal injury. If a unit falls out of a window, it can potentially harm people passing by or those in neighboring properties.
- **Electrical Hazards:** Electrical issues related to window A/C units can pose fire risks if the units are not properly maintained or if they overload electrical circuits. Faulty wiring or inadequate power supply can lead to electrical fires, which can result in property damage and injury.
- **Noise Complaints:** Some window A/C units can generate significant noise, which can lead to noise complaints from neighbors.
- **Neighborhood Aesthetics:** In neighborhoods or communities with specific architectural or aesthetic standards, window A/C units that do not conform to these standards may be seen as eyesores and negatively impact property values.

## Assistance Programs

### City of Denton Rental Inspection Program

The city currently operates a Rental Inspection Program to ensure renters have access to high quality affordable, safe, and sanitary rental housing. The program was started in 2014. The program provides for interior inspections of rental units by request at no cost.

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.

CIS Rental Inspection Program has closed 140 cases in FY22-23. (Figure 1) Of the 140 cases, seventeen (17) were related to A/C units, making up 12% of the total cases in a year.

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
<b>Total</b>	<b>140</b>

Figure 1

### City of Denton Minor Repair Program

The City currently operates a Minor Repair Program (MRP). 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, nineteen (19) households were assisted with HVAC repairs or replacements.



There are Environmental and Sustainability programs such as the GreenSense rebate program offer local incentives and the Council of Governments have federal tax incentives for the installation of energy efficiency upgrades at their property.

Residents may visit Find Help Denton County for a comprehensive list of services and assistance programs available in the area.

City Council will hold discussion, and give staff direction regarding:

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?

## **EXHIBITS**

1. Agenda Information Sheet
2. Presentation

Respectfully submitted:  
Dani Shaw  
Director of Community Services