

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2616 (McKinnor) – As Amended March 16, 2026

As Proposed to be Amended

SUBJECT: HIRING OF REAL PROPERTY: INDOOR TEMPERATURE

KEY ISSUE: SHOULD A COOLING METHOD THAT MAINTAINS A MAXIMUM INDOOR TEMPERATURE OF NOT MORE THAN 82 DEGREES FAHRENHEIT BE ADDED TO THE LIST OF CHARACTERISTICS THAT MAKES A RENTAL UNIT TENANTABLE, BEGINNING WITH LEASES ENTERED INTO, AMENDED, OR EXTENDED ON OR AFTER JANUARY 1, 2028?

SYNOPSIS

Existing law provides that a rental dwelling unit shall only be deemed “tenantable” (or habitable) if it meets certain requirements, including effective weather protection, plumbing, gas, water, heating, and electric lighting and wiring – all of which conform to applicable law and are maintained in good working order. Last year, this Committee heard and passed a measure that, subject to certain exceptions, added a working stove and refrigerator to the list of items that make a dwelling unit tenantable.

This bill adds to the list of required characteristics a cooling method that maintains an indoor temperature of not more than 82 degrees Fahrenheit. The bill would also prohibit the landlord from passing on costs of compliance to the tenant. In addition, the bill requires a landlord to permit a tenant, subject to certain conditions, to install a portable cooling device or non-mechanical cooling method, at the tenant’s own cost. In order to give landlords and property owners time to make necessary changes to comply with the law, the bill would only apply to leases entered into, amended, or extended on or after January 1, 2028. The bill would specify that neither of these requirements would preempt a local ordinance that requires a cooling method to maintain a maximum indoor temperature of 82 degrees Fahrenheit or lower.

This author-sponsored bill is supported by ACCE and other advocates for tenants and affordable housing. It is opposed by several landlord and property owner groups. The California Apartment Association opposes the bill unless it is amended to clarify several issues, including reasonable limits on a tenant’s ability to install their own cooling devices. If the bill passes out of this Committee, it will be referred to the Assembly Committee on Housing and Community Development. The author will amend the bill in this Committee; the amendments are reflected in the summary and discussed in the analysis.

SUMMARY: Adds to the list of characteristics that make a rental unit tenantable the existence of a cooling method that maintains a maximum temperature of 82 degrees Fahrenheit. The bill would also permit a tenant, subject to certain conditions, to install a portable cooling device or nonmechanical cooling device at the tenant’s own cost. Specifically, **this bill:**

- 1) Adds to the list of characteristics that make a dwelling unit tenantable a safe method in which the dwelling unit can be maintained at the maximum temperature of not more than 82 degrees Fahrenheit.
- 2) Provides, for purposes of the above, that the temperature of the dwelling unit shall be measured at a distance of three feet above the floor level in the center of the dwelling unit.
- 3) Prohibits the landlord from passing onto the tenant any cost of providing the safe cooling method required by this bill or terminating a tenancy on the grounds of renovations or rehabilitation needed to provide the safe method required in 1) above.
- 4) Provides that if the landlord replaces an air conditioning unit pursuant to the above, the landlord shall properly dispose of unused refrigerants pursuant to regulations promulgated by the Air Resources Board.
- 5) Specifies the provisions above shall not preempt a local ordinance governing safe indoor temperature of an indoor unit, as long as the local ordinance requires that the unit be maintained at 82 degrees Fahrenheit or lower.
- 6) Requires a landlord to permit a tenant to install or use, at the tenant's own cost, a portable cooling device or other nonmechanical cooling method, including, but not limited to, blackout curtains, window films, or shades, to maintain the indoor temperature below 82 degrees Fahrenheit, if the installation meets all of the following:
 - a) Complies with state, local, or federal law, including all applicable building standards.
 - b) Complies with the manufacturer's written safety guidelines.
 - c) Does not require the tenant to alter or modify the dwelling unit.
- 7) Requires the tenant to give the landlord five calendar days advance written notice before installing or using a portable cooling device (other than a portable electric fan) or other nonmechanical cooling method. Specifies that any device installed shall remain the property of tenant and makes the tenant responsible for any damage that the installation may cause to the dwelling unit.
- 8) Specifies that 6) and 7) shall not preempt a local ordinance requiring a landlord to permit a tenant to install a portable cooling to maintain an indoor temperature of 82 degrees Fahrenheit or lower.
- 9) Specifies that provisions above shall only apply to leases entered into, amended, or extended on or after January 1, 2028.

EXISTING LAW:

- 1) Provides that a dwelling unit shall be deemed untenable if it substantially lacks any of the following characteristics:
 - a) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.

- b) Plumbing or gas facilities that conform to applicable law in effect at the time of installation, maintained in good working order.
- c) A water supply approved under applicable law that is under the control of the tenant, capable of producing hot and cold running water, or a system that is under the control of the landlord, that produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.
- d) Heating facilities that conform to applicable law at the time of installation, maintained in good working order.
- e) Electrical lighting, with wiring and electrical equipment that conform to applicable law at the time of installation, maintained in good working order.
- f) Building, grounds, and appurtenances at the time of the commencement of the lease or rental agreement, and all areas under control of the landlord, kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.
- g) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter and being responsible for the clean condition and good repair of the receptacles under their control.
- h) Floors, stairways, and railings in good repair.
- i) A stove that is maintained in good working order and capable of safely generating heat for cooking purposes, except as provided.
- j) A refrigerator that is maintained in good working order and capable of safely storing food, except as provided. (Civil Code Section 1941.1.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: According to the author:

There are regions within the state where temperatures exceed 100 degrees for over 50 days every year. From 2013-2022, extreme heat events resulted in nearly 460 deaths in the state. During a major heatwave in 2024, heat-related Emergency Room (ER) visit rates in some areas of the state doubled. In the same year, two counties registered almost 1,800 ER visits for heat-related illness. Vulnerable and disadvantaged communities are disproportionately affected by extreme heat more than other communities.

Current law does not consider a safe maximum indoor temperature for rental housing. The state's administration has recommended considering a general maximum safe indoor air temperature of 82 degrees Fahrenheit (27.8 degrees Celsius) for residential dwelling units. [However], a safe maximum indoor temperature for residential property has not been codified as a requirement for rental housing. . . AB 2616 would require rental housing to be maintained at a maximum indoor temperature of not more than 82 degrees Fahrenheit

without passing down costs of modifications to tenants. It allows tenants to install or use cooling devices and other methods to provide additional cooling.

Heating up. According to California’s Office of Environmental Health Hazard Assessment (OEHHA), California’s average air temperature has increased steadily over the past century, with especially notable increases in nighttime temperatures. Rising temperatures in California are, of course, part of a larger global development that is linked, most scientists agree, to increased levels of carbon dioxide and other greenhouse gases in the Earth’s atmosphere. As is well known, rising temperatures have had a profound impact on the physical environment, contributing to drought, flooding, wildfires, and the disruption of sensitive ecosystems. However, as a recent OEHHA report noted, warmer temperatures also affect “human health and day-to-day activity [and] increase the risk of heat related illnesses and deaths.” OEHHA noted, in particular, that higher nighttime temperatures impede people’s ability to recover from the heat. (*See* California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, “Annual Air Temperature,” available at <https://oehha.ca.gov>.) In 2023, the California Department of Public Health reported that there were 395 excess deaths in California during a 10-day heat wave in September of 2022. Such extended heat waves are expected to increase as the planet warms. The month of March that just passed was one of the warmest and driest Marches on record across all of California, but especially in Southern California. (“California’s Warmest, Driest March in Years is Finally Ending, *New York Times* March 30, 2026.) Anyone who has spent an August anywhere in California’s Central Valley has experienced consecutive days of triple digit heat with only minimal nighttime relief. At such times, the only respite is to retreat into air conditioned homes.

This bill seeks to ensure that tenants have a cool home in which to retreat. The bill does this in two ways.

First, existing law provides that a rental dwelling unit shall only be deemed “tenantable” (or habitable) if it meets certain requirements, including effective weather protection, plumbing, gas, water, heating, and electric lighting and wiring – all of which conform to applicable law and are maintained in good working order. Last year, this Committee heard and passed a measure by the same author that, subject to certain exceptions, added a working stove and refrigerator to the list of items that make a dwelling unit tenantable. AB 2616 would add to the list of required characteristics a cooling method that maintains an indoor temperature of not more than 82 degrees Fahrenheit. The bill does not specify what that cooling method must be, only that whatever method is used – whether mechanical or non-mechanical – that it must be able to keep the indoor temperature at or below the threshold. The bill would also prohibit the landlord from passing on the costs of such a cooling system onto the tenant, and it would also prohibit the landlord from using the need to provide a cooling system as an excuse to terminate a tenancy on grounds that it would constitute a substantial renovation or rehabilitation.

Second, the bill would also allow a degree of tenant self-help by requiring the landlord to permit the tenant to install, at the tenant’s own cost, a “portable cooling device” or other nonmechanical cooling method. The bill defines “portable cooling device” to mean any device that is temporarily affixed or mounted, but which can be easily removed without permanent attachment to the building structure. Presumably this would include window units or detachable wall units. Nonmechanical means of cooling would include such methods as blackout curtains, window films, or various forms of shading. However, such devices or methods could be installed only if

they complied with applicable building codes and standards, complied with manufacturer's guidelines, and do not alter or modify the dwelling unit.

Finally, the bill recognizes that it may take time to bring some rental units into compliance. Therefore, the bill only applies to leases that are entered into, amended, or extended on or after January 1, 2028. In short order this would apply to all leases, given that under California law all residential tenancies are either month-to-month, or they revert to month-to-month after the expiration of a one-year lease. In effect, at that point, the lease is extended every month if the tenant makes a payment and the landlord accepts it.

Prior legislation and regulations. California already requires that workplaces not exceed maximum temperatures. For example, Cal/OSHA requires employers to implement safety measures when the workplace reaches 82 degrees Fahrenheit, such as providing water, cool-down areas, and breaks. (8 CCR Section 3396.) While California has no similar statutes or regulations for residential housing, SB 655 (Chap. 522, Stats. 2025) declared it to be the established policy of the state that all dwelling units, as defined, are required to be able to attain and maintain a safe maximum indoor temperature. Prior to that, AB 209 (Committee on Budget, Chap. 251, Stats. 2022) required the Department of Housing and Community Development (HCD) to make recommendations to the Legislature on ways to ensure that residential dwelling units maintain safe indoor temperatures. HCD's report proposed, among other things, the promulgation of building standards that require newly constructed residential dwelling units to be designed and constructed to maintain a maximum indoor air temperature of 82 degrees Fahrenheit. The report also recommended the establishment of incentive programs for passive and low energy cooling strategies focusing on the use of cool roofs, cool walls, window shading, building shading, and landscaping, or what is sometimes referred to as "passive" or "nonmechanical" alternatives to air conditioning systems. This bill seems fully consistent with those previously articulated policy goals and recommendations.

Opposition concerns. The California Association of Realtors (CAR) and several state and regional landlord and property owner associations oppose the bill outright, while the California Apartment Association (CAA) oppose the bill unless it is substantially amended. The opponents contend achieving a maximum indoor temperature of 82 degrees Fahrenheit would require installation of air conditioning equipment. Not only would this be costly, the opponents contend, but it could also have adverse environmental impacts, such as pumping out harmful freon into the atmosphere that, ironically, create "heat islands" and make global warming worse. Opponents also contend that installing air conditioning will have an adverse impact on lower income renters, whose electricity bills will increase substantially. (Of course, renters who are concerned about this are free to use air conditioning sparingly.) Finally, the opponents claim that by making the cooling systems part of the tenantability and habitability standards, the bill will create increased litigation, even where housing providers make good-faith efforts to comply.

CAA raises several concerns about the provision of the bill that requires a landlord to permit a tenant to install a "portable cooling device." CAA seeks amendments that would require the tenant to coordinate with the landlord regarding the installation of the portable cooling device, and CAA would limit the devices to a standard 110-volt capacity to avoid electrical overload risks, and more generally want to ensure that the combined electrical load of all tenants does not exceed the electrical capacity of the building or complex. CAA also seeks amendments that would make clearer the tenant's responsibility for any damages caused by the installation, including water damage, mold, or mildew caused by the device. However, some of CAA's

concerns seem to be addressed, at least partially, in the bill. For example, the bill requires the tenant to give the landlord five days' notice before installing the device, and the bill expressly makes the tenant responsible for any damage caused by the tenant's installation of the device.

The cost of not providing a cooling system. The opponents are correct that, for landlords that do not already provide it, installing air conditioning or other methods to maintain a safe indoor temperature will entail costs, and the bill prevents them from passing these costs along to the tenant. However, this could be said about any of the existing tenantability requirements. We expect landlords to provide access to gas, water, and electricity, and we would not be persuaded that a tenant would need to go without access to basic utilities merely because it would be too expensive to install the necessary hardware. Last year the Legislature passed, and the Governor signed, a bill that requires a rental unit (subject to certain exceptions) to provide a working stove and refrigerator as a necessary condition of tenantability. This, too, will impose a cost on landlords. However, the Legislature must consider not only the cost of providing a cooling system, but it must also consider the broader social costs of not requiring a safe indoor temperature. As noted above, reports of heat-related deaths and illnesses prompted the Legislature to declare, as a matter of policy, that residential dwelling units must maintain safe indoor temperatures, and the HCD report resulting from that legislation recommended that a safe indoor temperature should not exceed 82 degrees Fahrenheit.

Regional variations. One of the points raised by CAA concerns the regional variations in temperatures across the state. It is difficult to imagine anyone living safely in Sacramento or Bakersfield in August without air conditioning or some equally effective mode of cooling. However, there are many communities, especially along the coast in Central and Northern California, where mild summers make air conditioning unnecessary or inefficient. To be sure, even coastal communities may have days when outdoor temperatures could raise the indoor temperature above 82 degrees F., but would it be efficient to require landlords to install an air conditioning systems in places where they might only be used one week out of the year? Of course, with climate change, there may be fewer and fewer communities where residents can reasonably live without air conditioning. *However, the author may wish to consider whether there are areas of the state where imposing this requirement might be unnecessary or inefficient.*

Proposed author amendments. The author will amend the bill in this Committee. For the most part these are clarifying amendments or correct confusing constructions in the bill print. However, two amendments are more substantive. One amendment specifies that a landlord cannot terminate a tenancy on the grounds that installing a cooling system amounted to a substantial rehabilitation that permits terminating a tenancy without cause. Another amendment clarifies that nothing in this bill would preempt a local ordinance that requires a cooling system that maintains the indoor temperature at 82 degrees Fahrenheit or less. Specifically, the amendments, other than those correcting typographical errors and renumbering paragraphs, are as follows:

-On page 3, between lines 29 and 29, insert:

(g) This section shall not preempt a local ordinance requiring a landlord to permit a tenant to install or use, at the tenant's own cost, a portable cooling device or other nonmechanical cooling method to maintain the indoor temperature of a dwelling unit below 82 degrees Fahrenheit or lower.

-On page 5, in line 24, strike out "(i) Except as provided by clause (ii), a)" and insert: A

-On page 5, strike out lines 28-32, inclusive.

- On page 5, line 36, strike out “pass” and insert: *do either of the following*

- On page 5, between lines 37 and 38 insert:

(ii) Terminate a tenancy on the grounds of renovations or substantial rehabilitation needed to provide a safe method pursuant to this paragraph.

-On page 6, between lines 4 and 5, insert:

(F) This paragraph shall not preempt a local ordinance deeming a dwelling unit untenable if it lacks a safe method in which it can be maintained at the maximum indoor temperature of not more than 82 degrees Fahrenheit or lower.

ARGUMENTS IN SUPPORT: The Alliance of Californians for Community Empowerment (ACCE Action) writes in support:

Extreme heat highly impacts Californians’ health outcomes, such as birth and the worsening of other critical existing medical conditions. There are regions within the state where temperatures exceed 100 degrees for over 50 days every year. From 2013-2022, extreme heat events resulted in nearly 460 deaths in the state. . . Vulnerable and disadvantaged communities are disproportionately affected by extreme heat more than other communities.

Current law does not consider a safe maximum indoor temperature for rental housing. The state’s administration has recommended considering a general maximum safe indoor air temperature of 82 degrees Fahrenheit (27.8 degrees Celsius) for residential dwelling units. The state has set a requirement for maximum workplace temperatures, and as a policy, [but] a safe maximum indoor temperature for residential property has not been codified as a requirement for rental housing. In 2025, Los Angeles County became the only local government to adopt an ordinance to require rental units to maintain a maximum indoor temperature of no more than 82°F. In the face of climate change, California must demonstrate leadership by protecting communities that continue to be impacted by extreme heat in their homes. AB 2616 would require rental housing to be maintained at a maximum indoor temperature of not more than 82 degrees Fahrenheit without passing down costs of modifications to tenants.

This bill allows tenants to install or use cooling devices and other methods to provide additional cooling. This bill will become effective on January 1st, 2028. . . to make sure the building is in compliance with the tenantability standards. Rising temperatures due to climate change is a huge concern to the members of ACCE Action. Given this dynamic it is important that tenants across our state have access to housing conditions that are safe and mitigate the harms posed by extreme heat.

ARGUMENTS IN OPPOSITION: The California Association of Realtors and several regional landlord and property owner associations oppose this bill for the following reasons:

While well-intentioned, this requirement fails to account for the wide variation in building types and available electrical service installed, climate zones, and structural limitations across California’s housing stock—particularly in older buildings that were not designed for

or upgraded to accommodate the electrical power necessary to accommodate active cooling equipment. Achieving and maintaining this temperature threshold may require substantial retrofits, including electrical upgrades, new wiring, insulation improvements, or installation of cooling systems, all of which impose significant costs on property owners.

Research conducted for local jurisdictions, such as Los Angeles, clearly indicates that the only way to achieve a maximum indoor air temperature of 82 degrees Fahrenheit is through the installation of costly air conditioning equipment. However, there is no scientific basis dictating that 82 degrees is healthy or habitable. Other jurisdictions such as Phoenix, Arizona have set maximum indoor air temperatures of up to 86 degrees and El Paso, Texas at 90 degrees so that passive cooling methods such as ceiling fans or curtains could be used or even non-polluting and less costly swamp coolers that are capable of achieving 86 degrees may be utilized.

Because achieving a maximum indoor air temperature of 82 degree would require installation of air conditioning equipment, California would experience substantial, adverse environmental impacts from air conditioners that pump out harmful freon into the atmosphere and dump heat back into the external environment creating “heat islands” that increase temperatures and create a vicious cycle that makes global warming worse. Air conditioning in any form are bad for the environment and should not be incentivized by the State or any jurisdiction for that matter.

Further, the bill explicitly prohibits landlords from passing through any of the costs associated with compliance. This creates a substantial unfunded mandate, disproportionately impacting small housing providers who operate with limited financial capacity. Over time, these costs will inevitably reduce reinvestment in existing housing and may discourage the continued operation of rental units, exacerbating California’s housing shortage.

ARGUMENTS IN OPPOSITION, UNLESS AMENDED. The California Apartment Association (CAA) shares many of the same concerns as the opponents, however, CAA suggests several amendments that would remove their opposition. CAA’s proposed amendments appear to be mostly, though not exclusively, aimed at the provision of the bill that requires the landlord to permit the tenant to install “portable cooling system.” CAA seeks more clarity on the tenant’s obligation to coordinate with the landlord regarding the installation of cooling devices and limit the cooling devices to a standard 110-volt capacity to avoid electrical overload risks, and more generally ensure that the combined electrical load shall not exceed existing electrical capacity. CAA also seeks amendments that would make clearer the tenant’s responsibility for any damages caused by the installation, including water damage, mold, or mildew caused by the device.

In addition to concerns about the tenant-installed cooling devices, CAA also has concerns about the bill making the ability to cool a unit to 82 degrees Fahrenheit throughout California. CAA notes that under this bill a unit could be deemed untenable if any *room* in the house exceeded 82 degrees F., which may not be realistic. CAA also notes that a statewide rule might not be practical given that temperatures vary greatly across California.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance of Californians for Community Empowerment (ACCE Action)
Courage California
Friends Committee on Legislation of California
LA Voice
Legal Aid Foundation of Los Angeles
Rubicon Programs
The W. Haywood Burns Institute

Opposition

Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Berkeley Property Owner's Association
California Association of Realtors
California Rental Housing Association
East Bay Rental Housing Association
Nor Cal Rental Property Association
North Valley Rental Property Association
Santa Barbara Apartment Association, INC. Dba Santa Barbara Rental Property Association
Small Property Owners of San Francisco Institute
Southern California Rental Housing Association

Opposition (unless amended)

California Apartment Association

Analysis Prepared by: Tom Clark / JUD. / (916) 319-2334