

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

by [Howard S. Dakoff](#), Levenfeld Pearlstein, LLC

This checklist outlines and discusses the cooling requirements established under the City of Chicago's Cooling Ordinance applicable to certain existing residential facilities and new construction.

On June 22, 2022, the City of Chicago Council adopted a new ordinance commonly referred to as the "Cooling Ordinance" pursuant to the Amended Supplemental Ordinance 2022-1753. The Cooling Ordinance modifies the cooling requirements for existing large residential buildings, nursing homes, housing for older persons and licensed living facilities (adult family care centers, assisted living establishments, long-term care facilities, and adult family care homes). The Cooling Ordinance also adopted cooling requirements for new construction related to educational, institutional, and residential occupancy.

Practitioners should review the Chicago Municipal Code, found [here](#), as well as applicable zoning and land use laws and/or state laws related to the construction of any cooling systems to meet the temperature requirements of the Cooling Ordinance.

For a general discussion of zoning and land use regulation, see [Zoning and Land Use Regulation: Key Considerations for Local Municipalities](#) and [Planning and Zoning](#).

Public Policy Rationale

The Cooling Ordinance was adopted to protect the health, safety, and welfare of human occupants in certain types of buildings. According to a press release from Chicago Mayor Lightfoot's office issued on June 22, 2022, the purpose of the Cooling Ordinance was to "*modernize the city's heating and cooling ordinance and better account for extreme weather events.*" The Cooling Ordinance was adopted on the heels of a heatwave in May of 2022 that resulted in the deaths of three residents of a senior living facility in Chicago.

Summary of Cooling Ordinance Requirements

In sum, the Cooling Ordinance requires:

- Permanent cooling and dehumidification equipment for nursing homes, housing for older persons, and licensed living facilities (including adult family care centers, assisted living establishments, long-term care facilities, and adult family care homes)
- Designated cooling area with dehumidification equipment accessible to all occupants in existing residential facilities under certain circumstances –and–
- Installation of permanent cooling and dehumidification equipment in applicable new construction

Amended Sections of the City of Chicago Municipal Code

Chicago City Council amended various provisions of the Chicago Municipal Code, which, taken together, are the Cooling Ordinance. The various amended sections are as follows:

- 4-6-080 Adult Family Care Center
- 4-8-090 Assisted Living Establishment
- 4-6-100 Long-Term Care Facility
- 4-6-110 Adult Family Care Home
- 14B-12-1203 Temperature Control (adding a new Section 1203.2 Cooling and Dehumidification Equipment and Systems)

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

- 14X2-202 Definitions
- 14X-8 et seq. Heating, Cooling, and Mechanical Systems
- 14X-8-801.2 Measurement
- 14X-8-803.1 Scope
- 14X-8-803.2 Nursing Homes and Senior Housing
- 14X-8-803.3 Housing for Older Persons
- 14X-8-803.4 Large Residential Buildings
- 14X-8-803.5 Performance
- 14X-8-803.6 Operation
- 14X-8-803.7 Maintenance

Existing Residential Facilities

What Does the Cooling Ordinance Require?

The cooling requirements for various residential facilities vary depending on the classification of the residential facility.

- **Nursing homes, adult family care centers, assisted living establishments, long-term care facilities, and adult family care homes.** For nursing homes, adult family care centers, assisted living establishments, long-term care facilities, and adult family care homes, cooling and dehumidification equipment must be provided capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all habitable spaces, toilet rooms, and public corridors when the outdoor temperature is 100°F and the mean coincident wet bulb temperature is 78°F or when the heat index exceeds 80°F.
 - o Adult family care centers mean a center with dwelling units that is owned or rented for the purpose of providing three or more adults, ages 55 years or older, with a room, board, and personal care on a 24-hour basis (Section 4-6-080(a) of the Chicago Municipal Code)
 - o Assisted living establishments mean a home, building, residence, or other place where sleeping accommodations are provided for at least three unrelated adults, at least 80% of whom are age 55 years of age or older and are provided residential care and services (Section 4-6-090(a) of the Chicago Municipal Code; [210 Ill. Comp. Stat. Ann. 9/1 et seq.](#))
 - o Long-term care facilities mean a private home, institution, building, residence, or any other place for the infirm and chronically ill where personal care, shelter care, or nursing care is provided for three or more persons not related to the licensee or owner by blood or marriage (Section 4-6-100(a) of the Chicago Municipal Code; [210 Ill. Comp. Stat. Ann. 45/1-101 et seq.](#))
 - o Adult family care homes mean a publicly or privately operated free-standing residence for 16 or fewer persons, at least 80% of whom are age 55 years of age or older and who are unrelated to the owners and one manager of the residence, where residential care and services are provided (Section 4-6-110(a) of the Chicago Municipal Code; [210 Ill. Comp. Stat. Ann. 9/1 et seq.](#))
- **Housing for older persons.** For housing for older persons, cooling and dehumidification equipment must be provided to be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all indoor and common gathering spaces when the outdoor temperature is 92°F and the mean coincident wet bulb temperature is 75°F or when the heat index exceeds 80°F.

Housing for older persons means housing:

 - o Provided under any state or federal program designated and operated to assist elderly persons
 - o Intended for and solely occupied by persons 62 years or older –or–

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

o Intended and operated by persons 55 years or older (who make up at least 80% of the occupied units in the facility)

See Section 14X-2-202 of the Chicago Municipal Code and [42 U.S.C. 3607\(b\)\(2\)](#).

- **Large residential buildings.** For large residential buildings, defined as buildings (1) over 80 feet tall or (2) having more than 100 dwelling units or sleeping units, such buildings must maintain at least one indoor common area "cooling space" that is accessible to all occupants with permanent cooling and dehumidification equipment capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity at a point three feet above the floor when the outdoor temperature is 92°F and the mean coincident wet bulb temperature is 74°F or when the heat index exceeds 80°F.

o **Cooling space compliance.** An air-conditioned hospitality/meeting room or other single common area of a building can be designated as the "cooling space" to comply with the Cooling Ordinance (so long as temperature and relative humidity requirements are met). The Cooling Ordinance does not specify a minimum size for the cooling space; it merely requires a designated "cooling space" for occupants to find relief from extreme heat. Maintaining more than one "cooling space" may be prudent based on specific facts and circumstances of a building such as the size/capacity of the "cooling space" and number of occupants in the building.

o **Challenge for two-pipe central heating and cooling system buildings.** The "cooling space" requirement could pose a challenge for buildings with a two-pipe central heating and cooling system since it takes time for a two-pipe system to switch from heating to cooling or cooling to heating (i.e., the two-pipe system cannot simultaneously provide heating and cooling). During the transition period between the heating and cooling seasons (i.e., spring and fall), temperatures will vary greatly from day to day or even hour to hour, such that the building requires heat in the morning and cooling in the afternoon. If heat and humidity surge and the building has not yet switched the two-pipe system to cooling, the "cooling space" may have difficulty meeting the standard set by the Cooling Ordinance. It is therefore recommended that buildings with a two-pipe central heating and cooling system consider installing a separate air conditioning system for a designated "cooling space" to ensure compliance with the Cooling Ordinance if there are wide swings in temperature in spring and fall. Doing so will ensure compliance with the Cooling Ordinance while also protecting the health and safety of occupants during extreme heat.

When Is the Deadline for Compliance?

The Cooling Ordinance requires permanent compliance by May 1, 2024.

New Residential Construction

What Does the Cooling Ordinance Require?

The Cooling Ordinance requires all new construction in Chicago referenced below to install cooling and dehumidification equipment to serve indoor spaces for occupants.

Occupancy classifications referenced in Sections 14B-12-1203.2.1 and 14B-12-1203.2.2 include:

- Group E (Educational Occupancies)
- Group I-1, I-2, I-3, and I-4 (Institutional Occupancies)
- Group R-1, R-2, R-3, R-4, and R-5 (Residential Occupancies)
 - o Cooling and dehumidification equipment in Group I-1, I-2, I-4, and R-4 occupancy classifications must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity at a point three feet above the floor when the outdoor temperature is over 100°F.
 - o Cooling and dehumidification equipment in Group E, I-3, R-1, R-2, R-3, and R-5 occupancy classifications must be capable of maintaining an indoor temperature of no more than 75°F and no

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

more than 50% relative humidity at a point three feet above the floor when the outdoor temperature is over 92°F and the mean coincident wet bulb temperature is 75°F.

The types of new construction referenced in the Cooling Ordinance include the following residential, educational, and institutional occupancies:

- Apartment buildings
- Condominium buildings
- Residential cooperative buildings
- Senior facilities
- Schools
- Institutional day care centers

Summary of Existing Facilities and Cooling Requirements

Facility (with reference to the Chicago Municipal Code)	Cooling Requirements
Nursing Homes (Section 14X-8-803.2)	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either independent of the building's HVAC system or able to switch from heating to cooling within one hour. • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all habitable spaces, toilet rooms, and public corridors when the outdoor temperature is 100°F and the mean coincident wet bulb temperature is 78°F. • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.
Housing for Older Persons (Section 14X-8-803.3)	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either independent of the building's HVAC system or able to switch from heating to cooling within one hour. • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all indoor and common gathering spaces when the outdoor temperature is 92°F and the mean coincident wet bulb temperature is 75°F. • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.
Large Residential Buildings	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

(Section 14X-8-803.4)	<p>independent of the building's HVAC system or able to switch from heating to cooling within one hour.</p> <ul style="list-style-type: none"> • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity at a point three feet above the floor when the outdoor temperature is 92°F and the mean coincident wet bulb temperature is 74°F. • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.
<p>Adult Family Care Center (Section 4-6-080)</p>	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either independent of the building's HVAC system or able to switch from heating to cooling within one hour. • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all habitable spaces, toilet rooms, and public corridors when the outdoor temperature is 100°F and the mean coincident wet bulb temperature is 78°F. • Interior temperature and humidity levels must be monitored and all living quarters, dining areas, bathrooms, common rooms, and connecting quarters on a regular basis. • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.
<p>Assisted Living Establishment (Section 4-6-090)</p>	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either independent of the building's HVAC system or able to switch from heating to cooling within one hour. • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all habitable spaces, toilet rooms, and public corridors when the outdoor temperature is 100°F and the mean coincident wet bulb temperature is 78°F. • Interior temperature and humidity levels must be monitored and all living quarters, dining areas, bathrooms, common rooms, and connecting quarters on a regular basis.

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

	<ul style="list-style-type: none"> • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.
<p>Long-Term Care (Section 4-6-100)</p>	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either independent of the building's HVAC system or able to switch from heating to cooling within one hour. • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all habitable spaces, toilet rooms, and public corridors when the outdoor temperature is 100°F and the mean coincident wet bulb temperature is 78°F. • Interior temperature and humidity levels must be monitored and all living quarters, dining areas, bathrooms, common rooms, and connecting quarters on a regular basis. • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.
<p>Adult Family Care Home (Section 4-6-110)</p>	<ul style="list-style-type: none"> • Cooling and dehumidification equipment must be either independent of the building's HVAC system or able to switch from heating to cooling within one hour. • Cooling and dehumidification equipment must be capable of maintaining an indoor temperature of no more than 75°F and no more than 50% relative humidity in all habitable spaces, toilet rooms, and public corridors when the outdoor temperature is 100°F and the mean coincident wet bulb temperature is 78°F. • Interior temperature and humidity levels must be monitored and all living quarters, dining areas, bathrooms, common rooms, and connecting quarters on a regular basis. • On days when the heat index exceeds 80°F, cooling and dehumidification equipment must be operated to maintain safe indoor conditions for occupants. When the cooling and dehumidification system is not available in each dwelling unit and sleeping unit, a cooling area with cooling and dehumidification equipment must be accessible to each resident of the building.

Chicago's Cooling Ordinance for Residential and Commercial Real Estate Checklist

End of Document