

City of Cambridge

The Ordinance Committee held a public hearing on December 18, 1996, beginning at 5:30 p.m. in the Sullivan Chamber for the purpose of considering a proposed ordinance to require that nursing homes be air conditioned.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Councillor Henrietta Davis, Mayor Sheila T. Russell, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou and City Clerk D. Margaret Drury.

Councillor Duehay convened the hearing and explained the purpose. He provided a short summary of the proposed amendment.

Councillor Duehay then invited testimony in support of the proposed ordinance.

Dr. George Papanek, 42A Trowbridge Street, President of the Board of the Council on Aging for City of Cambridge, urged adoption of the proposed ordinance for the three reasons. The first concerns the health and safety of the residents. During the summer, there are many uncomfortably hot days, which can be detrimental to health. He noted the 100 deaths in Chicago during a heat wave. Dr. Papanek said that the second reason is that the workers need this benefit as well. Third, nursing home owners want to do the right thing, but not when it puts them at a competitive economic advantage. Having an ordinance would remove this risk.

Mayor Russell noted that when she visits nursing homes, the residents are often wearing sweaters even in the summer, and questioned what heat setting would be appropriate.

Dr. Papanek said that individual control would be helpful. He has seen many nursing home residents uncomfortable because of the heat. Elderly people with weak respiratory systems and weak hearts are in danger in excessively warm environments and need protection from heat.

Councillor Sullivan asked whether the requirement could end up forcing nursing homes to close, in view of his earlier comments regarding the possibility of economic disadvantage. He pointed out that this ordinance would only affect Cambridge nursing homes.

Mayor Russell asked if the City Council had any information regarding regulation of this matter in other jurisdictions. Councillor Duehay said that there was still a question in his mind regarding state law and regulation on this matter.

Councillor Triantafillou agreed that she had received contradictory information regarding the existence of some sort of state regulation on this matter.

Julie Jay, Living Is For the Elderly (LIFE), an advocacy group in Arlington, stated that in the course of her work she often goes into nursing homes in the summer in Cambridge and

Boston. Residents with breathing problems report having a very hard time in the heat. Residents tell her that they are hot and uncomfortable. Many EMT's have told her that it cannot possibly be cost effective to take elderly people to hospitals on 100° F days, as is currently required by law in nursing homes where there is no air conditioning. She asked whether the ordinance would require air conditioning for a common room or for individual rooms. Councillor Duehay said that the ordinance would require air conditioning for residents' individual rooms.

Ms. Joy continued that summer months, the residents are hot, and suffer from the heat, especially at night, so air conditioning for a common room where residents can gather during the day does not solve the problem. She supports choices for residences by having individually controlled room air conditioning. Roommates can work out the decision between themselves.

Councillor Sullivan asked whether the proposal of 85° F is appropriate. Ms. Joy said that there are federal regulations which set standards in this area. Councillor Sullivan asked for Ms. Joy's personal opinion. She stated that her opinion is that it would be best to have individual units in each room that could be set in accordance with residents' preferences and medical condition.

Councillor Sullivan said that the present proposed wording does not actually require the air conditioning to be turned on.

George Copitas, 237 Franklin Street, read his letter to the City Council a letter dated August 8, 1996, which is attached to this report. Air conditioning is not required in nursing homes built before 1960, and in Cambridge there are three nursing homes in this category. Mr. Copitas said that he visited a dear friend, now deceased, at a nursing room for eight years and watched him suffer from the heat. He has worked on this for a very long time, and he wants to see results.

Councillor Duehay invited Deputy City Solicitor Donald Drisdell to come forward to answer questions. Councillor Sullivan asked why 85° F was selected. Mr. Drisdell said that the temperature was a ceiling. Equipment must be in place to handle that temperature. He added that the figure was based on some research done by Mr. Albright that indicated a health distinction at that temperature. Above that temperature there tend to be health concerns.

Councillor Sullivan noted the problem of the statute not requiring that the equipment be turned on. Mr. Drisdell agreed to review the language at Councillor Sullivan's request, Councillor Duehay invited Robert Bersani, Commissioner of Inspectional Services to join Mr. Drisdell. Mr. Bersani said that he had not had the opportunity to review the proposed ordinance and would like to defer questions until he had reviewed the proposal.

Dr. Papanek stated that there is a discomfort index that has been used for years that correlates with health problems. The discomfort index is available through the meteorologists every day. He suggested considering the use of this index, because, for example, 85° F without humidity is much more bearable than a lower temperature with high humidity.

Councillor Duehay then invited any testimony in opposition to the proposed ordinance, and there was none.

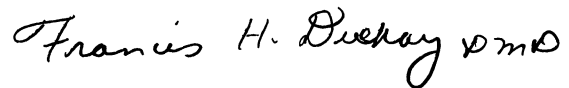
Councillor Duehay suggested holding the proposal in committee while there is further investigation of three matters.

1. What state law exists regarding this issue.
2. The possibility of using the discomfort index; and an explanation of the origin of the 85° F limit in the current proposal.
3. Whether the Law Department feels that the language is strong enough to make sure that the temperature will be appropriately regulated.
4. Whether the nursing homes had sufficient notice of the hearing.

Councillor Duehay's suggestion was agreed upon without objection by the members of the Ordinance Committee.

Councillor Duehay thanked those in attendance, and the meeting was adjourned at 6:10 p.m.

For the Committee,

A handwritten signature in cursive script that reads "Francis H. Duehay" followed by a small monogram or flourish.

Councillor Francis H. Duehay, Chair

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CAMBRIDGE MA.

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August 8, 1996

Dear Honorable Members of the City Council:

For the past eight years I have been attempting to interest the City Council in doing something to improve the conditions faced by senior citizens in nursing homes.

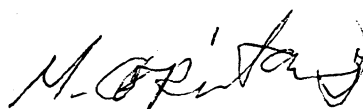
Currently, state law does not require air conditioners for nursing homes built before 1960. After trying at the State House to get my representatives to change this law statewide, I was finally told that such a bill would go nowhere, and that I should try for a home rule petition.

Last year, Councillor Duehay filed an order adopted by the City Council requesting that such a home rule petition be drafted. It never happened. This year, Councillor Duehay filed an order adopted by the City Council to have the Law Department draft an ordinance to require air conditioning in all Cambridge nursing homes.

I have no expectation that this will be done either. I have invited all of you to visit one of these non-air conditioned nursing homes on a hot summer day to see for yourselves what your senior citizens experience. None of you have done this. I have contacted you all repeatedly about this. As you know, you can contact me anytime if you have any questions. My doctors have told me that I risk my health by continuing to fight for decent conditions for senior citizens in nursing homes.

I am at the end of my patience and respect. What will it take to get you to do something about this?

Hopefully yours,



Mr. George Copitas
237 Franklin Street
Cambridge, MA 02139

Committee Report #3

S-123

A report was received for a meeting held on December 18, 1996 for the purpose of considering a proposed Municipal Code amendment to require that nursing homes be air conditioned.

In City Council January 6, 1997

Report Accepted
Placed on file