

**NEW YORK**  
*state department of*  
**HEALTH**

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

May 22, 2013

Dear Administrator:

DAL#: DAL 13-12  
SUBJECT: Costs for Air Conditioning  
in Adult Care Facilities


As you know, statute and regulations for ACFs require each facility to maintain safe and comfortable temperature levels within the facility when the outside temperature exceeds 85 degrees Fahrenheit. One common room is required to be air-conditioned in facilities which do not have central air conditioning.

To assist facilities in achieving this level of safety and comfort, the Department has, over the past several years, distributed funds to facilities in all regions through the Adult Care Facility Air Conditioning and EnAbLE grants. Before accepting those grants to be used for air conditioning, applicants were required to confirm that their proposals would not result in additional operating costs being passed on to facility residents.

Facilities which have not received grants for this purpose, and incur additional operating costs over the summer months are permitted to charge residents a fee for the use of air conditioners in the residents' bedrooms. This fee, however, must be reasonably related to the actual costs of this service, including the actual costs, if any, of purchasing, storing, servicing and maintaining the air conditioning units and the cost of electricity necessary to operate the units. The Department considers any fee not reasonably related to these actual costs to be a serious violation of resident rights, and any facility charging such fees will be cited accordingly.

In all facilities, if room air conditioners are typically used, air conditioners must be turned on regardless of a resident's ability to pay. If you have any questions, please contact your Regional Office.

Sincerely,



Mary E. Hart, Director  
Adult Care Facility Policy & Surveillance