TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 7 BUILDING CODES GENERAL
PART 6 2009 NEW MEXICO ENERGY CONSERVATION CODE

14.7.6.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.7.6.1 NMAC - Rp, 14.7.6.1 NMAC, 6-28-13]

14.7.6.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after August 1, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
[14.7.6.2 NMAC - Rp, 14.7.6.2 NMAC, 6-28-13]

14.7.6.3 STATUTORY AUTHORITY: NMSA 1978 sections 60-13-9 and 60-13-44.
[14.7.6.3 NMAC - Rp, 14.7.6.3 NMAC, 6-28-13]

14.7.6.4 DURATION: Permanent.
[14.7.6.4 NMAC - Rp, 14.7.6.4 NMAC, 6-28-13]

14.7.6.5 EFFECTIVE DATE: June 28, 2013 unless a later date is cited at the end of a section.
[14.7.6.5 NMAC - Rp, 14.7.6.5 NMAC, 6-28-13]

14.7.6.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for energy conservation in construction in New Mexico.
[14.7.6.6 NMAC - Rp, 14.7.6.6 NMAC, 6-28-13]

14.7.6.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and chapter 2 of the IECC as amended in 14.7.6.10 NMAC.
[14.7.6.7 NMAC - Rp, 14.7.6.7 NMAC, 6-28-13]

14.7.6.8 ADOPTION OF THE 2009 NEW MEXICO ENERGY CONSERVATION CODE:

A. This rule adopts by reference the 2009 international energy conservation code (IECC), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2009 international energy conservation code.

C. This rule is to be applied in conjunction with each of the other 2009 New Mexico building codes, including the NMCBC, NMRBC, NMPC, NMMC and the NMEC.
[14.7.6.8 NMAC - Rp, 14.7.6.8 NMAC, 6-28-13]

14.7.6.9 CHAPTER 1 - ADMINISTRATION:

A. Section 101 - General.

(1) 101.1 Title. Delete this section of the IECC and substitute: this rule shall be known as 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code (NMECC).

(2) 101.2 Scope. Delete this section of the IECC and see 14.7.6.2 NMAC, Scope.

(3) 101.3 Intent. Delete this section of the IECC and see 14.7.6.6 NMAC, Objective.

(4) 101.4 Applicability. See this section of the IECC.

(5) 101.5.1 Compliance materials. Delete this section of the IECC and substitute the following: the code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, such as ComCheck, ResCheck, and worksheet or trade-off sheets from the *New Mexico energy conservation code residential applications manual*.

B. Section 102 Alternate Materials-Method of Construction, Design for Insulating Systems. See this section of the IECC.

C. Section 103 - Construction Documents. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

D. Section 104 Inspections. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

E. Section 105 Validity. Delete this section of the IECC and see. 14.5.1 NMAC, General

Provisions.

F. Section 106 Reference Standards. All references in the IECC to the international building code shall be deemed references to 14.7.2 NMAC, the 2009 New Mexico Commercial Building Code (NMCBC). All references to the international residential code shall be deemed references to 14.7.3 NMAC, the 2009 New Mexico Residential Building Code (NMRBC). All references to the international plumbing code shall be deemed references to 14.8.2 NMAC, the 2009 New Mexico Plumbing Code (NMPC). All references to the international mechanical code shall be deemed references to 14.9.2 NMAC, the 2009 New Mexico Mechanical Code (NMMC). All references to the ICC or international electrical code shall be deemed references to 14.10.4 NMAC, the 2008 New Mexico Electrical Code (NMEC). All references to the international energy conservation code shall be deemed references to 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code (NMECC). All references to the international fuel gas code are deemed references to the NMMC or the LP gas standards found at 19.15.40 NMAC, and NMSA 1978 70-5-1 et seq.

G. Section 107 Fees.

(1) 107.1 Fees. Delete this section of the IECC and see 14.5.5 NMAC Fees.

(2) 107.2 Schedule of Permit Fees. Delete this section of the IECC and see 14.5.5.10 NMAC Permit Fees.

(3) 107.3 Work Commencing Before a Permit Issuance. Delete this section of the IECC and see 14.5.2.16 NMAC Failure to Obtain Permit.

(4) 107.4 Related Fees. Delete this section of the IECC and see 14.5.5 NMAC Fees.

(5) 107.5 Refunds. Delete this section of the IECC and See 14.5.5 NMAC Fees.

H. 108 Stop Work Order. Delete this section of the IECC and see 14.5.3 Inspections.

I. 109 Board of Appeals. Delete this section of the IECC and See 14.5.1 General Provisions.

[14.7.6.9 NMAC - Rp, 14.7.6.9 NMAC, 6-28-13]

14.7.6.10 CHAPTER 2 - DEFINITIONS: See this chapter of the IECC except as provided below.

A. Section 201.1 Scope. See this section of the IECC and add the following: If the same term is defined in the New Mexico construction codes and in the IECC, the term shall have the meaning given it in the New Mexico construction codes.

B. Section 201.2 Interchangeability. See this chapter of the IECC.

C. Section 201.3 Terms defined in other codes. Delete this section of the IECC and substitute with the following: if a term is not defined in this code but is defined in a New Mexico construction code, the term shall have the meaning given it in the New Mexico construction code.

D. Section 201.4 Terms not defined. See this chapter of the IECC.

E. Section 202 General Definitions. See this section of the IECC except as provided below.

(1) Conditioned space. Delete the text of this definition and replace with the following: An area, room or space within a building that is provided with heating, cooling, or combined heating and cooling by equipment or systems capable of maintaining, through design or heat loss/gain, **50 degrees farenheit** (10 degrees celsius) during the heating season and **85 degrees farenheit** (29 degrees celsius) during the cooling season, or an area, room or space that communicates directly with a conditioned space.

(2) Duct installation. Ducts shall be installed in accordance with Chapter 6 and Chapter 17 of the New Mexico Mechanical Code and current applicable standards.

(3) Indirectly conditioned space. Add the following definition. Enclosed space within a building thermal envelope that is not mechanically heated or cooled.

(4) Multi scene controls. Systems for controlling power to multiple groups of lights requiring only a few controls.

(5) Residential building. Delete the text of this definition and replace with the following: For this code, includes detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures and R-3 buildings, as well as R-2 and R-4 buildings three stories or less in height above grade.

(6) Unconditioned space. Add the following definition: Space within a building that is not mechanically heated or cooled and is outside the building thermal envelope.

(7) Vapor retarder class. Add the following definition: a measure of a material or assembly's ability to limit the amount of moisture that passes through that material or assembly. Vapor retarder class shall be defined using the desiccant method of ASTME96 as follows:

(a) class I: 0.1 perm or less;

(b) class II: > 0.1 perm <1.0 perm;

(c) class III: > 1.0 perm <10 perm.

[14.7.6.10 NMAC - Rp, 14.7.6.10 NMAC, 6-28-13]

14.7.6.11 CHAPTER 3 - CLIMATE ZONES: See this Chapter of the IECC except delete the text of section 301.1 General and replace with the following: the table below in conjunction with Table 301.3(2) shall be used to determine the applicable requirements for Chapters 4 & 5. Locations not in the table below shall use either Table 301.1, Section 301.3, or the building official may designate a climate zone consistent with the elevation, HDD & CDD from the table below for the unlisted location.

Table 301.2
New Mexico Climate Zones Based on Heating and Cooling Degree Days

City	County	Elev. (feet)	Heating Degree Days (HDD) 65°F	Cooling Degree Days (CDD) 50°F day	Climate Zone
Abiquiu Dam	Rio Arriba	6380	5872		5B
Angel Fire	Colfax	8406	9769	195	7B
Alamogordo	Otero	4350	3053	5309	3B
Albuquerque	Bernalillo	5312	4332	4462	4B
Artesia	Eddy	3380	3366	5374	3B
Aztec Ruins	San Juan	5644	5757		5B
Belen	Valencia	4800	4432	5012	3B
Bernalillo	Sandoval	5052	4782	4138	4B
Bloomfield	San Juan	5456	5490		5B
Bosque del Apache	Socorro	4520	3916	5012	3B
Carlsbad	Eddy	3295	2813	5997	3B
Carrizozo	Lincoln	5438	4234	3631	4B
Cedar Crest	Bernalillo	6581	5703		5B
Chaco Canyon	San Juan	6200	6137		5B
Chama	Rio Arriba	7871	8254		6B
Clayton	Union	5056	5150	3170	4B
Cloudcroft	Otero	8801	7205		6B
Clovis	Curry	4268	4033	4252	4B
Corona	Valencia	6690	5389	3631	4B
Cuba	Sandoval	7035	7122		5B
Deming	Luna	4305	3347	5292	3B
Dulce	Rio Arriba	6793	7979		6B
Eagle Nest	Colfax	8262	9254		7B
Edgewood	Santa Fe	6649	6146		5B
Espanola	Rio Arriba	5643	5641		5B
Farmington	San Juan	5395	5747		5B
Fence Lake	Cibola	7055	6396		5B
Fort Sumner	De Baca	4032	3799	4616	3B
Gallup	McKinley	6465	6207		5B
Glenwood	Catron	4725	3632	4427	4B
Grants	Cibola	6460	6143		5B
Hatch	Dona Ana	4052	3270	5904	3B
Hobbs	Lea	3622	2954	5181	3B

Jemez Springs	Sandoval	6198	5260	2059	4B
Las Cruces	Dona Ana	4000	3223	5904	3B
Las Vegas	San Miguel	6424	5738		5B
Lordsburg	Hidalgo	4250	3213	5210	3B
Los Alamos	Los Alamos	7320	6381		5B
Los Lunas	Valencia	4856	4725	4462	4B
Magdalena	Socorro	6572	5074	2093	4B
Mescalero	Otero	6611	5540		5B
Moriarty	Torrance	6220	4735	3786	4B
Mosquero	Harding	5485	5209	3631	4B
Mountainair	Torrance	6520	5558		5B
Organ	Dona Ana	5245	3215	4919	3B
Placitas	Sandoval	5955	4917	3701	4B
Portales	Roosevelt	4006	3845	4347	4B
Raton	Colfax	6680	6001		5B
Red River	Taos	8671	8742	179	7B
Reserve	Catron	5847	5483		5B
Rio Rancho	Sandoval	5282	4880	3949	4B
Roswell	Chaves	3573	3565	5505	3B
Ruidoso	Lincoln	6920	6309		5B
Sandia Crest	Bernalillo	10680	10034		7B
Sandia Park	Bernalillo	7077	7510		6B
Santa Fe	Santa Fe	7260	6001		5B
Santa Rosa	Guadalupe	4620	3749	4714	3B
Shiprock	San Juan	4892	5475		5B
Silver City	Grant	5895	4438	3975	4B
Socorro	Socorro	4603	3984	5147	3B
Springer	Colfax	5797	5653		5B
Taos	Taos	6967	6827		5B
Taos Ski Valley	Taos	9321	9769		7B
Tatum	Lea	3999	3680	4721	3B
Thoreau	McKinley	7200	5789		5B
Tierra Amarilla	Rio Arriba	7425	7901		6B
Tijeras	Bernalillo	6322	6338		5B
Tohatchi	McKinley	6447	5418		5B
Truth or Consequences	Sierra	4245	3394	5103	3B
Tucumcari	Quay	4096	3767	4429	4B
Tularosa	Otero	4508	3056	5130	3B
Zuni	McKinley	6293	5742		5B

[14.7.6.11 NMAC - Rp, 14.7.6.11 NMAC, 6-28-13]

14.7.6.12 CHAPTER 4 - RESIDENTIAL ENERGY EFFICIENCY: See this Chapter of the IECC except for the following:

A. 401.2 Compliance. Delete the text of this section and replace with the following: projects shall comply with sections 401, 402.4, 403.1, 403.2.2, 403.2 through 403.9, and 404.1 (referred to as the mandatory provisions), and one of the following:

(1) sections 402.1 through 402.3, 402.5, and 403.2.1 (prescriptive); or

(2) specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, such as ResCheck, RemRate, and worksheet trade-off sheets from the New Mexico energy conservation code residential applications manual; or

(3) performance path to compliance;

(a) section 405, simulated performance alternative or;

(b) a home energy rating system (HERS) index of 83 or less in climate zone 3, or a HERS index of 89 or less in climate zones 4-7, confirmed in writing by a ResNet-certified energy rater. Compliance may be demonstrated by use of the ResNet sampling protocols (see chapter 6 of the national standard for home energy ratings).

(4) above code programs see IECC section 102.1.1.

B. 402.4.3 Fireplaces. ~~See this section of the IECC and add the following **exception:** one wood burning masonry fireplace without a gas log igniter per residence is allowed without gasketed doors providing:~~

~~**(1)** the residence being constructed exceeds compliance of this code by 20 percent or better with compliance demonstrated by either section 401.2(2) or (3) with a HERS index of 70, and~~

~~**(2)** the fireplaces have outdoor combustion air supplied directly to the fireboxes~~. **Amend to read as follows:** New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

[14.7.6.12 NMAC - Rp, 14.7.6.12 NMAC, 6-28-13]

14.7.6.13 CHAPTER 5 - COMMERCIAL ENERGY EFFICIENCY: See this Chapter of the IECC.

[14.7.6.13 NMAC - Rp 14.7.6.13 NMAC, 6-28-13]

14.7.6.14 CHAPTER 6 - REFERENCED STANDARDS: See this Chapter of the IECC.

[14.7.6.14 NMAC - Rp 14.7.6.14 NMAC, 6-28-13]

HISTORY OF 14.7.6 NMAC:

Pre NMAC History: None.

History of Repealed Material:

14.7.6 NMAC, 2003 New Mexico Energy Conservation Code (filed 5-27-04) repealed 1-7-04.
14.7.6 NMAC, 2006 New Mexico Energy Conservation Code (filed 8-16-2007) repealed 1-28-11.
14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 12-28-2010) repealed 8-1-11.
14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 6-15-2011) repealed 6-28-13.

NMAC History:

14.7.6 NMAC, 2003 New Mexico Energy Conservation Code (filed 5-27-04) replaced by 14.7.6 NMAC, 2006 New Mexico Energy Conservation Code, effective 1-1-08.
14.7.6 NMAC, 2006 New Mexico Energy Conservation Code (filed 8-16-2007) replaced by 14.7.6 NMAC, 2009 New Mexico New Mexico Energy Conservation Code, effective 1-28-11.
14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 12-28-2010) replaced by 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, effective 8-1-11.
14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 6-15-2011) replaced by 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, effective 6-28-13.