

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, 8-1-11]

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, 8-1-11]

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, 8-1-11]

14.7.6.4 DURATION: Permanent.
[14.7.6.4 NMAC - Rp, 14.7.6.4 NMAC, 8-1-11]

14.7.6.5 EFFECTIVE DATE: August 1, 2011 unless a later date is cited at the end of a section.
[14.7.6.5 NMAC - Rp, 14.7.6.5 NMAC, 8-1-11]

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, 8-1-11]

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, 8-1-11]

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, 8-1-11]

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, 8-1-11]

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 fahrenheit** (10 degrees celsius) during the heating season and **85 degrees fahrenheit** (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 ASTM E96 as follows:

(a) **class I:** 0.1 perm or less;

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

See the next page for amendments to Chapters 3 and 4 of the IECC that were approved by the Construction Industries Commission on Nov. 15, 2011 and which took effect January 1, 2012.

(c) **class III:** > 1.0 perm <10 perm.
[14.7.6.10 NMAC - Rp, 14.7.6.10 NMAC, 8-1-11]

14.7.6.11 CHAPTER 3 - CLIMATE ZONES: See this Chapter of the IECC
[14.7.6.11 NMAC - Rp, 14.7.6.11 NMAC, 8-1-11]

14.7.6.12 CHAPTER 4 - RESIDENTIAL ENERGY EFFICIENCY: See this Chapter of the IECC.
[14.7.6.12 NMAC - Rp, 14.7.6.12 NMAC, 8-1-11]

14.7.6.13 CHAPTER 5 - COMMERCIAL ENERGY EFFICIENCY: See this Chapter of the IECC.
[14.7.6.13 NMAC - Rp 14.7.6.19 NMAC, 8-1-11]

14.7.6.14 CHAPTER 6 - REFERENCED STANDARDS: See this Chapter of the IECC.
[14.7.6.14 NMAC - Rp 14.7.6.25 NMAC, 8-1-11]

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.

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.

**Approved by the Construction Industries
Commission on November 15, 2011**

This is an amendment to 14.7.6 NMAC, Sections 11 and 12, effective January 1, 2012.

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
<u>Abiquiu Dam</u>	<u>Rio Arriba</u>	<u>6380</u>	<u>5872</u>		<u>5B</u>
Angel Fire	Colfax	8406	9769	195	7B
<u>Alamogordo</u>	<u>Otero</u>	<u>4350</u>	<u>3053</u>	<u>5309</u>	<u>3B</u>
<u>Albuquerque</u>	<u>Bernalillo</u>	<u>5312</u>	<u>4332</u>	<u>4462</u>	<u>4B</u>
<u>Artesia</u>	<u>Eddy</u>	<u>3380</u>	<u>3366</u>	<u>5374</u>	<u>3B</u>
<u>Aztec Ruins</u>	<u>San Juan</u>	<u>5644</u>	<u>5757</u>		<u>5B</u>
<u>Belen</u>	<u>Valencia</u>	<u>4800</u>	<u>4432</u>	<u>5012</u>	<u>3B</u>
<u>Bernalillo</u>	<u>Sandoval</u>	<u>5052</u>	<u>4782</u>	<u>4138</u>	<u>4B</u>
<u>Bloomfield</u>	<u>San Juan</u>	<u>5456</u>	<u>5490</u>		<u>5B</u>
<u>Bosque del Apache</u>	<u>Socorro</u>	<u>4520</u>	<u>3916</u>	<u>5012</u>	<u>3B</u>
<u>Carlsbad</u>	<u>Eddy</u>	<u>3295</u>	<u>2813</u>	<u>5997</u>	<u>3B</u>
<u>Carrizozo</u>	<u>Lincoln</u>	<u>5438</u>	<u>4234</u>	<u>3631</u>	<u>4B</u>
<u>Cedar Crest</u>	<u>Bernalillo</u>	<u>6581</u>	<u>5703</u>		<u>5B</u>
<u>Chaco Canyon</u>	<u>San Juan</u>	<u>6200</u>	<u>6137</u>		<u>5B</u>
<u>Chama</u>	<u>Rio Arriba</u>	<u>7871</u>	<u>8254</u>		<u>6B</u>
<u>Clayton</u>	<u>Union</u>	<u>5056</u>	<u>5150</u>	<u>3170</u>	<u>4B</u>
<u>Cloudcroft</u>	<u>Otero</u>	<u>8801</u>	<u>7205</u>		<u>6B</u>
<u>Clovis</u>	<u>Curry</u>	<u>4268</u>	<u>4033</u>	<u>4252</u>	<u>4B</u>
<u>Corona</u>	<u>Valencia</u>	<u>6690</u>	<u>5389</u>	<u>3631</u>	<u>4B</u>
<u>Cuba</u>	<u>Sandoval</u>	<u>7035</u>	<u>7122</u>		<u>5B</u>
<u>Deming</u>	<u>Luna</u>	<u>4305</u>	<u>3347</u>	<u>5292</u>	<u>3B</u>
<u>Dulce</u>	<u>Rio Arriba</u>	<u>6793</u>	<u>7979</u>		<u>6B</u>
<u>Eagle Nest</u>	<u>Colfax</u>	<u>8262</u>	<u>9254</u>		<u>7B</u>
<u>Edgewood</u>	<u>Santa Fe</u>	<u>6649</u>	<u>6146</u>		<u>5B</u>
<u>Espanola</u>	<u>Rio Arriba</u>	<u>5643</u>	<u>5641</u>		<u>5B</u>
<u>Farmington</u>	<u>San Juan</u>	<u>5395</u>	<u>5747</u>		<u>5B</u>
<u>Fence Lake</u>	<u>Cibola</u>	<u>7055</u>	<u>6396</u>		<u>5B</u>
<u>Fort Sumner</u>	<u>De Baca</u>	<u>4032</u>	<u>3799</u>	<u>4616</u>	<u>3B</u>
<u>Gallup</u>	<u>McKinley</u>	<u>6465</u>	<u>6207</u>		<u>5B</u>
<u>Glenwood</u>	<u>Catron</u>	<u>4725</u>	<u>3632</u>	<u>4427</u>	<u>4B</u>
<u>Grants</u>	<u>Cibola</u>	<u>6460</u>	<u>6143</u>		<u>5B</u>
<u>Hatch</u>	<u>Dona Ana</u>	<u>4052</u>	<u>3270</u>	<u>5904</u>	<u>3B</u>
<u>Hobbs</u>	<u>Lea</u>	<u>3622</u>	<u>2954</u>	<u>5181</u>	<u>3B</u>
<u>Jemez Springs</u>	<u>Sandoval</u>	<u>6198</u>	<u>5260</u>	<u>2059</u>	<u>4B</u>

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

[14.7.6.11 NMAC - Rp, 14.7.6.11 NMAC, 8-1-11; A, 1-1-12]

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.

[14.7.6.12 NMAC - Rp, 14.7.6.12 NMAC, 8-1-11; A, 1-1-12]