

### NOTICE OF PUBLIC HEARING

The Construction Industries Commission will convene a public hearing for the repeal and replacement of 14.7.6 NMAC - 2018 New Mexico Residential Energy Conservation Code and 14.7.9 NMAC - 2018 New Mexico Commercial Energy Conservation Code. The hearing will be held before a hearing officer, at which time any interested person is invited to submit data, views, or arguments on the proposed changes, either orally or in writing, and to examine witnesses testifying at the hearing. The hearing is scheduled for Wednesday, January 3, 2024.

The purpose of this public rule hearing is to receive public comments regarding the repeal the 2018 New Mexico Energy Conservation Codes and replaced with the 2021 Energy Conservation Codes. The Energy Conservation Codes establish minimum standards for energy conservation for residential and commercial construction in New Mexico.

The statutory authority for this rulemaking is found in the New Mexico Construction Industries Licensing Act, Subsections F and K of Section 60-13-9 and Section 60-13-44 NMSA 1978.

The hearing is scheduled as follows:

An in-person hearing shall be held on Wednesday, January 3, 2024, at the Regulation and Licensing Department, 5500 San Antonio Drive NE, Albuquerque, NM, Sandia Conference room, starting at 9:30 a.m. The hearing will remain open until 10:00 a.m. or until participants have an opportunity to make public comments, whichever is longer.

Interested persons may obtain copies of the proposed rule changes by logging onto the Construction Industries Division website (<https://www.rld.nm.gov/construction-industries>) to download the proposed rules or by written request to the Albuquerque CID Office – Regulation and Licensing Department, 5500 San Antonio Drive NE, Suite F, Albuquerque, NM 87109, attention: Quindi Otero-Robertson.

You may send written comments to: Construction Industries Division, – Regulation and Licensing Department, 5500 San Antonio Drive NE, Suite F, Albuquerque, NM 87109, Attention: Public Comments. Written comments may also be faxed to (505) 765-5670 or submitted to Quindi Otero-Robertson at her email address: [Quindi.Otero@rld.nm.gov](mailto:Quindi.Otero@rld.nm.gov). All written comments must be received no later than 5:00 p.m., on Tuesday, January 2, 2024. You may also review submitted comments by requesting copies from Quindi Otero-Robertson at her email address above. Public comments will be posted on the division's website (<https://www.rld.nm.gov/construction-industries>). Written comments may also be received by the Commission at the in-person hearing until the hearing is closed. All public comments received shall be admitted into the record during the public hearing.

If you require special accommodation to attend the hearing, please notify CID by phone, email, or fax, of such needs as soon as possible to ensure adequate accommodation. Telephone: (505) 546-2195. Email: [Quindi.Otero@rld.nm.gov](mailto:Quindi.Otero@rld.nm.gov); Fax No. (505) 765-5670.

Summary of the Proposed Changes to the Administrative Codes:

Repeal of the 2018 New Mexico Residential Energy Conservation Code and the 2018 New Mexico Commercial Energy Conservation Code and replaced with the 2021 New Mexico Residential Energy Conservation Code and the 2021 New Mexico Commercial Energy Code.

Modifications from the International Energy Conservation Code to the 2021 New Mexico Residential Energy Conservation Code include:

#### 14.7.6.9 ADMINISTRATION

A. R101- General Provisions include references to scope, objective, and compliance materials specific to the division's responsibilities pursuant to the Construction Industries Licensing Act while allowing code officials to

approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of the New Mexico code.

B. R103 Construction Documents. See this section of the IECC except as provided in code section.

C. R104 [Fees], R105 [Inspections], R106 [Notice of Approval], R107 [Validity], R108 [Referenced Standards], R109 [Stop Work Order] and R110 [Means of Appeals] refer to specific sections of the NMAC already enacted for those specific topics.

14.7.9.10: R201 through R202 – DEFINITIONS – This section explains that definitions in New Mexico construction codes shall prevail over IECC definitions, includes acronyms used throughout the part and adds two new definitions, for Electric Vehicle, and Electric Vehicle Supply Equipment.

14.7.9.11 R301 – CLIMATE ZONES based on heating and cooling degree days, sets out the climate zones for the majority of localities in New Mexico and when used in conjunction with Table 301.3(2) determine the applicable requirements for the processes outlined in Chapter 4.

14.7.9.12 R401 through R408.2.10 – RESIDENTIAL ENERGY EFFICIENCY

Section R401.2 Application. Delete this section of the IECC and substitute with the following: Residential buildings shall comply with one of the following sections: R401.2.1, R401.2.2, R401.2.3, or 401.2.4. Exception: Additions, alterations, repairs, and changes of occupancy to existing buildings complying with Chapter 5. Makes mandatory compliance with sections.

Table 402.1.3 Insulation minimum R-values and fenestration requirements by component. See this table in the IECC except as provided below.

See this table in the IECC except in the ceiling R-value column change 49 to 38 in climate zone 3.

See this table in the IECC except in the ceiling R-value column change 60 to 49 in climate zones 4 except marine, 5 and marine 4, 6, 7 and 8.

See this table in the IECC except in the slab R-value and depth column change 10ci, 4ft to 10ci, 2ft in climate zones 4 except marine, 5 and marine 4.

Based on Building science the additional insulation adds no value other than cost. This will also be changed in the IECC 2024 code cycle.

Section 402.4.1.2 Testing. See this section of the IECC except delete the last paragraph of the section and substitute with the following: Mechanical ventilation shall be provided in accordance with chapter 4 of the uniform mechanical code, as applicable, or with other approved means of ventilation. Must be completed in accordance with UMC.

Section R402.4.1.4 Visual Inspection Option. Add the following section to the IECC: Building envelope tightness, and insulation installation shall be considered acceptable with the items listed in table 402.1.2 or table 402.1.3 applicable to the method of construction. It shall be field verified by the code official as part of the inspection process, and the builder or an energy rater may also field verify using the state of New Mexico acceptable processes. Acceptable processes include but are not limited to the following: construction industries division thermal bypass visual inspection checklist, a thermal bypass certification or checklist from a HERS rater, a build green NM checklist, or an energy star program checklist from the New Mexico energy, minerals, and natural resources department. Significant change in code section added inspection shall be field verified by the code official this would be the only change.

Section R404.4 Electric Vehicle Power Transfer Infrastructure. Add this section to the IECC. New residential automobile parking spaces for residential buildings shall be provided with electric vehicle power transfer infrastructure in accordance with

Section R404.4.1 and Section R404.4.2. The Advanced Clean Cars & Advanced Trucks rule will require manufacturers to ensure at least 43% of all cars and at least 15% of all trucks sold in New Mexico are electric models by the 2026 calendar year. Over time, those percentage levels will grow to 82% for cars and between 40% and 75% for trucks, with rates depending on their class, by 2034.

Section R408.2 Additional efficiency package options. Delete this section of the IECC and substitute with the following: Additional efficiency package options are set forth in Sections R408.2.1 through R408.2.10. Standardizing codes and standards for all-electric buildings will ensure that the transition to electrification is seamless and efficient. It will also provide clarity and guidance to builders, contractors, and developers, making it easier for them to comply with the new requirements. Moreover, having consistent codes and standards will promote competition and innovation in the market for electric appliances and equipment, driving down costs and making electrification more accessible for everyone. Additional efficiency package option.

14.7.6.13 CHAPTER 5 [RE] EXISTING BUILDINGS: See this Chapter of the IECC.

14.7.6.14 CHAPTER 6 [RE] REFERENCED STANDARDS: See this Chapter of the IECC.

Modifications from the IECC to the 2021 New Mexico Commercial Energy Conservation Code include:

14.7.9.9 ADMINISTRATION

A. C101 general provisions include references to scope, objective, and compliance materials specific to the division’s responsibilities pursuant to the Construction Industries Licensing Act while allowing code officials to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of the New Mexico code.

B. C103 Construction documents refers specifically to the current NMAC provisions as to permitting, referring to the NM Mechanical Code, 14.9.2, Chapters 6 and 17 as to installation of ducts and requiring that construction documents specify that all documents shall be provided to owner/owner’s agent.

C. C104 [Fees], C105 [Inspections], C106 [Validity], C108 [Referenced Standards] and C109 [Stop Work Orders] C110 [Board of Appeals] refer to specific sections of the NMAC already enacted for those specific topics.

14.7.9.10: C201 through C202 – DEFINITIONS This section explains that definitions in New Mexico construction codes shall prevail over IECC definitions, includes acronyms used throughout the part and adds new definitions, including unconditioned space and vapor retarder class.

14.7.9.11 C301 – CLIMATE ZONES based on heating and cooling degree days, sets out the climate zones for the majority of localities in New Mexico and when used in conjunction with Table 301.3(2) determine the applicable requirements for the processes outlined in Chapter 4.

14.7.9.12 C402 through C408 COMMERCIAL ENERGY EFFICIENCY

Section C405.13.1 Quantity. **Add this section to the IECC.** The number of **required EV spaces EV capable spaces** shall be determined in accordance with this section and Table C405.13.1 based on the total number of automobile parking spaces and shall be rounded up to the nearest whole number. For R-2 buildings, the table requirements shall be based on the total number of dwelling units or the total number of automobile parking spaces, whichever is less.

TABLE C405.13.1 REQUIRED EV POWER TRANSFER INFRASTRUCTURE

Occupancy	EVSE Spaces	*EV Capable Spaces
Group A	5%	10%
Group B	5%	5%
Group E	5%	5%
Group F	2%	5%
Group H	1%	0%
Group I	5%	10%
Group M	5%	10%
Group R-1	5%	15%
Group R-2	5%	15%
Group R-3 and R-4	2%	5%
Group S exclusive of Parking Garages	1%	0%
Group S-2 Parking Garages	5%	10%

14.7.9.13 CHAPTER 5 EXISTING BUILDINGS: See this Chapter of the IECC.