



## SOUTHWEST ENERGY EFFICIENCY PROJECT

**To:** Mary James  
**At:** Construction Industries Commission  
**From:** Southwest Energy Efficiency Project  
**Date:** July 24, 2020

Dear Ms. James,

Thank you for the opportunity to submit comments on the forthcoming update to New Mexico's energy code.

We commend the State of New Mexico and especially the Construction Industries Division for taking this important, much-needed, and long-overdue step to bring the energy code up to date to the latest best practices. This code update, prescribed in Governor Lujan Grisham's Executive Order 2019-003, is essential to meeting the climate goals set forth by the Governor for the State of New Mexico.

SWEEP strongly supports the 2018 New Mexico Energy Conservation Code as presented for public comment by the Construction Industry Division. Although SWEEP typically prefers the adoption of an unamended International Energy Conservation (IECC) code—making it simpler for all building trades to access them from the ICC website and improving the costs of compliance—we still support and recommend the proposed amendments for the statewide energy code update.

We've seen a few common questions and misperceptions about the proposed energy codes and would like to address and correct those here.

### **Affordable Housing**

One question that often arises is how the newer energy code will impact affordable housing. In fact, the 2018 IECC is *essential for preserving and protecting affordable housing* and decreasing costs for residents living there.

The construction of a low-cost but inefficient building will impact occupants' ability to afford the housing because of high utility bills. After rent or mortgage payments (typically including property taxes), energy bills are the largest cost of home ownership. A recent analysis by mortgage industry and energy industry experts showed that utility costs add about 25% to housing costs, with utility costs averaging \$226/month. What's even more revealing is the fact when utility costs are added to the housing costs, 35% of U.S. markets become unaffordable to average wage earners.<sup>1</sup>

---

<sup>1</sup> <https://themortgagereports.com/29733/buying-a-home-utility-costs-matter-a-lothttps://www.attomdata.com/news/company-news/power-conversion/Source: The Affordable Housing Energy Efficiency Alliance. The Affordable Housing Energy Efficiency Handbook.>

Lower-income families are more likely to rent than own a home, only reinforcing the importance of energy-efficient energy codes in making housing affordable month after month, for the entire life of the building. Renters cannot choose, for example, the model of heating system, amount of insulation in the walls, leakiness in the ducts, or quality of air sealing in their apartments or houses, instead relying on building energy codes to protect them and all New Mexicans with lower energy costs and the ability to afford new housing. In fact, New Mexico homeowners receive a positive cash flow from these and other measures within the first year and save an average of \$5,365.62 over the course of a 30-year mortgage.<sup>2</sup>

The cost to buy a new home, proven time and again in nearly every city across the U.S., is determined by many market forces including location, school quality, walkability, and access to jobs. There is no widespread correlation between higher energy codes and housing prices. Any argument that energy codes raise the cost of housing is a purposeful diversion away from the true costs in home ownership.

As a last point of evidence, over the previous IECC cycles the low-income housing advocacy community has persistently supported energy efficient codes such as the base 2018 IECC.

### **Solar on New Builds**

Another comment that we recently heard in New Mexico mistakenly suggests the 2018 IECC will require every new home to have solar panels installed. This is untrue. The 2018 IECC remains an energy conservation code. Although there is an optional solar-ready appendix that provides states and municipalities with the opportunity to document solar surface area and electric panel capacity, even this appendix does not require solar, and this appendix is not being adopted by the state at this time.

### **Commissioning**

One benefit of newer energy codes is the addition of commissioning for commercial buildings. Starting with the 2012 IECC, energy code commissioning was added to protect commercial building owners by having verification that heating and cooling systems, lighting, controls, etc. are operating as designed. For many building owners, commissioning isn't a new concept, and projects pursuing LEED require fundamental commissioning.

Unfortunately, we have often seen the energy code receive only passive enforcement after the drawings are complete. While building officials are involved in projects from the beginning to verify that building systems adhere to specific building code through plan review, today's commercial buildings are more complex. Commissioning agents are now included to help the building officials, building owner, and tenants as another set of eyes to test and inspect these specific systems and their settings.

Commissioning benefits all building sizes, building owners, and tenants with more affordable, safe and comfortable buildings—providing an edge for businesses operating in a finely-tuned building. People expect a finely tuned building just as they expect a finely tuned new car.

We want to thank the Construction Industries Division, the stakeholder group, and other parties for their careful and nuanced review of the new codes, their support for moving to a more up-to-date code, and their efforts on behalf of New Mexico's citizens and businesses. New Mexico will be

---

<sup>2</sup> [https://www.energycodes.gov/sites/default/files/documents/NewMexicoResidentialCostEffectiveness\\_2015.pdf](https://www.energycodes.gov/sites/default/files/documents/NewMexicoResidentialCostEffectiveness_2015.pdf)

fortunate to have homes and buildings that are safer, healthier, more durable, more comfortable, more affordable, higher-performing, and more efficient, certainly a boon to New Mexico's economy, environment, and national image.

Thank you again for considering these comments. Please adopt the proposed 2018 New Mexico Energy Conservation Code and get New Mexico up to date on energy savings for new buildings.

Respectfully,



Tammy Fiebelkorn,  
New Mexico Representative



Jim Meyers  
Buildings Program Director



Christine Brinker  
Senior Associate, Building Program

**About the Southwest Energy Efficiency Project**

The Southwest Energy Efficiency Project is a public interest organization dedicated to advancing energy efficiency in Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming. SWEEP analyzes and promotes policies and programs that result in efficient energy use in the utility, buildings, transportation, and industrial sectors.