

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-22 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

1 **ORDINANCE**

2 **AMENDING SECTION 14-3-3-2 OF THE UNIFORM HOUSING CODE TO**
3 **ESTABLISH COOLING SYSTEM PERFORMANCE REQUIREMENTS.**

4 **WHEREAS, Adequate cooling is essential to the health and wellbeing of**
5 **tenants; and**

6 **WHEREAS, Cooling systems are a necessity in this region and the City's**
7 **Uniform Housing Code requires cooling facilities in all dwelling units; and**

8 **WHEREAS, Changing weather patterns have extended the periods during**
9 **which cooling is required; and**

10 **WHEREAS, Cooling systems must effectively reduce indoor temperatures**
11 **relative to outdoor conditions to be functional.**

12 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
13 **ALBUQUERQUE:**

14 **SECTION 1. The Uniform Housing Code, ROA 1994, Section 14-3-3-2 is**
15 **amended as follows:**

16 **§ 14-3-3-2 MECHANICAL REQUIREMENTS.**

17 **(A) *Heating, Cooling, and Ventilation.***

18 **(1) Heating and Cooling.**

19 **(a) Every dwelling unit and guest room shall be provided with**
20 **heating facilities capable of maintaining a room temperature of 68° F at a point**
21 **of three feet above the floor in all habitable rooms. Such facilities shall be**
22 **installed and maintained in a safe condition and in accordance with the City's**
23 **currently adopted New Mexico Mechanical Code as adopted in the UAC.**

24 **(b) Unvented fuel-burning heaters shall not be permitted. All heating**
25 **devices or appliances shall be of an approved type. Ovens, stoves or ranges,**
26 **or other cooking appliances shall not be used for the purpose of heating any**

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1 portion of a dwelling. Approved portable space heaters may only be used as
2 the sole source of heating on a temporary basis when the permanent heating
3 system is being repaired or replaced.

4 (c) Every dwelling unit shall be provided with cooling facilities.

5 (i) Acceptable cooling facilities are fixtures that are permanently
6 attached to the unit, including but not limited to: evaporative ("swamp")
7 coolers, central air conditioning, heat pumps, radiant cooling, window units,
8 and mini-splits.

9 (ii) Non-acceptable cooling facilities are temporary and/or portable
10 devices such as fans, mobile evaporative coolers, and portable air
11 conditioners, circulating devices such as ceiling fans, and ventilation systems
12 and when used as the sole source of cooling for a unit, do not satisfy the
13 requirements of this Section. These types of cooling facilities may only be
14 used as a sole source of cooling on a temporary basis when the permanent
15 acceptable cooling facility is being repaired or replaced.

16 [(iii) Cooling Performance. Cooling facilities shall be maintained in good
17 working order and operated as necessary to provide adequate cooling to
18 habitable rooms. During periods when the outdoor temperature is 85 degrees
19 Fahrenheit or higher, the permanent cooling system shall be capable of
20 maintaining an indoor temperature that is at least 15 degrees Fahrenheit lower
21 than the outdoor temperature, measured under normal operating conditions.

22 Temperature measurements may be taken at a point approximately three
23 feet above the floor in a habitable room. A cooling system that is not
24 operational or that fails to provide the required temperature reduction shall be
25 considered not properly operative.

26 Temporary or portable cooling devices shall not be used as a substitute for
27 required permanent cooling facilities; however, such devices may be used to
28 supplement the operation of a permanent cooling system in order to assist in
29 reducing indoor temperatures.]

30 (2) Electrical Equipment.

31 (a) All electrical equipment, wiring and appliances shall be installed
32 and maintained in a safe manner in accordance with all applicable laws. All
33 electrical equipment shall be of an approved type.

1 (b) Every habitable room shall contain at least two supplied electric
2 convenience outlets or one such convenience outlet and one supplied electric
3 light fixture. Every toilet compartment, bathroom, laundry room, furnace room
4 and public hallway shall contain at least one supplied electric light fixture.

5 (3) Ventilation. Ventilation for rooms and areas and for fuel-burning
6 appliances shall be provided as required in the Mechanical Code and in this
7 code. Where mechanical ventilation is provided in lieu of the natural
8 ventilation required by § 14-3-2-2(C), such mechanical ventilating system shall
9 be maintained in operation during the occupancy of any building or portion
10 thereof.

11 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,
12 word or phrase of this Ordinance is for any reason held to be invalid or
13 unenforceable by any court of competent jurisdiction, such decision shall not
14 affect the validity of the remaining provisions of this Ordinance. The Council
15 hereby declares that it would have passed this Ordinance and each section,
16 paragraph, sentence, clause, word or phrase thereof irrespective of any
17 provision being declared unconstitutional or otherwise invalid.

18 SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends, is
19 incorporated in, and is to be compiled as part of the Revised Ordinances of
20 Albuquerque, New Mexico, 1994.

21 SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after
22 publication by title and general summary.
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