

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-59 ENACTMENT NO. O. 2024. 047

SPONSORED BY: Tammy Fiebelkorn

ORDINANCE

1
2 **AMENDING THE UNIFORM HOUSING CODE TO REQUIRE COOLING**
3 **SYSTEMS.**

4 **WHEREAS, access to a safe and comfortable indoor environment is**
5 **fundamental to housing quality in Albuquerque, adequate cooling is essential**
6 **to ensure the comfort and safety of a tenant; and**

7 **WHEREAS, Albuquerque’s summers have become increasingly hotter and**
8 **longer, with rising temperatures and prolonged heatwaves, creating an**
9 **emerging need for cooling systems to be required in all rental units; and**

10 **WHEREAS, extreme heat can cause serious health issues, including heat**
11 **exhaustion, heat stroke, and other heat-related illnesses, especially affecting**
12 **vulnerable populations such as the elderly, children, and individuals with**
13 **underlying health concerns; and**

14 **WHEREAS, the State of New Mexico mandates that all essential amenities**
15 **provided in rental housing, including any cooling facilities, be maintained in**
16 **good repair; and**

17 **WHEREAS, many residents of Albuquerque, many of whom are seniors**
18 **and/or have low incomes, who rent their homes may not have the financial**
19 **resources to purchase or install cooling equipment, making it necessary to**
20 **require landlords to provide this essential utility; and**

21 **WHEREAS, any additions or improvements made to a rental unit, including**
22 **but not limited to cooling systems, shall remain with the property; therefore,**
23 **the installation and maintenance of these systems is the responsibility of the**
24 **property owner; and**

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1 WHEREAS, neighboring cities like Dallas, Texas and states such as Arizona
2 have implemented regulations to require landlords to provide renters with
3 cooling systems in their rental housing; and

4 WHEREAS, ensuring access to cooling systems in rental properties
5 reflects the City’s dedication to the well-being of all residents, aligning with
6 the City’s commitment to providing safe, comfortable, livable housing for all
7 residents.

8 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
9 ALBUQUERQUE:

10 SECTION 1. The Uniform Housing Code (ROA 1994, Chapter 14, Article 3) is
11 hereby amended as follows:

12 § 14-3-3-2 MECHANICAL REQUIREMENTS.

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

14 (1) Heating and Cooling.

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

20 (b) Unvented fuel-burning heaters shall not be permitted. All heating
21 devices or appliances shall be of an approved type. Ovens, stoves or ranges,
22 or other cooking appliances shall not be used for the purpose of heating any
23 portion of a dwelling. Approved portable space heaters may only be used as
24 the sole source of heating on a temporary basis when the permanent heating
25 system is being repaired or replaced.

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

27 (i) Acceptable cooling facilities are fixtures that are permanently
28 attached to the unit, including but not limited to: evaporative (“swamp”)
29 coolers, central air conditioning, heat pumps, radiant cooling, window units,
30 and mini-splits.

31 (ii) Non-acceptable cooling facilities are temporary and/or portable
32 devices such as fans, mobile evaporative coolers, and portable air
33 conditioners, circulating devices such as ceiling fans, and ventilation systems

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1 and when used as the sole source of cooling for a unit, do not satisfy the
2 requirements of this Section. These types of cooling facilities may only be
3 used as a sole source of cooling on a temporary basis when the permanent
4 acceptable cooling facility is being repaired or replaced.

5 (2) Electrical Equipment.

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

9 (b) Every habitable room shall contain at least two supplied electric
10 convenience outlets or one such convenience outlet and one supplied electric
11 light fixture. Every toilet compartment, bathroom, laundry room, furnace room
12 and public hallway shall contain at least one supplied electric light fixture.

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

19 § 14-3-4-7 HAZARDOUS MECHANICAL EQUIPMENT.

20 *HAZARDOUS MECHANICAL EQUIPMENT* shall include any mechanical
21 equipment that does not conform to all applicable laws and codes in effect at
22 the time of installation and which has been maintained in a good and safe
23 condition.

24 All dwellings and dwelling units that use gas shall be provided with gas
25 service. Gas facilities connected to or in any building or structure are to be
26 maintained hazard-free and in a state of good repair. All heating and cooling
27 facilities shall be free from health hazards associated with ventilation,
28 mounting, and gas connections and other defects. Unvented fuel-burning
29 heaters must be of a listed and approved type and are prohibited as the sole
30 source of heating. Ovens, stoves or ranges, or other cooking appliances shall
31 not be used for the purpose of heating any portion of a dwelling. Listed,
32 approved portable space heaters may only be used as the sole source of

1 heating on a temporary basis when the permanent heating system is being
2 repaired or replaced.

3 **§ 14-3-4-2 INADEQUATE SANITATION.**

4 ***INADEQUATE SANITATION* shall include but not be limited to the following:**

5 (A) Lack of, or not properly operative toilet compartment, lavatory, bathtub
6 or shower in a dwelling unit.

7 (B) Lack of, or not properly operative toilet compartments, lavatories and
8 bathtubs or showers in a motel/hotel/bed & breakfast.

9 (C) Lack of, or not properly operative kitchen sink.

10 (D) Lack of hot and cold running water to plumbing fixtures in a
11 motel/hotel/bed & breakfast.

12 (E) Lack of hot and cold running water to plumbing fixtures in a dwelling
13 unit.

14 (F) Lack of, or not properly operative adequate heating and cooling
15 facilities.

16 (G) Lack of, or improper operation of required ventilating equipment.

17 (H) Lack of minimum amounts of natural light and ventilation required by
18 this code.

19 (I) Lack of required room and space dimensions as defined by this code.

20 (J) Lack of required electrical lighting.

21 (K) Lack of adequate weather protection that results in dampness of
22 habitable rooms.

23 (L) Lack of adequate maintenance or the presence of general dilapidation.

24 (M) Lack of connection to required sewage disposal system or approved
25 septic system.

26 (N) Lack of one or more of the following services: electrical, gas, water,
27 sewer connection by a utility company or approved septic system.

28 **SECTION 2. SEVERABILITY.** If any section, paragraph, sentence, clause,
29 word or phrase of this Ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this Ordinance. The Council
32 hereby declares that it would have passed this Ordinance and each section,

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1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provision being declared unconstitutional or otherwise invalid.

3 SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends,
4 is incorporated in, and is to be complied as part of the Revised Ordinances of
5 Albuquerque, New Mexico, 1994.

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

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1 PASSED AND ADOPTED THIS 16th DAY OF December, 2024
2 BY A VOTE OF: 5 FOR 4 AGAINST.

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4 For: Baca, Bassan, Fiebelkorn, Peña, Rogers

5 Against: Champine, Grout, Lewis, Sanchez
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10 Dan Lewis, President

11 City Council
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14 APPROVED THIS 29 DAY OF December, 2024
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18 Bill No. O-24-59
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23 Timothy M. Keller, Mayor

24 City of Albuquerque
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27 ATTEST:

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29 _____
30 Ethan Watson, City Clerk
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