

Lawsuit Takes On Green Building Rules

City Codes Too Strict, Some Say

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Albuquerque's green building code is getting national attention — from opponents.

A coalition of national industry groups and local companies has filed a federal

lawsuit seeking to block much of the code's energy-efficiency requirements. The plaintiffs say the city regulations are pre-empted by federal law.

The ordinances comprising Albuquerque's green building code are the only ones of their kind in the country, one industry group said. That could make the local case important nationally.

"What Albuquerque has done is not done around the

country," said Joseph Mattingly, secretary and general counsel of the nonprofit Air Conditioning, Heating and Refrigeration Institute, based in Virginia.

The code establishes energy-efficiency requirements for several appliances that are already covered in federal law and Energy Department regulations, he said. The city cannot mandate more stringent standards without getting a

waiver from the federal government, Mattingly said.

Bob White, who heads the city Legal Department, said the city is reviewing the lawsuit.

"We've had discussions with them," White said, "and we have disagreements with their analysis."

The city has postponed enforcement of the code until October.

The code outlines new

requirements for efficiency of furnaces and air conditioners, among other things. The goal is reduce energy consumption and help address global warming.

Councilor Isaac Benton, who sponsored the ordinances, said industry groups are taking interest because they apparently want to keep energy standards uniform nationwide.

"To the extent that we're a

local-government leader in energy efficiency, I think it's a good thing," Benton said. "No two cities are approaching this the same way."

The 35-page complaint said Albuquerque's rules will keep businesses from being able to sell and install some appliances; prompt more people to repair old appliances rather than replace them, and increase the price of new home construction.