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October 14, 2011

ATTN: ALL KENTUCKY RESIDENTIAL AND BUILDING CODE USERS

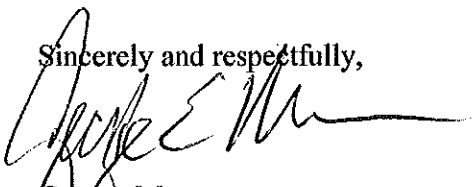
**Advisory Bulletin RE: Clarification of 2009 International Energy Conservation Code  
Requirement for initial settings of programmable thermostats  
As Incorporated by reference into 815 KAR 7:125 The Kentucky Residential Code**

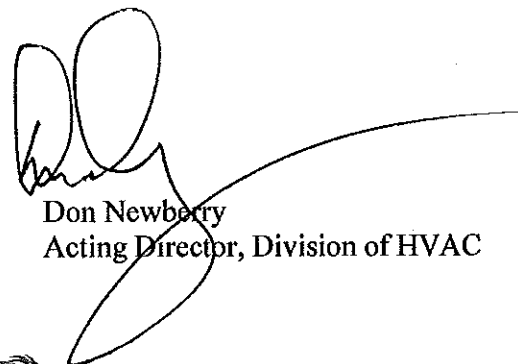
**Issue:** Concerns have been raised to the Department of Housing, Buildings and Construction, the Division of Heating, Ventilation, and Air Conditioning, Legislators and legislative staff relating to provisions of the 2009 International Energy Conservation Code (IECC). The 2009 IECC has been filed as a regulatory amendment (incorporated by reference) to the Kentucky Residential Code as an update from the 2006 edition of the IECC currently enacted statewide.

The expressed concerns relate to the 2009 IECC requirement that all forced air HVAC systems are to be initially programmed at no higher than 70 degrees Fahrenheit for heating and no lower than 78 degrees Fahrenheit for cooling. Some consumers and installing contractors have misunderstood this requirement to mean that the State is mandating a permanent temperature setting. This is not the case.

**Response:** Although the 2009 IECC does require that upon *installation*, all forced air HVAC systems are to be programmed no higher than 70 degrees Fahrenheit for heating and no lower than 78 degrees Fahrenheit for cooling, it is merely a recommended setting for the continued use. Initial temperature settings for forced air HVAC systems under the installation requirements of the 2009 IECC are not intended to be permanent settings. A homeowner has no obligation to maintain the heat and cooling temperatures at the temperatures of the initial setting. Nothing prohibits a homeowner from programming the system to whatever temperatures are desired.

Sincerely and respectfully,

  
George Mann  
Deputy Commissioner

  
Don Newberry  
Acting Director, Division of HVAC