

PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction

Steven L. Beshear Governor

101 Sea Hero Road, Suite 100 Frankfort, Kentucky 40601-5405 Phone: 502-573-0365 Fax: 502-573-1057 www.dhbc.ky.gov Robert D. Vance Secretary

Ambrose Wilson IV
Commissioner

Advisory Bulletin

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 is incorporated by reference into the Kentucky Residential Code as an update from the 2006 edition of the IECC previously enacted statewide. Enforcement of the 2009 IECC goes into effect statewide on October 1, 2012.

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. The confusion arises in that consumers and installing contractors understand this requirement to mean that the State is mandating the temperature an HVAC system is to be set permanently. This simply is not true.

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, a homeowner has no obligation to maintain the heat and cooling temperatures at the temperatures of initial setting nor prohibits a homeowner from programming the system to whatever temperatures are desired.

The allegedly controversial issue of HVAC temperature settings, is indeed a non-issue. Programmable thermostats included with new installations are factory pre-set. Currently, most programmable thermostats are set to the 70 and 78 degree Fahrenheit IECC recommended temperatures requiring installers to make no changes upon installation. The initial, installation settings of the HVAC system are no different than any system one purchases which is programmable. For example, a watch is pre-set (whether accurate or not) before leaving the manufacturer's facility. Similarly, the timing of a vehicle is programmed into the car prior to shipment from manufacturing plant to a dealer. Initial temperature settings for forced air HVAC systems under the installation requirements of the 2009 IECC are not intended to be permanent settings nor enforceable after initial installation and inspection by the Department of Housing, Buildings and Construction under existing statutory authority.

