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**CITY OF ALBUQUERQUE**  
**CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Timothy M. Keller, Mayor

**FROM:** Isaac Padilla, Director of Council Services

YMN / for  
IEP

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. O-25-74 Creating A New Article 19 In Chapter 2 To Approve A Community Energy Efficiency Development (CEED) Block Grant From The New Mexico State Energy, Minerals And Natural Resources Department, Energy Conservation And Management Division Pursuant To The CEED Block Grant Act To Support The Execution Of A CEED Program Project And Accepting The Terms And Conditions Of The Grant Agreement (Fiebelkorn, by request), which was passed at the Council meeting of April 7, 2025, by a vote of 8 FOR AND 0 AGAINST.

For: Baca, Bassan, Champine, Fiebelkorn, Grout, Peña, Rogers, Sanchez  
Excused: Lewis

In accordance with the provisions of the City Charter, your action is respectfully requested.

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-74 ENACTMENT NO. O.2025.012

SPONSORED BY: Tammy Fiebelkorn, by request

1 **ORDINANCE**

2 **CREATING A NEW ARTICLE 19 IN CHAPTER 2 TO APPROVE A COMMUNITY**  
3 **ENERGY EFFICIENCY DEVELOPMENT (CEED) BLOCK GRANT FROM THE**  
4 **NEW MEXICO STATE ENERGY, MINERALS AND NATURAL RESOURCES**  
5 **DEPARTMENT, ENERGY CONSERVATION AND MANAGEMENT DIVISION**  
6 **PURSUANT TO THE CEED BLOCK GRANT ACT TO SUPPORT THE**  
7 **EXECUTION OF A CEED PROGRAM PROJECT AND ACCEPTING THE TERMS**  
8 **AND CONDITIONS OF THE GRANT AGREEMENT.**

9 **WHEREAS, the City of Albuquerque is a legally and regularly created,**  
10 **established, organized, and existing municipal corporation of the State of New**  
11 **Mexico; and**

12 **WHEREAS, the New Mexico Energy Conservation and Management**  
13 **Division, is responsible for implementing the CEED Program in New Mexico;**  
14 **and**

15 **WHEREAS, the CEED Program is a state program that provides funding for**  
16 **energy efficiency programs and projects; and**

17 **WHEREAS, pursuant to NMSA 1978, § 62-17A, the purpose of CEED Block**  
18 **Grant Act projects is to provide improvements to residential buildings in an**  
19 **underserved community that will, in the aggregate, reduce energy**  
20 **consumption, energy-related operating costs, carbon intensity of energy**  
21 **consumption, or a combination thereof; and**

22 **WHEREAS, the CEED Program project will promote the general welfare and**  
23 **significantly benefit the quality of life of underserved communities in**  
24 **Albuquerque, New Mexico.**

25 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
26 **ALBUQUERQUE:**

1       **SECTION 1. A new Article 19 in Chapter 2 of the revised ordinances of**  
2       **Albuquerque 1994 is hereby created as follows:**

3       **§2-19-1 SHORT TITLE. This Ordinance may be referred to as the CEED**  
4       **Block Grant Enabling Ordinance.**

5       **§2-19-2 PURPOSE. This Ordinance is adopted to implement the City of**  
6       **Albuquerque’s CEED Program project. In accordance with N.M. Const., art. IX,**  
7       **§ 14, H.; the Community Energy Efficiency Development Block Grant Act**  
8       **(“Act”), § 62-17A-1, et seq. NMSA 1978; NM Energy, Minerals and Natural**  
9       **Resources Department (“EMNRD”) rule, 19.1.10 NMAC (“rule”), the purpose of**  
10       **the CEED Block Grant Ordinance is to:**

11       **(1) Provide for the approval of the City of Albuquerque’s CEED Block**  
12       **Grant;**

13       **(2) Provide for the acceptance of the CEED Block Grant from EMNRD;**

14       **(3) Provide for implementation of the CEED Program; and**

15       **(4) Provide for and adopt the Terms and Conditions of the Grant**  
16       **approved by EMNRD pursuant to the act.**

17       **Community energy efficiency projects are projects that provide**  
18       **improvements to residential buildings in an underserved community that will,**  
19       **in the aggregate, reduce energy consumption, energy-related operating costs,**  
20       **carbon intensity of energy consumption, or a combination thereof. These**  
21       **projects will target the adoption of energy-efficient consumer behavior,**  
22       **equipment, or devices that result in a decrease in energy consumption without**  
23       **reducing the amount or quality of energy services. This includes health and**  
24       **safety measures, including those that use efficient equipment or devices to**  
25       **improve indoor air or drinking water quality.**

26       **§2-19-3 APPROVAL OF GRANT. That the CEED Block Grant for a CEED**  
27       **Program project is hereby approved, and acceptance of its Terms and**  
28       **Conditions is approved.**

29       **§2-19-4 AUTHORITY. The City of Albuquerque enacts this Ordinance**  
30       **pursuant to the authority set forth in N.M. Const., art. IX and X; § 4-37-1 et**  
31       **seq./§ 3-17-1 et seq. NMSA 1978; § 3-18-1 et seq. NMSA 1978; § 3-45-1 et seq.**  
32       **NMSA 1978; § 60-13-1 et seq. NMSA 1978; § 62-17A-1, et seq. NMSA 1978; and**  
33       **19.1.10 NMAC.**

1       The Community Energy Efficiency Development (CEED) Block Grant  
2       Ordinance constitutes an exercise of the City of Albuquerque's independent  
3       and separate but related law enforcement, zoning, planning, environmental,  
4       fiscal and public nuisance powers for the health, safety and general welfare of  
5       the City of Albuquerque and its residents.

6       §2-19-5 DEFINITONS. For purposes of this section, the following words and  
7       terms shall have the following meanings:

8       ACT. The Community Energy Efficiency Development Block Grant Act,  
9       NMSA 1978, Ch. 62-17A-1, et seq.

10      AFFORDABLE HOUSING. Residential housing primarily for low-income  
11      persons, including housing currently occupied by low-income persons or  
12      housing that is affordable to low-income persons based on assessed value,  
13      rent or estimated mortgage.

14      COMMUNITY ENERGY EFFICIENCY PROJECT. A project that provides  
15      improvements to residential buildings in an underserved community that will  
16      in the aggregate reduce energy consumption, energy-related operating costs  
17      or the carbon intensity of energy consumption.

18      COMMUNITY PARTNER. Means an organization that provides services or  
19      outreach to an underserved community to implement a community energy  
20      efficiency project.

21      DEPARTMENT. The New Mexico Energy, Minerals and Natural Resources  
22      Department.

23      DIVISION or ECAM. The Energy Conservation and Management Division.

24      ENERGY BURDEN. Means the percentage of gross household income spent  
25      on energy costs; calculated by dividing the average housing energy cost by  
26      the average annual household income.

27      ENERGY EFFICIENCY. Means measures that target efficient energy consumer  
28      behavior, equipment or devices and result in a decrease in energy  
29      consumption without reducing the amount or quality of energy services,  
30      including health and safety measures that use efficient equipment or devices  
31      to improve indoor air or drinking water quality.

32      LOW-INCOME PERSON. Means an individual, couple or family whose annual  
33      household adjusted gross income, as defined in Section 62 of the federal

1 Internal Revenue Code of 1986, as that section may be amended or  
2 renumbered, does not exceed 200 percent of the federal poverty level.

3 **RESIDENTIAL HOUSING. Means:**

4 (1) a building, structure or portion thereof that is primarily occupied or  
5 designed for or intended primarily for occupancy as a residence by one or  
6 more households, including congregate housing, manufactured homes and  
7 other facilities; or

8 (2) real property that is offered for sale or lease for the construction or  
9 location on that real property of a building, structure or portion thereof that is  
10 intended primarily for occupancy as a residence by one or more households.

11 **UNDERSERVED COMMUNITY or DISADVANTAGED COMMUNITY.** An area in  
12 the state, including a county, municipality or neighborhood, or subset of an  
13 area, where:

14 (1) the median adjusted gross income, as defined in Section 62 of the  
15 Internal Revenue Code of 1986, as that section may be amended or  
16 renumbered, does not exceed two hundred percent of the federal poverty  
17 level; or

18 (2) there is a high energy burden or limited access to energy efficiency  
19 services as determined by Department rule.

20 **§2-19-6 DISCRIMINATION PROHIBITED.** The development; construction,  
21 occupancy and operation of a CEED Program or a CEED Program project  
22 financed or assisted under the act and this chapter shall be undertaken in a  
23 manner consistent with principles of nondiscrimination and equal opportunity,  
24 and the City of Albuquerque shall require compliance by all qualifying  
25 grantees with all applicable Federal and State laws and regulations relating to  
26 affirmative action, nondiscrimination and equal opportunity.

27 **§2-19-7 GENERAL REQUIREMENTS/TERMS AND CONDITIONS.** The City of  
28 Albuquerque shall administer any CEED Program project in accordance with  
29 the terms and conditions of the grant agreement as depicted in Exhibit A to  
30 this Ordinance and hereby formally adopts the terms and conditions of the  
31 grant agreement contemplated therein.

32 **§2-19-8 ADMINISTRATION.** The City of Albuquerque shall administer any  
33 CEED Program project in accordance with provisions of the act, the rule, this

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[Bracketed/Strikethrough Material] - Deletion

chapter, any applicable state and federal laws and regulations as each of which may be amended or supplemented from time-to-time. The City of Albuquerque, in establishing, funding and administering the CEED Program and by making, executing, delivering and performing any award, contract, grant or any other activity or transaction contemplated by the act, shall not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment, determination or award and will not contravene the provisions of or otherwise cause a default under any of its agreements, indentures, or other instruments to which it may be bound.

§2-19-9 TERMINATION. The Council may repeal this chapter and terminate the City of Albuquerque's CEED Program and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing and in accordance with the terms of the contract. If an ordinance or a contract is repealed or terminated, all contract provisions of the contract regarding termination shall be satisfied.

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

SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be complied as a new Article 19 in Chapter 2 of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance takes effect 5 days after publication by title and general summary.

1 PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF April, 2025  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 For: Baca, Bassan, Champine, Fiebelkorn, Grout, Peña, Rogers, Sanchez  
5 Excused: Lewis

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10 Brook Bassan, President  
11 City Council

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14 APPROVED THIS 23 DAY OF April, 2025  
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19 Bill No. O-25-74

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23 Timothy M. Keller, Mayor  
24 City of Albuquerque

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26 ATTEST:

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29 Ethan Watson, City Clerk  
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