

HOUSE BILL 582

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO CONSTRUCTION; ENACTING A NEW SECTION OF THE
CONSTRUCTION INDUSTRIES LICENSING ACT TO REQUIRE THE
CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION AND
LICENSING DEPARTMENT TO DEVELOP AND ESTABLISH STATEWIDE
PROCEDURES AND TEMPLATES FOR CONSTRUCTION PROJECTS REQUIRING
PERMIT APPLICATIONS; REQUIRING AUTHORITIES WITH JURISDICTION TO
ADHERE TO THE PROCEDURES AND USE THE TEMPLATES ESTABLISHED BY
THE DIVISION; REQUIRING ONLINE ELECTRONIC APPLICATION ACCESS,
COMPLETION AND SUBMISSION OPTIONS; REQUIRING SPECIFIC TIME
LINES FOR DECISIONS FOR APPLICATIONS SUBMITTED ELECTRONICALLY
AND AUTOMATIC APPROVALS FOR APPLICATIONS IF DECISIONS ARE NOT
TIMELY ISSUED; LIMITING COUNTY OR MUNICIPALITY ZONING AUTHORITY
OVER CERTAIN DEVELOPMENTS; REQUIRING RULE ADOPTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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1 SECTION 1. A new section of the Construction Industries
2 Licensing Act, Section 60-13-45.1 NMSA 1978, is enacted to
3 read:

4 "60-13-45.1. [NEW MATERIAL] DIVISION DUTIES--STATEWIDE
5 PROCEDURES--STEPS FOR PROJECTS--TEMPLATES--APPLICATIONS--
6 ELECTRONIC ACCESS.--

7 A. The division shall develop or update as
8 necessary standardized procedures and application templates
9 consistent with the provisions of this section to be used
10 statewide for construction projects. The procedures and
11 application templates shall be:

- 12 (1) adopted by rule of the division;
- 13 (2) based on the most recent adopted building
14 codes and rules; and
- 15 (3) applicable to all authorities having
16 jurisdiction in the state.

17 B. In developing or updating the procedures
18 required in Subsection A of this section, the division shall
19 make the procedures publicly available in an electronic
20 downloadable format on the division's website and for use on
21 the website of each authority having jurisdiction. The
22 procedures shall include for each type of construction project:

- 23 (1) a uniform list of steps required during
24 the construction project, from permit request to project
25 completion and approval, and shall include the order in which

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1 each step shall be taken;

2 (2) a list of each permit required for the
3 project, including the process to obtain the permit,
4 electronically or otherwise;

5 (3) a list of each approval required,
6 including plan approval, zoning approval, inspections or any
7 other approval required for the project;

8 (4) the procedure to appeal the denial of a
9 permit or approval request; and

10 (5) any other step required by the division,
11 including the manner in which to obtain final approval for use
12 or occupancy.

13 C. The division shall prescribe an application
14 template for each type of construction project that requires an
15 application and a permit. Each template shall be available in
16 an electronic downloadable format on the division's website and
17 on the website of each authority having jurisdiction and shall
18 include:

19 (1) directions for completing and submitting
20 the application online or by print;

21 (2) directions for electronic or print
22 submission of a completed application to the division or the
23 authority having jurisdiction; and

24 (3) directions for tracking the status of a
25 submitted application.

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1 D. The division shall prescribe application
2 templates for permits for work to be performed for a
3 construction project and include with the template information
4 detailing who is eligible to obtain each type of permit. The
5 following application templates shall be prescribed:

6 (1) a general building permit for new
7 construction, structural additions and alterations, demolition,
8 roofing, storage sheds, fencing, site development, asphalt
9 paving and overlay and excavation and grading;

10 (2) an electrical permit;

11 (3) a mechanical or plumbing permit;

12 (4) a liquid petroleum gas permit; and

13 (5) any other permit required for a
14 construction project.

15 E. The division shall develop or update as
16 necessary and consistent with this section the process for
17 electronic submission and tracking of applications for permits.
18 The process shall include the following electronic application
19 submission decision time lines:

20 (1) for permits involving residential
21 construction projects, a decision shall be issued within thirty
22 days of submission of a complete application;

23 (2) for permits involving multi-units,
24 including apartments, townhomes, senior housing or similar
25 construction projects, a decision shall be issued within ninety

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1 days of submission of a complete application; and

2 (3) for permits involving master plan
3 construction projects, a decision shall be issued within one
4 hundred twenty days of submission of a complete application.

5 F. For any application for a permit submitted
6 pursuant to this section, if the decision is not issued within
7 the required time line, the permit shall be approved.

8 G. The division or an authority having jurisdiction
9 shall review and issue an approval, conditional approval or
10 denial of a permit for all applications and master plan
11 approvals for construction projects involving:

12 (1) fewer than two thousand five hundred
13 dwelling units;

14 (2) accessory dwelling units; and

15 (3) land use changes as described in Section
16 3-21-6 NMSA 1978 to be completed by professional individuals or
17 entities.

18 H. If, after submission to the division or an
19 authority having jurisdiction of an application and any
20 documentation for a construction project as required by
21 division rule, a permit is denied or a conditional approval is
22 issued, a notice of the denial or conditional approval shall be
23 sent to the applicant electronically and through certified
24 mail. The denial shall be referred to a hearing officer
25 designated by the director of the division for immediate

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1 review, and a decision shall be issued by the hearing officer
2 within ten days of that review.

3 I. The decision of a hearing officer as provided in
4 Subsection H of this section shall be appealed to the district
5 court as provided in Section 39-3-1.1 NMSA 1978.

6 J. No later than December 1, 2025, the division
7 shall adopt rules in accordance with this section.

8 K. As used in this section:

9 (1) "accessory dwelling unit" means a dwelling
10 unit that is accessory to a primary single-family or two-family
11 detached dwelling or non-residential use;

12 (2) "application template" means a
13 standardized format for an application for a permit;

14 (3) "authority having jurisdiction" means the
15 state or a municipality, county or other political subdivision
16 of the state that has a full-service building department
17 employing a full-time certified building official and has
18 permitting, inspection and enforcement authority over the
19 general construction and electrical and mechanical-plumbing
20 trades within its jurisdiction; and

21 (4) "construction project" means a project
22 involving a building or structure that, pursuant to the
23 Construction Industries Licensing Act or rules promulgated
24 under that act, requires a permit in order to:

25 (a) erect the building or structure;

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1 (b) enlarge, alter, repair, move,
2 improve, remove, convert or demolish the building or structure;
3 or

4 (c) perform electrical wiring work,
5 plumbing or mechanical work or liquid petroleum gas work as
6 defined and described in the applicable New Mexico construction
7 codes for those trades, including installation, repair,
8 alteration or maintenance in or on the building or structure."

9 SECTION 2. Section 3-21-1 NMSA 1978 (being Laws 1965,
10 Chapter 300, Section 14-20-1, as amended) is amended to read:

11 "3-21-1. ZONING--AUTHORITY OF COUNTY OR MUNICIPALITY.--

12 A. Except as provided in Section 60-13-45.1 NMSA
13 1978, for the purpose of promoting health, safety, morals or
14 the general welfare, a county or municipality is a zoning
15 authority and may regulate and restrict within its jurisdiction
16 the:

- 17 (1) height, number of stories and size of
18 buildings and other structures;
19 (2) percentage of a lot that may be occupied;
20 (3) size of yards, courts and other open
21 space;
22 (4) density of population; and
23 (5) location and use of buildings, structures
24 and land for trade, industry, residence or other purposes.

25 B. The county or municipal zoning authority may:

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1 (1) divide the territory under its
2 jurisdiction into districts of such number, shape, area and
3 form as is necessary to carry out the purposes of Sections
4 3-21-1 through 3-21-14 NMSA 1978; and

5 (2) regulate or restrict the erection,
6 construction, reconstruction, alteration, repair or use of
7 buildings, structures or land in each district. All such
8 regulations shall be uniform for each class or kind of
9 buildings within each district, but regulation in one district
10 may differ from regulation in another district.

11 C. All state-licensed or state-operated community
12 residences for persons with a mental or developmental
13 disability and serving ten or fewer persons may be considered a
14 residential use of property for purposes of zoning and may be
15 permitted use in all districts in which residential uses are
16 permitted generally, including particularly residential zones
17 for single-family dwellings.

18 D. A board of county commissioners of the county in
19 which the greatest amount of the territory of the petitioning
20 village, community, neighborhood or district lies may declare
21 by ordinance that a village, community, neighborhood or
22 district is a "traditional historic community" upon petition by
23 twenty-five percent or more of the qualified electors of the
24 territory within the village, community, neighborhood or
25 district requesting the designation. The number of qualified

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1 electors shall be based on county records as of the date of the
2 last general election.

3 E. Any village, community, neighborhood or district
4 that is declared a traditional historic community shall be
5 excluded from the extraterritorial zone and extraterritorial
6 zoning authority of any municipality whose extraterritorial
7 zoning authority extends to include all or a portion of the
8 traditional historic community and shall be subject to the
9 zoning jurisdiction of the county in which the greatest portion
10 of the traditional historic community lies.

11 F. Zoning authorities, including zoning authorities
12 of home rule municipalities, shall accommodate
13 multigenerational housing by creating a mechanism to allow up
14 to two kitchens within a single-family zoning district, such as
15 conditional use permits.

16 G. Zoning authorities, including zoning authorities
17 of home rule municipalities, shall not have zoning authority
18 for master plan developments of fewer than two thousand five
19 hundred dwelling units.

20 [~~G.~~] H. For the purpose of this section,
21 "multigenerational" means any number of persons related by
22 blood, common ancestry, marriage, guardianship or adoption."

23 SECTION 3. Section 3-21-6 NMSA 1978 (being Laws 1965,
24 Chapter 300, Section 14-20-4, as amended) is amended to read:

25 "3-21-6. ZONING--MODE OF DETERMINING REGULATIONS,

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1 RESTRICTIONS AND BOUNDARIES OF DISTRICT--PUBLIC HEARING
2 REQUIRED--NOTICE.--

3 A. Except as provided in Section 60-13-45.1 NMSA
4 1978, the zoning authority within its jurisdiction shall
5 provide by ordinance for the manner in which zoning
6 regulations, restrictions and the boundaries of districts are:

- 7 (1) determined, established and enforced; and
- 8 (2) amended, supplemented or repealed.

9 B. No zoning regulation, restriction or boundary
10 shall become effective, amended, supplemented or repealed until
11 after a public hearing at which all parties in interest and
12 citizens shall have an opportunity to be heard. Notice of the
13 time and place of the public hearing shall be published, at
14 least fifteen days prior to the date of the hearing, within its
15 respective jurisdiction. Whenever a change in zoning is
16 proposed for an area of one block or less, notice of the public
17 hearing shall be mailed by certified mail, return receipt
18 requested, to the owners, as shown by the records of the county
19 treasurer, of lots [~~of~~] or land within the area proposed to be
20 changed by a zoning regulation and within one hundred feet,
21 excluding public [~~right-of-way~~] right of way, of the area
22 proposed to be changed by zoning regulation. Whenever a change
23 in zoning is proposed for an area of more than one block,
24 notice of the public hearing shall be mailed by first class
25 mail to the owners, as shown by the records of the county

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1 treasurer, of lots or land within the area proposed to be
2 changed by a zoning regulation and within one hundred feet,
3 excluding public ~~[right-of-way]~~ right of way, of the area
4 proposed to be changed by zoning regulation. If the notice by
5 first class mail to the owner is returned undelivered, the
6 zoning authority shall attempt to discover the owner's most
7 recent address and shall remit the notice by certified mail,
8 return receipt requested, to that address.

9 C. If the owners of twenty percent or more of the
10 area of the lots and land included in the area proposed to be
11 changed by a zoning regulation or within one hundred feet,
12 excluding public ~~[right-of-way]~~ right of way, of the area
13 proposed to be changed by a zoning regulation protest in
14 writing the proposed change in the zoning regulation, the
15 proposed change in zoning shall not become effective unless the
16 change is approved by a majority vote of all the members of the
17 governing body of the municipality or by a two-thirds vote of
18 all the members of the board of county commissioners."

19 SECTION 4. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2025.