

LFC Requester:	Noah Montano
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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date January 30, 2025
Bill No: HB 210

Sponsor: Rep. Dow
Short Title: Vacant Rural Building Act

Agency Name and Code Regulation and Licensing Department-420
Number: _____
Person Writing Lori Chavez
Phone: 505-469-2728 **Email** Lori.chavez1@rld.nm.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	None	None

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	None	None

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	None	None

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: n/a

Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 210 (HB210)

HB210 creates a new act titled the “Vacant Rural Building Act”. HB210 allows the Construction Industries Commission (CIC), Construction Industries Division (CID) of the Regulation and Licensing Department (RLD) and rural municipalities to adopt rules to establish a procedure to grant a variance deviating from strict compliance with building code requirements for vacant commercial buildings in rural areas of the state that do not impact the safe use and occupancy of a vacant commercial building by a small business if compliance with code requirements is impossible, impracticable or infeasible—including consideration for the financial cost of strict compliance.

HB210 only requires the property owner or small business intending to occupy the vacant commercial building to correct conditions that are determined by a state or local code official to affect life and safety.

Rules adopted pursuant to HB210 by the CIC, CID or rural municipality shall consider:

- (1) historic building codes pursuant to the 2021 New Mexico Existing Building Code; and
- (2) building code compliance costs.

“Rural municipality” is defined as an incorporated city, town or village having fifty thousand (50,000) or few inhabitants as of the last federal decennial census.

“Small business” is defined as a for-profit or not-for profit business entity, including its affiliates, that is independently owned and operated and employs fifty (50) or fewer full-time employees.

“Vacant” is defined as a building used primarily for commercial purposes that has not been occupied for three (3) or more months.

FISCAL IMPLICATIONS

HB210 would require adoption of rules by the CID/CIC and local building jurisdictions to establish variance procedures. Cost to the RLD to promulgate the necessary rules would be minimal.

SIGNIFICANT ISSUES

Currently, there are existing laws governing approval of variances that apply to vacant commercial buildings. Codes established by CID are the minimum code requirements set for the state and met by all local building departments.

The 2021 International Existing Building Code (IEBC) provides guidelines for the rehabilitation and alteration of historic buildings, particularly in Chapter 12, which focuses on historic buildings and their preservation. The code outlines three levels of alterations—Level 1, Level 2, and Level 3—each with different requirements based on the extent of work being done.

Level 1 Alterations: This involves minor alterations or repairs that do not change the building's use or structural components. Typically, it includes cosmetic changes like painting, replacing fixtures, or minor repairs. Should be compliant with applicable codes but may have fewer restrictions than higher levels.

Level 2 Alterations: This type involves more extensive alterations that may change the configuration of the building or its systems (e.g., electrical, plumbing). Often includes replacement of systems or components that affect the building's overall function but does not significantly alter the building's historic character. Requires compliance with more rigorous code requirements compared to Level 1, particularly regarding safety and accessibility.

Level 3 Alterations: This level represents the most extensive alterations, potentially involving a change in occupancy, major structural changes, or significant alterations to the historic character of the building. May include substantial renovations or the addition of new spaces. Requires full compliance with current building codes, including life safety, accessibility, and other relevant standards.

In summary, the main difference between these levels lies in the extent and impact of the alterations on the historic building's character and functionality, with each level having increasingly stringent requirements to ensure safety and preservation.

Variance Procedures

Under the New Mexico Administrative Code 14.5.1.11 concerning Trade Bureaus, there is an established procedure for handling variances. This provision allows for circumstances where compliance with the state-adopted codes and standards may be technically infeasible or impractical for specific construction projects. In such cases, the chief responsible for the Trade Bureau is authorized to approve variances. This process ensures that while adherence to regulations is paramount, there is flexibility to address unique situations that may hinder compliance.

Economic Development

The RLD/CID acknowledges the crucial role of economic development in the redevelopment of existing buildings. This recognition drives the industry's commitment to integrating code considerations that facilitate the rehabilitation and repurposing of these structures. By addressing code requirements thoughtfully and creatively, CID supports revitalization efforts while ensuring safety and compliance. This collaborative approach not only enhances the economic landscape of New Mexico but also preserves the historical and cultural significance of its buildings, enabling sustainable growth and redevelopment.

Existing building codes adequately address all issues raised by HB 210

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS