

HOUSE RURAL DEVELOPMENT, LAND GRANTS AND CULTURAL AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 210

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

AN ACT

RELATING TO RURAL ECONOMIC DEVELOPMENT; ENACTING THE VACANT
RURAL BUILDING ACT; DIRECTING THE ADOPTION OF BUILDING CODE
VARIANCE PROCEDURES APPLICABLE TO THE OCCUPANCY OF A VACANT
BUILDING BY A SMALL BUSINESS OR RESIDENTIAL USE THAT WILL
REDUCE COMPLIANCE COSTS, ENCOURAGE RURAL ECONOMIC DEVELOPMENT
AND PROTECT PUBLIC SAFETY; PROVIDING POWERS AND DUTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Vacant Rural Building Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Vacant Rural Building Act:

A. "commission" means the construction industries
commission;

B. "division" means the construction industries

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1 division of the regulation and licensing department;

2 C. "rural jurisdiction" means a county,
3 municipality, city, town or village having fifty thousand or
4 fewer inhabitants as of the last federal decennial census;

5 D. "small business" means a for-profit or not-for-
6 profit business entity, including its affiliates, that is
7 independently owned and operated and employs fifty or fewer
8 full-time employees; and

9 E. "vacant building" means a building that has not
10 been occupied for three or more months.

11 SECTION 3. [NEW MATERIAL] COMMISSION, DIVISION AND RURAL
12 JURISDICTION POWERS AND DUTIES.--

13 A. By or before January 1, 2026, the commission and
14 division or the governing body of a rural jurisdiction may
15 adopt rules to:

16 (1) provide a procedure to grant a variance
17 from strict compliance with building code requirements for
18 vacant buildings with a size of no more than fifteen thousand
19 gross square feet that have no impact on the safe use and
20 occupancy of a vacant building by a small business or a
21 residential use if the circumstances of the occupancy make
22 strict compliance with code requirements impossible,
23 impracticable or infeasible, including consideration for the
24 financial cost of strict compliance;

25 (2) require a property owner, small business

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1 or proposed residential use intending to occupy a vacant
2 building in a rural jurisdiction to remedy only those
3 conditions in the vacant building that are determined by a
4 state or local code official to affect life and safety; and

5 (3) provide for certification that a new
6 occupancy of a vacant building in a rural jurisdiction
7 qualifies for and is subject to the rules adopted pursuant to
8 the Vacant Rural Building Act.

9 B. In developing the rules required by Subsection A
10 of this section, the commission and division or the governing
11 body of a rural jurisdiction and the certified building
12 official of the rural jurisdiction shall consider:

13 (1) the standards and compliance requirements
14 applicable to historic buildings pursuant to the 2021 New
15 Mexico Existing Building Code as a model for compliance
16 requirements applicable to the occupancy of a vacant building
17 in a rural jurisdiction by a small business or by residential
18 development; and

19 (2) building code compliance costs for small
20 businesses or for residential development in bringing vacant
21 buildings in rural jurisdictions up to code and, insofar as
22 practicable, make efforts to reduce such costs.

23 C. Nothing in this section shall be interpreted to
24 undermine the division's or a rural jurisdiction's duty to
25 promote the general welfare of the people of New Mexico by

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1 providing for the protection of life and property.

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