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HOUSE MEMORIAL 110

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Rebecca Dow

A MEMORIAL

REQUESTING THE CONSTRUCTION INDUSTRIES DIVISION OF THE  
REGULATION AND LICENSING DEPARTMENT TO CONVENE A WORKING GROUP  
TO STUDY EXISTING BUILDING CODE COMPLIANCE BARRIERS TO SMALL  
BUSINESSES USING VACANT BUILDINGS IN RURAL COMMUNITIES.

WHEREAS, many of New Mexico's rural communities' downtown  
and commercial districts are lined with vacant and  
underutilized buildings; and

WHEREAS, oftentimes, small businesses are deterred from  
occupying vacant commercial spaces in rural communities because  
it is cost-prohibitive for a small business to bring a vacant  
building up to full compliance with the existing building code;  
and

WHEREAS, some existing building code requirements do not  
affect the ability of a small business to safely occupy and use

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1 a vacant building, but the costs of complying with these  
2 requirements become barriers to the full and productive  
3 utilization of vacant commercial buildings in rural  
4 communities; and

5 WHEREAS, the 2015 New Mexico Existing Building Code  
6 provides alternatives and exemptions for historic buildings to  
7 comply with building code requirements; and

8 WHEREAS, New Mexico's construction code allows for  
9 variances when the circumstances of a particular construction  
10 project make strict compliance with the code impossible or  
11 impracticable; and

12 WHEREAS, the provision of an exemption or variance from  
13 existing building code requirements for small businesses  
14 wishing to occupy vacant buildings in rural communities would  
15 provide an incentive for small businesses to set up shop in  
16 rural communities and contribute to the economic vitality of  
17 the community and state as a whole;

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
19 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the  
20 construction industries division of the regulation and  
21 licensing department be requested to convene a working group to  
22 study building code compliance barriers to small businesses  
23 using vacant buildings in rural communities and to develop  
24 recommendations to lessen the compliance barriers, including  
25 compliance costs; and

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1 BE IT FURTHER RESOLVED that the working group be composed  
2 of representatives from the construction industries division,  
3 the New Mexico home builders association, the New Mexico  
4 municipal league and other interested stakeholders; and

5 BE IT FURTHER RESOLVED that the working group report its  
6 findings and recommendations to an appropriate interim  
7 committee by October 2017; and

8 BE IT FURTHER RESOLVED that copies of this memorial be  
9 transmitted to the president of the New Mexico home builders  
10 association, the board of directors of the New Mexico municipal  
11 league, the director of the construction industries division of  
12 the regulations and licensing department and the co-chairs of  
13 the New Mexico legislative council.