

HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS AND CULTURAL
AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 205

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

AN ACT

RELATING TO RURAL ECONOMIC DEVELOPMENT; ENACTING THE VACANT
RURAL BUILDING ACT; DIRECTING THE ADOPTION OF A BUILDING CODE
VARIANCE PROCEDURE APPLICABLE TO THE OCCUPANCY OF A VACANT
COMMERCIAL BUILDING BY A SMALL BUSINESS 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

1 division of the regulation and licensing department;

2 C. "rural municipality" means an incorporated city,
3 town or village, whether incorporated under general act,
4 special act or special charter, having fifty thousand or fewer
5 inhabitants as of the last federal decennial census;

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

10 E. "vacant commercial building" means a building
11 used primarily for commercial purposes that has not been
12 occupied for three or more months.

13 SECTION 3. [NEW MATERIAL] COMMISSION, DIVISION AND RURAL
14 MUNICIPALITY POWERS AND DUTIES.--

15 A. By or before January 1, 2018, the commission and
16 division or the governing body of a rural municipality may
17 adopt rules to:

18 (1) provide a procedure to grant a variance
19 from strict compliance with building code requirements for
20 vacant commercial buildings, as issued by the division, that
21 have no impact on the safe use and occupancy of a vacant
22 commercial building by a small business if the circumstances of
23 the occupancy make strict compliance with code requirements
24 impossible, impracticable or infeasible, including
25 consideration for the financial cost of strict compliance;

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1 (2) require a property owner or small business
2 intending to occupy a vacant commercial building in a rural
3 municipality to remedy only those conditions in the vacant
4 commercial building that are determined by a state or local
5 code official to affect life and safety; and

6 (3) provide for certification that a small
7 business's new occupancy of a vacant commercial building in a
8 rural municipality qualifies for and is subject to the rules
9 adopted pursuant to the Vacant Rural Building Act.

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

14 (1) the standards and compliance requirements
15 applicable to historic buildings pursuant to the 2015 New
16 Mexico Existing Building Code as a model for compliance
17 requirements applicable to the occupancy of a vacant commercial
18 building in a rural municipality by a small business; and

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

23 C. Nothing in this section shall be interpreted to
24 undermine the division's or a rural municipality'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.

underscoring material = new
~~[bracketed material] = delete~~