

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 7 BUILDING CODES GENERAL
PART 7 2021 NEW MEXICO EXISTING BUILDING CODE

14.7.7.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.7.7.1 NMAC - Rp, 14.7.7.1 NMAC, XX/XX/2023]

14.7.7.2 SCOPE: This rule applies to contracting performed on existing buildings in New Mexico, but not contracting performed on detached one- and two- family dwellings or townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures, on or after XXXX, XX, 2023, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date, with the following exceptions:

A. Electrical. Electrical wiring as defined in section 60-13-32 NMSA 1978, including installation, repair, alteration, change of occupancy, addition and relocation of existing buildings shall be in accordance with 14.10.4 NMAC, the current adopted New Mexico electrical code (NMEC).

B. Mechanical. All mechanical work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with 14.9.2 NMAC, the current adopted New Mexico mechanical code (NMMC).

C. Plumbing. All plumbing work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with 14.8.2 NMAC, the current adopted New Mexico plumbing code (NMPC).

D. LP gas. All liquid petroleum and compressed natural gas work, including installation, repair, alteration, change of occupancy, addition, and relocation, on existing buildings shall be in accordance with 14.9.2 NMAC or 19.15.40 NMAC.

[14.7.7.2 NMAC - Rp, 14.7.7.2 NMAC, XX/XX/2023]

14.7.7.3 STATUTORY AUTHORITY: Section 60-13-9 NMSA 1978.
[14.7.7.3 NMAC - Rp, 14.7.7.3 NMAC, XX/XX/2023]

14.7.7.4 DURATION: Permanent.
[14.7.7.4 NMAC - Rp, 14.7.7.4 NMAC, XX/XX/2023]

14.7.7.5 EFFECTIVE DATE: XXXXX/ XX, 2023, unless a later date is cited at the end of a section. [From the date of publication of this rule in the New Mexico register, until XXX/ XX, 2023, permits may be issued under either the previously adopted rule, or this rule. After XXXX/ XX, 2023, permits may be issued only under this rule.]
[14.7.7.5 NMAC - Rp, 14.7.7.5 NMAC, XX/XX/2023]

14.7.7.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for construction work performed on existing buildings in New Mexico.
[14.7.7.6 NMAC - Rp, 14.7.7.6 NMAC, XX/XX/2023]

14.7.7.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions, and chapter 2 of the IEBC as amended in 14.7.7.10 NMAC.
[14.7.7.7 NMAC - Rp, 14.7.7.7 NMAC, XX/XX/2023]

14.7.7.8 ADOPTION OF THE 2021 NEW MEXICO EXISTING BUILDING CODE:
A. This rule adopts by reference, and amends, the 2021 international existing building code.
B. In this rule, each provision is numbered to correspond with the numbering of the 2021 international existing building code.
[14.7.7.8 NMAC - Rp, 14.7.7.8 NMAC, XX/XX/2023]

14.7.7.9 CHAPTER 1 SCOPE AND ADMINISTRATION:
A. Section 101 Scope and General Requirements. See this section of the IEBC except as provided below.

- (1) **Section 101.1 Title.** Delete this section of the IEBC and substitute: This code shall be known as the 2021 New Mexico existing building code.
- (2) **Section 101.2 Scope.** Delete this section of the IEBC and see 14.7.7.2 NMAC, Scope.
- (3) **Section 101.3 Purpose.** Delete this section of the IEBC and see 14.7.7.6 NMAC, Objective.
- (4) **Section 101.4 Applicability.** Delete this section of the IEBC and substitute: The legal occupancy of any structure existing on the effective date of this rule shall be permitted to continue without change, except as is specifically provided otherwise in this rule, in the 2021 New Mexico existing building code, or by the building official in consideration of the general safety and welfare of the occupants of any such building and the general public.
- (5) **Section 101.5 Safeguards during construction.** Delete this section of the IEBC.
- (6) **Section 101.6 Appendices.** Delete this section of the IEBC and substitute: This rule adopts Appendices A and B of the IEBC as they may be amended herein.
- (7) **Section 101.7 Correction of violations of other codes.** Delete this section of the IEBC.
- B. Section 102 Applicability.** See this section of the IEBC except as provided below.
- (1) **Section 102.1 General.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- (2) **Section 102.2 Other laws.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- (3) **Section 102.3 Application of references.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- (4) **Section 102.4 Referenced codes.** Delete this section of the IEBC and substitute with the following: All references in the IEBC to the international building code shall be deemed references to 14.7.2 NMAC, the current adopted New Mexico commercial building code (NMCBC). All references to the international residential code shall be deemed references to 14.7.3 NMAC, the current adopted New Mexico residential building code (NMRBC). All references to the international plumbing code shall be deemed references to 14.8.2 NMAC. All references to the international mechanical code shall be deemed references to 14.9.2 NMAC. All references to the international electrical code shall be deemed references to 14.10.4 NMAC. All references to the international energy conservation code shall be deemed references to 14.7.6 NMAC and 14.7.9 NMAC. All references to the international fuel gas code are deemed references to 14.9.2 NMAC or 19.15.40 NMAC.
- (5) **Section 102.5 Partial invalidity.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- C. Section 103 Code Compliance Agency.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- D. Section 104 Duties and Powers of the Code Official.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- E. Section 105 Permits.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits.
- F. Section 106 Construction Documents.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits.
- G. Section 107 Temporary Structures and Uses.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits.
- H. Section 108 Fees.** Delete this section of the IEBC and see 14.5.5 NMAC, Fees.
- I. Section 109 Inspections.** Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.
- J. Section 110 Certificate of Occupancy.** Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.
- K. Section 111 Service Utilities.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits; 14.5.1, General Provisions and NMSA 1978, section 60-13-42.
- L. Section 112 Means of Appeals.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- M. Section 113 Violations.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- N. Section 114 Stop Work Order.** Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.
- O. Section 115 Unsafe Structures and Equipment.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- P. Section 116 Emergency Measures.** Delete this section of the IEBC and see 14.5.1 NMAC,

General Provisions.

Q. Section 117 Demolition. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
[14.7.7.9 NMAC - Rp, 14.7.7.9 NMAC, XX/XX/2023]

14.7.7.10 CHAPTER 2 DEFINITIONS: See this chapter of the IEBC except as provided below.

A. Section 201.1 Scope. See this section of the IEBC and add the following: if the same term is defined in the New Mexico construction codes and in the IEBC, the term shall have the meaning given it in the New Mexico construction codes.

B. Section 201.3 Terms defined in other codes. Delete this section of the IEBC and substitute: If a term is not defined in this code but is defined in a New Mexico Construction Code, the term shall have the meaning given it in the New Mexico Construction Code.

C. Section 202 General Definitions. See this section of the IEBC except as follows. **Code Official.** Delete this definition in the IEBC and substitute with the following: The CID general construction bureau chief.
[14.7.7.10 NMAC - Rp, 14.7.7.10 NMAC, XX/XX/2023]

14.7.7.11 CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS: See this chapter of the IEBC.

[14.7.7.11 NMAC - Rp, 14.7.7.11 NMAC, XX/XX/2023]

14.7.7.12 CHAPTER 4 REPAIRS: See this chapter of the IEBC.

[14.7.7.12 NMAC - Rp, 14.7.7.12 NMAC, XX/XX/2023]

14.7.7.13 CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD: See this chapter of the IEBC.

[14.7.7.13 NMAC - Rp, 14.7.7.13 NMAC, XX/XX/2023]

14.7.7.14 CHAPTER 6 CLASSIFICATION OF WORK: See this chapter of the IEBC.

[14.7.7.14 NMAC - Rp, 14.7.7.14 NMAC, XX/XX/2023]

14.7.7.15 CHAPTER 7 ALTERATIONS - LEVEL 1: See this chapter of the IEBC except as provided below.

A. Section 701 General. See this section of the IEBC.

B. Section 702 Building Elements and Materials. See this section of the IEBC except make the following change to **Section 702.7 Materials and methods.** Delete the text of this section of the IEBC and substitute: all new work shall comply with materials and methods requirements in the New Mexico construction codes (See Subsection L of 14.5.1.7 NMAC).

[14.7.7.15 NMAC - Rp, 14.7.7.15 NMAC, XX/XX/2023]

14.7.7.16 CHAPTER 8 ALTERATIONS - LEVEL 2: See this chapter of the IEBC.

[14.7.7.16 NMAC - Rp, 14.7.7.16 NMAC, XX/XX/2023]

14.7.7.17 CHAPTER 9 ALTERATIONS - LEVEL 3: See this chapter of the IEBC.

[14.7.7.17 NMAC - Rp, 14.7.7.17 NMAC, XX/XX/2023]

14.7.7.18 CHAPTER 10 CHANGE OF OCCUPANCY: See this chapter of the IEBC.

[14.7.7.18 NMAC - Rp, 14.7.7.18 NMAC, XX/XX/2023]

14.7.7.19 CHAPTER 11 ADDITIONS: See this chapter of the IEBC.

[14.7.7.19 NMAC - Rp, 14.7.7.19 NMAC, XX/XX/2023]

14.7.7.20 CHAPTER 12 HISTORIC BUILDINGS: See this chapter of the IEBC.

[14.7.7.20 NMAC - Rp, 14.7.7.20 NMAC, XX/XX/2023]

14.7.7.21 CHAPTER 13 PERFORMANCE COMPLIANCE METHODS: See this chapter of the IEBC except as follows: **Section 1301.1.1 Compliance with other codes.** Delete the text of this section and substitute with the following: Buildings that are evaluated in accordance with this section shall comply with the New Mexico

construction codes (See Subsection L of 14.5.1.7 NMAC).
[14.7.7.21 NMAC - Rp, 14.7.7.21 NMAC, XX/XX/2023]

14.7.7.22 CHAPTER 14 RELOCATED OR MOVED BUILDINGS: See this chapter of the IEBC except provided below. **Section 1401.2 Conformance.** See this section of the IEBC except delete the words “as determined by the International Fire Code and the International Property Maintenance Code.”
[14.7.7.22 NMAC - Rp, 14.7.7.22 NMAC, XX/XX/2023]

14.7.7.23 CHAPTER 15 CONSTRUCTION SAFEGUARDS: See this chapter of the IEBC.
[14.7.7.23 NMAC - Rp, 14.7.7.23 NMAC, XX/XX/2023]

14.7.7.24 CHAPTER 16 REFERENCED STANDARDS: See this chapter of the IEBC.
[14.7.7.24 NMAC - Rp, 14.7.7.24 NMAC, XX/XX/2023]

HISTORY OF 14.7.7 NMAC:

Pre NMAC History: None.

History of Repealed Material:

14.7.7 NMAC, 2003 New Mexico Existing Building Code (filed 5-27-2004) repealed 1-1-2008.

14.7.7 NMAC, 2009 New Mexico Existing Building Code (filed 12-28-2010) repealed 11-15-2016.

Other History:

14.7.7 NMAC, 2003 New Mexico Existing Building Code (filed 5-27-2004) replaced by 14.7.7 NMAC, 2006 New Mexico Existing Building Code, effective 1-1-2008.

14.7.7 NMAC, 2009 New Mexico Existing Building Code (filed 12-28-2010) replaced by 14.7.7 NMAC, 2015 New Mexico Existing Building Code, effective 11-15-2016.