

This is an amendment to 14.7.3 NMAC, Section 9 and adding new Section 28 effective 01/15/2018.

**14.7.3.9 CHAPTER 1 - ADMINISTRATION:**

**A. Section R101 - Title, scope and purpose.**

(1) **R101.1 Title.** Delete this section of the IRC and substitute: This code shall be known as the 2015 New Mexico residential building code (NMRBC).

(2) **R101.2 Scope.** Delete this section of the IRC and see 14.7.3.2 NMAC, Scope and add the following: **Exception.** Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904 of the *Residential Building Code*. A home office or business not utilizing hazardous materials as defined in the international building code with a work area less than 300 sq. ft. is not a live/work unit subject to the requirements of the *International Building Code*. A home office in dwelling units exceeding 3000 sq. ft. may occupy up to ten percent of the floor area.

(3) **R101.3 Purpose.** See 14.7.3.6 NMAC, Objective.

**B. Section R102 - Applicability.**

(1) **R102.1 General.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(2) **R102.2 Other laws.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(3) **R102.3 Application of references.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(4) **R102.4 Referenced codes and standards.** Delete this section of the IRC and substitute the following: The codes referenced in the NMRBC are set forth below. See also 14.5.1 NMAC, General Provisions.

(a) **Electrical.** The NMEC applies to all electrical wiring as defined in Section 60-13-32 NMSA 1978. All references in the IRC to the international code council (ICC) electrical code are deemed references to the NMEC.

(b) **Gas.** The NMMC applies to “gas fittings” as that term is defined in Section 60-13-32 NMSA 1978. All references in the IRC to the international mechanical code are deemed references to the NMMC. Gas piping, systems and appliances for use with liquefied propane gas (LPG), or compressed natural gas (CNG), shall be governed by the LPG standards (Section 70-5-1 et seq. NMSA 1978, LPG and CNG Act, and the rules promulgated pursuant thereto, 19.15.4.1 through 19.15.4.24 NMAC.)

(c) **Mechanical.** The NMMC applies to the installation, repair, and replacement of mechanical systems including equipment, appliances, fixtures, fittings or appurtenances including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy related systems. All references in the IRC to the international mechanical code are deemed references to the NMMC.

(d) **Plumbing.** The NMPC applies to the installation, alterations, repairs, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. All references in the IRC to the international plumbing code are deemed references to the NMPC.

(e) **Energy.** The NMECC applies to all energy-efficiency-related requirements for the design and construction of buildings that are subject to the New Mexico construction codes. All references in the IRC to the international energy code are deemed references to the NMECC.

(5) **R102.5 Appendices.** This rule adopts the following appendices as amended herein.

(a) **Appendix H - Patio covers.**

(b) **Appendix J - Existing buildings.**

(c) **Appendix K - Sound transmission.**

(d) **Appendix R – Light straw clay construction.**

(e) **Appendix S – Strawbale construction.**

(f) **Appendix Q – Tiny Houses.**

(6) **R102.6 Partial Invalidity.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(7) **R102.7 Existing Structures.** See this section, and Subsection R102.7.1, Additions, Alterations or Repairs, of the IRC, except that the references to the International Property Maintenance Code and the International Fire Code are deleted.

C. **Section R103 - Department of Building Safety.** Delete this section of the IRC.

D. **Section R104 - Duties and Powers of Building Official.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

E. **Section R105 - Permits.** Delete this section of the IRC and see 14.5.2 NMAC, Permits.

F. **Section R106 - Construction Documents.** Delete this provision of the IRC and see 14.5.2 NMAC, Permits.

G. **Section R107 - Temporary Structures and Uses.** Delete this section of the IRC and see 14.5.2 NMAC, Permits.

H. **Section R108 - Fees.** Delete this section of the IRC and see 14.5.5 NMAC, Fees.

I. **Section R109 - Inspections.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

J. **Section R110 - Certificate of Occupancy.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

K. **Section R111 - Service Utilities.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

L. **Section R112 - Board of Appeals.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

M. **Section R113 - Violations.** Delete this section of the IRC and see CILA 60-13-1 et seq., and 14.5.3 NMAC, Inspections.

N. **Section R114 - Stop Work Order.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

[14.7.3.9 NMAC - Rp, 14.7.3.9 NMAC, 11/15/2016; A, 01/15/2018]

#### **14.7.3.28 APPENDIX Q TINY HOUSES:**

##### **A. Section AQ101 - GENERAL**

(1) **Section AQ101.1 Scope.** This appendix shall be applicable to tiny houses used as single dwelling units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and placed on a permanent foundation. Tiny houses shall comply with this code except as otherwise stated in this appendix. Tiny houses constructed in New Mexico or constructed outside New Mexico and transported into New Mexico shall be inspected to comply with New Mexico Residential Code requirements for instate or out of state production of dwelling units. This shall include Appendix Q of the New Mexico Residential Code. Tiny houses constructed on a chassis with permanent axle shall be considered recreational vehicles and shall meet codes for and be licensed as recreational vehicles so long as the axle remain in place. If axle are removed and the unit placed on supports (foundation) the unit must comply with code requirements for tiny houses placed on a permanent foundations. Tiny houses placed upon a permanent foundation shall be constructed to comply with New Mexico Building Residential Codes including Appendix Q (Tiny Houses) of the Residential Code.

(2) **Section AQ102.1 General Definitions.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

(a) **Emergency egress** A skylight, roof window, or other emergency egress opening designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

(b) **Landing platform.** A landing measuring two treads deep and two risers tall, provided as the top step of a stairway or ladder accessing a loft.

(c) **Loft.** A floor level located more than 30 inches (762 mm) directly above the main floor and open to the main floor on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space. The total area of all lofts shall not exceed 40 percent of the floor area.

(d) **Tiny house.** A dwelling that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding lofts, and does not include recreational vehicles.

##### **B. Section AQ103 - CEILING HEIGHT**

**AQ103.1 Minimum ceiling height.** Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. **Exception:** Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

**C. Section AQ104 LOFTS**

**(1) Section AQ104.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

**(a) Section AQ104.1.1 Minimum area.** Lofts shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**(b) Section AQ104.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**(c) Section AQ104.1.3 Height effect on loft area.** Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. **Exception:** Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**(2) Section AQ104.2 Loft access.** The access to and primary egress from lofts shall be any type described in Sections AQ104.2.1 through AV104.2.4.

**(a) Section AQ104.2.1 Stairways.** Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

**(i) Section AQ104.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

**(ii) Section AQ104.2.1.2 Headroom.** The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm) as measured vertically from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**(iii) Section AQ104.2.1.3 Treads and risers.** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas: (a) The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height. (b) The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.

**(iv) Section AQ104.2.1.4 Landing platforms.** The top tread and riser of stairways or ladders accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) at the point where the stairway or ladder meets the loft.

**(v) Section AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.

**(vi) Section AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.

**(b) Section AQ104.2.2 Ladders.** Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2, including the requirements for handrails in section R311.7.8, and R308.4.6 glazing adjacent to stairs and ramps, and shall be permanently attached to the loft structure by a device that prevents movement during use. Attachment shall not be accomplished by use of toenails or nails subject to withdrawal.

**(i) Section AQ104.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm) and rungs shall be spaced with 10 inches (254mm) minimum to 14 inches (356mm) maximum spacing between rungs. Floor decking of lofts accessed by ladders shall be no more than 8½ feet above the main level floor. Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

**(ii) Section AQ104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**(c) Section AQ104.2.3 Alternating tread devices.** Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**(d) Section AQ104.2.4 Ships ladders.** Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**(e) Section AQ104.2.5 Loft Guards.** Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

**D. Section AQ105 - EMERGENCY ESCAPE AND RESCUE OPENINGS**

**AQ105.1 General.** Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings including lofts of 35 square feet or greater. Egress roof access windows in lofts shall be deemed to meet the requirements of Section R310 where installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.

[14.7.3.28 NMAC - N, 01/15/2018]

**HISTORY OF 14.7.3 NMAC:**

**Pre-NMAC History:** Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

GCB-NMBC-83-1, 1982 New Mexico Building Code, filing date, 2-15-1983.

CID-GCB-NMBC-85-1, 1985 New Mexico Building Code, filing date, 11-19-1985.

CID-GCB-NMBC-88-1, 1988 New Mexico Building Code, filing date, 01-20-1989.

CID-GCB-NMBC-91-1, 1991 New Mexico Building Code, filing date, 05-04-1993.

**History of Repealed Material:**

14 NMAC 7.2, 1997 New Mexico Building Code (filed 10-30-1998) (with the exception of material incorporated by reference which was also filed 10-30-1998), repealed 12-1-2000.

14.7.2 NMAC, 1997 New Mexico Building Code (filed 10-16-2000), repealed 7-1-2004.

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

14.7.3 NMAC, 2006 New Mexico Residential Building Code (filed 08-16-2007), repealed 1-28-2011.

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

**Other History:**

CID-GCB-NMBC 91-1, 1991 New Mexico Building Code (filed 5-4-1993) was replaced by 14 NMAC 7.2, Housing and Construction, Building Codes General, 1997 New Mexico Building Code, effective 12-31-1998.

14 NMAC 7.2, Housing and Construction, Building Codes General, 1997 New Mexico Building Code (filed 10-30-1998) replaced by 14.7.2 NMAC, 1997 New Mexico Building Code, effective 12-1-2000.

Those applicable portions of 14.7.2 NMAC, 1997 New Mexico Building Code (filed 10-16-2000) and 14 NMAC 7.3, 1997 Uniform Building Code (filed 10-30-1998) replaced by 14.7.2 NMAC, 2003 New Mexico Commercial Building Code, effective 7-01-2004 and 14.7.3 NMAC, 2003 New Mexico Residential Building Code, effective 7-1-2004.

14.7.3 NMAC, 2003 New Mexico Residential Building Code (filed 5-27-2004) was replaced by 14.7.3 NMAC, 2006 New Mexico Residential Building Code, effective 1-1-2008.

14.7.3 NMAC, 2006 New Mexico Residential Building Code (filed 08-16-2007) was replaced by 14.7.3 NMAC, 2009 New Mexico Residential Building Code, effective 1-28-2011.