

**TITLE 14 HOUSING AND CONSTRUCTION**  
**CHAPTER 5 CONSTRUCTION INDUSTRIES GENERAL PROVISIONS**  
**PART 3 INSPECTIONS**

**14.5.3.1 ISSUING AGENCY:** Construction Industries Division of the Regulation and Licensing Department.  
[14.5.3.1 NMAC - Rp, 14.5.3.1 NMAC, 7-1-04]

**14.5.3.2 SCOPE:** This rule applies to all contracting work performed in New Mexico on or after **July 1, 2004** **January 1, 2011**, that is subject to the jurisdiction of CID, unless performed pursuant to permit for which an application was received by CID before that date.  
[14.5.3.2 NMAC - Rp, 14.5.3.2 NMAC, 1-1-11]

**14.5.3.3 STATUTORY AUTHORITY:** NMSA 1978 Sections 60-13-9 and 60-13-41.  
[14.5.3.3 NMAC - Rp, 14.5.3.3 NMAC, 7-1-04]

**14.5.3.4 DURATION:** Permanent.  
[14.5.3.4 NMAC - Rp, 14.5.3.4 NMAC, 7-1-04]

**14.5.3.5 EFFECTIVE DATE:** **July 1, 2004** **January 1, 2011**, unless a later date is cited at the end of a section.  
[14.5.3.5 NMAC - Rp, 14.5.3.5 NMAC, 1-1-11]

**14.5.3.6 OBJECTIVE:** The purpose of this rule is to set forth requirements for inspections of all contracting work in New Mexico that is subject to the jurisdiction of CID.  
[14.5.3.6 NMAC - Rp, 14.5.3.6 NMAC, 7-1-04]

**14.5.3.7 DEFINITIONS:** [Reserved]

**14.5.3.8 GENERAL PROVISIONS:**

- A. Application.** All work for which a permit is issued must be inspected.
- B. Code compliance.** The inspections necessary to ensure that the work complies with an applicable code shall be performed by the appropriate inspector under the direction of the building official responsible for that code.
- C. Notification.** It is the responsibility of the permittee, or the permittee's duly authorized agent, to timely notify the appropriate inspector when work is ready for inspection, and to provide access to, and the means to perform inspections of, the work. Notification shall be made as specified on the permit or in other instructions made available by the building official or the division, but in no event shall such notification be given less than twenty-four (24) hours before the work is to be inspected.
- D. Violations.** If, upon inspection, any permitted work is found not to be in full compliance with an applicable code, the inspector shall serve a written notice on the permittee citing the code violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the inspector when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction notice within the time required by the building official or the inspector or, if no time is specified, within a reasonable time is a violation of the CID rules and may result in disciplinary action by the division.
- E. Covered and unapproved work.** Work must be visible to be inspected and shall not be covered or used before approval is given by the inspector. Work that is covered before it is inspected, tested, if applicable, and approved may be ordered uncovered by the inspector or building official. No work shall be performed in the course of the inspections process beyond what is required for the next inspection without approval of the inspector.  
[14.5.3.8 NMAC - Rp, 14.5.3.8 NMAC, 7-1-04]

**14.5.3.9 INSPECTIONS:** The following inspections are required unless otherwise indicated:

- A. For work subject to the NMCBC:**
  - (1) Footing and foundation inspection, see section **409.3.1** **110** of the IBC.
  - (2) Concrete slab or under floor inspection, see section **409.3.2** **110** of the IBC.
  - (3) Lowest floor elevation, see section **409.3.3** **110** of the IBC.

- (4) Frame inspection, see section 409.3.4] 110 of the IBC.
  - (5) Roof assembly inspection.
  - (6) Exterior wall opening flashings.
  - (~~5~~) 7) Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.
  - (8) Lath and gypsum board, see section 110 of the IBC.
  - (9) Fire and Smoke-resistant penetrations, see section 110 of the IBC.
  - (10) Energy efficiency inspections, see section 110 of the IBC.
  - (11) Other inspections required by the building official, see section 110 of the IBC.
  - (12) Special inspections, see section 110 of the IBC.
  - (~~6~~) 13) Final inspection, see section 409.3.10] 110 of the IBC.
- B. For work subject to the NMRBC:**
- (1) Footing and foundation inspection, see section 109.1.1 of the IRC.
  - (2) Concrete slab or under floor inspection, see section 109 of the IRC.
  - (~~2~~) 3) Frame and masonry inspections, see section 109.1.4 of the IRC.
  - (4) Roof assembly inspection.
  - (5) Exterior wall opening flashings.
  - (~~4~~) 6) Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.
  - (7) Energy efficiency inspections and Energy Star checklist verification.
  - (8) Lath and gypsum board, see section 1209 of the IRC.
  - (9) Other inspections required by the building official, see section 109 of the IRC.
  - (~~3~~) 10) Fire resistance rated construction inspection, see section 109.1.5.1 of the IRC.
  - (11) Special inspections, see section 109 of the IRC.
  - (~~5~~) 12) Final inspection, see section 109[~~4~~,6] of the IRC.
- C. For work subject to the NMEC:**
- (1) Temporary pole (if applicable).
  - (2) Underground or under-slab (if applicable).
  - (3) Rough-in:
    - (a) on residential projects, all wiring must be installed and connections made-up;
    - (b) on commercial projects, perform inspections as required.
  - (4) Pre-final (if applicable).
  - (5) Final (electrical system is complete and energized).
- D. For work subject to the NMMC:**
- (1) Rough inspection of all mechanical work covered by permit after work has been installed and before it is covered or concealed.
  - (2) Temporary heat (if applicable).
  - (3) Final inspection after all mechanical work covered by permit has been installed and covered and after fixtures and appliances have been attached.
  - (4) Operation of mechanical equipment installed to replace existing equipment or fixtures. See section 116.2 of the UMC.
- E. For work subject to the NMPC:**
- (1) Rough inspection of all plumbing work covered by permit after work has been installed and before it is covered or concealed.
  - (2) Top-out inspection of all vented piping above floor and all extensions through the roof and/or walls. The top-out testing procedures are at the option of the inspector to insure the system is free from leaks or defects.
  - (3) Water distribution including all water piping inside and/or under a building.
  - (4) Water service piping from a service meter to a connection outside the building.
  - (5) Final inspection after all plumbing work covered by permit has been installed and covered and after fixtures and appliances have been attached.
  - (6) Operation of plumbing equipment to replace existing equipment or fixtures, see Section 103.5.2 of the UPC.
  - (7) Testing of systems, see sections 103.5.3, including subsections 103.5.3.1 through 5, 103.5.6.2, 103.5.4.2 and 103.5.5.2 of the UPC.
- F. Additional inspections.** In addition to required inspections, the building official is authorized to

make or require other inspections of any construction work to ascertain compliance with the provisions of the applicable New Mexico construction codes.

[14.5.3.9 NMAC - Rp, 14.5.3.8 NMAC, 14.7.2.10 NMAC, 14 NMAC 9.2.I.100, 14 NMAC 9.2.II.100 & 14.10.4.8 NMAC, 1-1-11]

**14.5.3.10 STOP WORK ORDERS:** When ever contracting is being performed contrary to the CID rules, the building official or inspector may order that the work be stopped and shall give written notice of such order to the person performing the work or causing the work to be performed. Any person receiving such notice shall cease and desist from performing, or causing the performance of, the work until authorized, in writing, by the building official or the inspector to proceed.

[14.5.3.10 NMAC - Rp, 14.7.2.10 NMAC, 14 NMAC 9.2.I.00, 14 NMAC 9.2.II.100 & 14.10.4.8 NMAC, 7-1-04]

**14.5.3.11 INSPECTION OF WORK ON ANNUAL PERMIT:** No less often than once a calendar quarter, the inspector having jurisdiction shall visit all sites where work is authorized by an annual permit. The inspector shall inspect all work performed since the date of the last inspection. Violations of the applicable code shall be corrected pursuant to 14.5.3.8.4 NMAC. The inspector shall issue a certificate of approval for any work that has been performed in compliance with the applicable code and the applicable provisions of the CID rules.

[14.5.3.11 NMAC - Rp, 14.5.2.11 NMAC & 14.5.3.8 NMAC, 7-1-04]

**14.5.3.12 PRODUCT STANDARDS AND APPROVALS:**

**A. Product approval.** Construction or installations shall not be approved as code compliant unless the products and materials used meet the standards set forth in the New Mexico construction codes.

**B. Procedures for determining compliance.** The building official has the authority to establish the procedures necessary to determine whether products and materials meet the standards set forth in the New Mexico construction code for which the building official is responsible.

**C. Marking systems.** Each building official has the authority to require marking/labeling systems to easily identify products that comply with the standards set forth in the New Mexico construction code applicable to those products.

**D. Approval of listing agencies.** Each building official has the authority to designate approved listing agencies whose testing standards and procedures, and marking/labeling, are such that they can be relied on to identify products and materials that are compliant with the standards established by the New Mexico construction code applicable to those products. A listing agency shall not be approved for certifying, marking/labeling products for use in New Mexico that does not certify compliance with the applicable New Mexico construction code on a reliable basis, and that does not provide an easy-to-identify marking system.

**E. Use of approved materials - new and used.** See sections 104.9 of the IBC and R104.9.1 of the IRC.

[14.5.3.12 NMAC - Rp, 14.5.3.8 NMAC & 14 NMAC 9.2.I.105, 7-1-04]

**14.5.3.13 CERTIFICATES OF OCCUPANCY:**

**A. Occupancy.** No building, or portion thereof, on which construction has been undertaken shall be occupied until the appropriate inspector has issued a certificate of occupancy, except that no certificate of occupancy shall be required for work not required to be permitted pursuant to any part of the CID rules or CILA.

**B. Issuance.** No certificate of occupancy shall be issued by the building official or the inspector until all of the required inspections have been performed, in the proper order, and the appropriate inspectors have approved the work.

**C. Homeowner's permit.** Any certificate of occupancy issued for a residence constructed pursuant to a homeowner's permit shall expressly state that the residence was so constructed.

**D. Temporary certificate of occupancy.** The appropriate inspector may issue a temporary certificate of occupancy for a period not to exceed one (1) year when:

(1) an analysis of the circumstances in any specific case indicates that a temporary certificate of occupancy is appropriate;

(2) life, safety or health will not be adversely affected by doing so; and

(3) good cause is shown by the permittee in a written request for an extension of a current, valid temporary certificate of occupancy.

**E. Effect.** The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the New Mexico construction codes or of other applicable laws. Certificates

presuming to give authority to violate or cancel the provisions of any applicable code or other law shall not be valid. No certificate of occupancy shall certify, or be interpreted to certify, compliance with the requirements of any other regulatory agency that may or might have jurisdiction over aspects of a project that are outside the jurisdiction of the division. Such aspects include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, or any local fire code enforcement agency; the state environment department; the state health department, the state human services department, the public regulation commission, or any other state or local regulatory agency.

**F. Revocation or suspension.**

(1) The general construction building official is authorized to suspend or revoke a certificate of occupancy if:

- (a) the certificate was issued in error or on the basis of incorrect information; or
- (b) the work violates an applicable New Mexico construction code or applicable provisions of

the CID rules or CILA.

(2) A suspended certificate of occupancy may be reinstated upon approval of the appropriate building official and payment of any fee assessed pursuant to 15.5.5 NMAC, Fees.

[14.5.3.13 NMAC - Rp, 14.5.3.9 NMAC & 14.7.2.10 NMAC, 7-1-04]

**14.5.3.14 INSPECTION AGENCIES:** An inspection agency may be approved by the division to conduct inspections on behalf of the division, provided such agency has and maintains in its employ, certified inspectors for general construction, mechanical and electrical specialties, who are qualified under 14.6.5 NMAC, Inspectors.

[14.5.3.14 NMAC - Rp, 14.5.3.8 NMAC, 7-1-10]

**14.5.3.15 CONNECTION APPROVAL:**

**A. Plumbing.** No person shall connect, or reconnect, any plumbing system to an energy or water source or to a sewer system until the building official or authorized inspector has given approval to do so.

**B. Mechanical.** No person shall connect, or reconnect, any mechanical system or equipment to an energy, fuel or other power source until the building official or authorized inspector has given approval to do so.

**C. Electrical.** No person shall connect, or reconnect any electrical wiring to an energy source until the building official or authorized inspector has given approval to do so.

**D. Exception.** A public or private utility may make a connection from a supply of water or gas to an installation if, the appropriate building official has failed to approve or disapprove the work or installation to which the connection will be made within seven (7) working days after receiving notification that the work is ready to inspect.

[14.5.3.15 NMAC - Rp, 14.5.3.8 NMAC, 14 NMAC 9.2.I.100, 14 NMAC 9.2.II.100 & 14.10.4.8 NMAC, 7-1-04]

**HISTORY OF 14.5.3 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:

CIC 70-2, General Construction Classifications, filed 11-25-70;

CIC 72-4, General Construction Classifications, filed 02-16-72;

CIC 76-2, Rules And Regulations, filed 05-05-76;

CID 78-2, Rules And Regulations, filed 12-05-78;

CID 79-1, Rules And Regulations, filed 06-06-79;

CID 82-1, Construction Industries Rules And Regulations, filed 04-14-82;

CID 85-1, Construction Industries Rules And Regulations, filed 02-04-85;

CID 90-1, Construction Industries Rules And Regulations, filed 05-31-90.

**History of Repealed Material:**

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 09-02-97), repealed 12-1-00.

14.5.3 NMAC, Housing and Construction - Construction Industries General Provisions - Inspections (filed 10/16/00), repealed 1-1-11.

**Other History:**

That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05-31-90 -- renumbered, reformatted and amended to 14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections, filed 09-03-96.

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 09-03-96) replaced by 14 NMAC 5.3, Inspections, effective 9/23/97.

14 NMAC 5.3, Inspections (filed 09-02-97) replaced by 14 NMAC 5.3, Inspections, effective 12/01/00.

14.5.3 NMAC, Inspections (filed 10/16/00) and those applicable portions of 14.7.2 NMAC, 1997 Uniform Building Code (filed 10/16/00); 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Codes (filed 10/20/98); and 14.10.4 NMAC, State of New Mexico Electrical Code (filed 7/01/02) replaced by 14.5.3 NMAC, Inspections, effective 1-1-11.