

**TITLE 14 HOUSING AND CONSTRUCTION**  
**CHAPTER 7 BUILDING CODES GENERAL**  
**PART 8 [2006] 2009 NEW MEXICO HISTORIC EARTHEN BUILDINGS**

**14.7.8.1 ISSUING AGENCY:** Construction Industries Division of the Regulation and Licensing Department.  
[14.7.8.1 NMAC - Rp, 14.7.8.1 NMAC, 1-1-08]

**14.7.8.2 SCOPE:** This rule applies to all historic earthen buildings contracting work performed in New Mexico on or after **January 1, 20[08] 11**, 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.  
[14.7.8.2 NMAC - Rp, 14.7.8.2 NMAC, 1-1-11]

**14.7.8.3 STATUTORY AUTHORITY:** NMSA 1978 Section 60-13-9 and 60-13-44.  
[14.7.8.3 NMAC - Rp, 14.7.8.3 NMAC, 1-1-08]

**14.7.8.4 DURATION:** Permanent.  
[14.7.8.4 NMAC - Rp, 14.7.8.4 NMAC, 1-1-08]

**14.7.8.5 EFFECTIVE DATE:** **January 1, 20[08] 11**, unless a later date is cited at the end of a section.  
[14.7.8.5 NMAC - Rp, 14.7.8.5 NMAC, 1-1-11]

**14.7.8.6 OBJECTIVE:** The purpose of this rule is to establish minimum standards for historic earthen buildings in New Mexico.  
[14.7.8.6 NMAC - Rp, 14.7.8.6 NMAC, 1-1-08]

**14.7.8.7 DEFINITIONS:**

**A. Alteration.** As used in this chapter, alteration applies to those changes necessary to return a historic earthen building to a documented or physically evidenced historic condition. Alterations that are not necessary to return a building to a documented historic condition or that involve more than 50 percent of the aggregate area of the building shall comply with the applicable provisions of the New Mexico Existing Building Code.

**B. Dangerous.** Any building or structure or any individual member with any of the structural conditions or defects described below shall be deemed dangerous.

(1) The stress in a member or portion thereof due to all factored dead and live loads is more than one and one third the nominal strength allowed in the applicable New Mexico building code for new buildings of similar structure purpose, or location.

(2) Any portion, member, or appurtenance likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons.

(3) Any portion of a building, or any member, appurtenance, or ornamentation on the exterior, is not of sufficient strength or stability, or is not anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of two thirds of that specified in the applicable New Mexico building code for new buildings of similar structure, purpose, or location without exceeding the nominal strength permitted in the applicable New Mexico building code for such buildings.

(4) The building, or any portion of the building, is likely to collapse partially or completely because of dilapidation, deterioration, or decay; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; damage due to fire, earthquake, wind, or flood; or any other similar cause.

(5) The exterior wall or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

**C. Qualified Historic Earthen Building.** Any earthen building or structure that is (1) listed in the *national register of historic places* or the *state register of cultural properties*; (2) designated as a historic building or structure by a state or local register, inventory, or survey; (3) certified as a contributing resource within a national or state register listed, or locally designated historic district; or (4) a building or structure that is certified, in writing by the state historic preservation office, as being eligible for listing in the *national register of historic places* or the *state register of cultural properties* either individually or as a contributing building to a historic district.

**D. Registered Design Professional.** An architect or an engineer registered or licensed in the state of New Mexico.

**E. Repair.** Renewal, renovation, or rehabilitation of an existing building or structure for the purpose of its continued use.  
[14.7.8.7 NMAC - Rp, 14.7.8.7 NMAC, 1-1-08]

**14.7.8.8 ENERGY CONSERVATION: General.** Historic earthen buildings undergoing repairs, alterations, or change of occupancy are not required to comply with the New Mexico Energy Conservation Code.  
[14.7.8.8 NMAC - Rp, 14.7.8.8 NMAC, 1-1-08]

**14.7.8.9 ROOF DRAINAGE AND MOISTURE CONTENT OF WALLS:**

**A. General.** Historic earthen buildings undergoing repairs, alterations, or change of occupancy shall comply with this section.

**B. Report.** The roof drainage and the moisture content of the walls of a historic earthen building undergoing repair, alteration, or change of occupancy shall be investigated and evaluated in a written report that shall be filed with the code official. The report shall identify where the roof drainage system is deficient and what actions are necessary to correct those deficiencies. When deemed necessary by the code official, such report shall be prepared by a registered design professional.  
[14.7.8.9 NMAC - Rp, 14.7.8.9 NMAC, 1-1-08]

**14.7.8.10 REPAIRS:**

**A. General.** Repairs to any portion of a historic earthen building shall be permitted with original or like materials and original methods of construction, subject to the provisions of this chapter.

**B. Dangerous buildings.** When a historic earthen building is determined to be dangerous, as defined herein, no work shall be required except as necessary to correct the identified unsafe condition(s).

**C. Replacement.** Replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted. Such replacements shall not be required to meet the materials and methods requirements for new construction.

**D. Replacement glazing.** Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the New Mexico Commercial Building Code or Section R308 of the New Mexico Residential Building Code.

**E. Exterior and interior finishes.** The use of historic exterior or interior finishes may be continued provided that the materials and their methods of application are specified in a report or plan and presented to the code official. When deemed necessary by the code official, such report or plan shall be prepared by a registered design professional.  
[14.7.8.10 NMAC - Rp, 14.7.8.10 NMAC, 1-1-08]

**14.7.8.11 ALTERATIONS: General.** In addition to the provisions of this chapter, alterations to a historic earthen building shall comply with Sections 1103 and 1104 of the New Mexico Existing Building Code.  
[14.7.8.11 NMAC - Rp, 14.7.8.11 NMAC, 1-1-08]

**14.7.8.12 CHANGE OF OCCUPANCY: General.** In addition to the provisions of this chapter, historic earthen buildings undergoing a change of occupancy shall comply with Sections 1101.2, 1103, and 1105 of the New Mexico Existing Building Code.  
[14.7.8.12 NMAC - Rp, 14.7.8.12 NMAC, 1-1-08]

**14.7.8.13 STRUCTURAL:**

**A. General.** Historic earthen buildings undergoing repairs, alterations, or a change of occupancy shall comply with the applicable provisions of this section.

**B. Intent.** It is the intent of this section to preserve the integrity of qualified historic earthen buildings while providing a reasonable level of safety for the building users.

**C. Report.** The structural condition of a historic earthen building undergoing repairs, alterations, or change of occupancy shall be investigated and evaluated in a written report that shall be filed with the code official. When deemed necessary by the code official, the report shall be prepared by a registered design professional.

**D. Unsafe structural elements.** Where it is determined that a component or a portion of a building

or structure is dangerous, as defined herein, and is in need of repair, strengthening, or replacement, only that specific component or portion shall be required to be repaired, strengthened, or replaced.

**E. Reduction of strength.** Alterations shall not reduce the structural strength or stability of the building, structure, or any member thereof.

**F. Repairs and alterations.** Where the report finds that the majority of the existing building is in sound structural condition and capable of supporting the use for which it is intended, structural repairs and alterations shall be permitted with original or like materials and original methods of construction, subject to the provisions of this section.

**G. Roofs.** Earthen roofs may be repaired and their use continued where the structural report indicates that the supporting structure will adequately support the earthen material load and any additional materials introduced for repair to the earthen roof. A plan specifying materials used to repair an earthen roof and the method of application of such materials shall be prepared by a registered design professional and presented to the code official. **Exception.** Subject to the approval of the code official, the requirement for a plan prepared by a registered design professional may be waived for minor repairs where the structural report indicates adequate support and where the repairs continue the use of the existing historic material and construction details, and where any drainage deficiencies have been corrected.

**H. Bond beams.**

(1) When a wall is being replaced or is in need of substantial repair, and the existing building has no bond beam, provisions shall be made for adequately distributing any concentrated loads from the roof structure into the wall. When deemed necessary by the code official, such provisions shall be detailed by a registered design professional.

(2) Where the original roof structure is removed from more than 50 percent of the aggregate area of the building, a continuous bond beam shall be provided in accordance with the requirements of this code for new construction.

**I. Walls.** Walls that are being reconstructed or replaced shall be constructed in accordance with the maximum height-to-thickness ratios specified in Table A1-g of the 2006 New Mexico Existing Building Code. Minor repairs and infills may be constructed in a manner similar to the original walls without conforming to the requirements of Table A1-G.

**J. Foundations.** Foundations constructed of historic materials may be repaired and their use continued when a design prepared by a registered design professional is provided to the code official and any deficiencies in the roof drainage system have been corrected. **Exception.** Subject to the approval of the code official, the requirement for a design prepared by a registered design professional may be waived for minor repairs to otherwise sound foundations.

**K. Change of occupancy.** A change of occupancy to a historic earthen building shall be allowed to comply with the provisions of this section for repairs and alterations subject to the conditions listed below. A change of occupancy not meeting these conditions shall comply with the New Mexico Existing Building Code.

(1) The calculated occupant load of the new use does not exceed 299.

(2) The change of occupancy does not result in the building being placed in a higher seismic, wind, or occupancy category based upon Table 1604.5 of the 2006 New Mexico Commercial Building Code.

(3) The change of occupancy does not result in an increase of more than 5 percent in uniform or concentrated loads based on Tables 1607.1 of the 2006 New Mexico Commercial Building Code. **Exception.** The code official is authorized to accept existing floors and approve operational controls that limit the live loads on such floors.

[14.7.8.13 NMAC - Rp, 14.7.8.13 NMAC, 1-1-08]

#### **HISTORY OF 14.7.8 NMAC:**

**Pre-NMAC History:** None.

**History of Repealed Material:** 14.7.8 NMAC, 2003 New Mexico Historic Earthen Buildings (filed 1-3-06) repealed 1-7-08.

#### **Other History:**

14.7.8 NMAC, 2003 New Mexico Historic Earthen Buildings (filed 1-3-06) was replaced by 14.7.8 NMAC, 2006 New Mexico Historic Earthen Buildings, effective 1-1-08, 2009 New Mexico Historic Earthen Buildings, effective 1-1-11.