

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

14.5.3.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.5.3.1 NMAC - Rp, 14.5.3.1 NMAC, 3/10/2022]

14.5.3.2 SCOPE: This rule applies to all contracting work performed in New Mexico after March 10, 2022, 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.
[14.5.3.2 NMAC - Rp, 14.5.3.2 NMAC, 3/10/2022]

14.5.3.3 STATUTORY AUTHORITY: Sections 60-13-9, 60-13-41, 60-13-10.3, 60-13-45, 60-13-46 and 60-13-47 NMSA 1978.
[14.5.3.3 NMAC - Rp, 14.5.3.3 NMAC, 3/10/2022]

14.5.3.4 DURATION: Permanent.
[14.5.3.4 NMAC - Rp, 14.5.3.4 NMAC, 3/10/2022]

14.5.3.5 EFFECTIVE DATE: March 10, 2022, unless a later date is cited at the end of a section.
[14.5.3.5 NMAC - Rp, 14.5.3.5 NMAC, 3/10/2022]

14.5.3.6 OBJECTIVE: The purpose of this rule is to set forth requirements for inspections of construction contracting work in New Mexico that is subject to the jurisdiction of CID.
[14.5.3.6 NMAC - Rp, 14.5.3.6 NMAC, 3/10/2022]

14.5.3.7 DEFINITIONS: See 14.5.1.7 NMAC for definitions.
[14.5.3.7 NMAC - Rp, 14.5.3.7 NMAC, 3/10/2022]

14.5.3.8 GENERAL PROVISIONS:

A. Application. All work for which a permit is issued must be inspected. Pursuant to Paragraph (2) of Subsection H of 14.5.2.8 NMAC and 14.7.2.45 NMAC, baby changing facilities in new restrooms shall not require a separate permit but shall be inspected as part of the building permit inspection process.

B. Inspections. No inspections of work will be performed until the required fees have been paid.

C. Code compliance. The inspections necessary to ensure that permitted work complies with applicable codes shall be performed by the appropriate inspector under the direction of the AHJ responsible for the inspection.

D. Notification. It is the responsibility of the permittee, or the permittee's duly authorized agent, to timely notify the appropriate AHJ personnel when work is ready for inspection, and to provide access to and the means to perform inspections of, the work. Requirements for inspections shall be made as specified on the permit or in other instructions required by the AHJ or the division, but in no event shall such notification be given less than 24 hours before the work is to be inspected.

E. Violations. If, upon inspection, any permitted work is not in full compliance with applicable codes, the inspector shall issue to the permittee a written correction notice citing the code violations observed and ordering that the violations be corrected. The permittee is responsible for notifying the appropriate AHJ personnel 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 AHJ 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 AHJ.

F. 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 AHJ. No work shall be performed beyond what is required for the next inspection without approval of the inspector.

[14.5.3.8 NMAC - Rp, 14.5.3.8 NMAC, 3/10/2022]

14.5.3.9 INSPECTIONS: The following inspections are required unless otherwise indicated or as

determined in the discretion of the TBC or CBO.

A. For work subject to the NMCBC.

- (1) Footing and foundation inspection, see Section 110 of the IBC.
- (2) Concrete slab or under floor inspection, see Section 110 of the IBC.
- (3) Lowest floor elevation, see Section 110 of the IBC.
- (4) Frame inspection, see Section 110 of the IBC.
- (5) New and re-roofs, roof assembly inspection including decking, application of roof systems and application of roof coatings.
- (6) Exterior wall opening flashings.
- (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 inspection, see Section 110 of the IBC.
- (11) Other inspections required by the AHJ building official, see Section 110 of the IBC.
- (12) Special inspections, see Section 110 of the IBC.
- (13) Final inspection, see Section 110 of the IBC, including baby changing facilities pursuant to 14.5.3.8 NMAC.

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.
- (3) Frame and masonry inspections, see Section 109.1.4 of the IRC.
- (4) New and re-roofs, roof assembly inspection including decking, application of roof systems and application of roof coatings.
- (5) Exterior wall opening flashings.
- (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
- (8) Lath and gypsum board, see Section 109.1.5 of the IRC.
- (9) Other inspections required by the AHJ, see Section 109 of the IRC.
- (10) Fire resistance rated construction inspection, see Section 109.1.5.1 of the IRC.
- (11) Final inspection, see Section 109.1.6 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) Service 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 the existing installations section of the currently adopted 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 walls.
- (3) Water distribution including all water piping inside and 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 the existing installations section of the currently adopted UPC.

F. Additional inspections. In addition to required inspections, the AHJ or CBO 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.

G. Re-inspections.

(1) A re-inspection fee shall not be assessed when the required code corrections resulting from an initial inspection is properly corrected and subsequently re-inspected and approved.

(2) A re-inspection fee shall be assessed for each inspection or re-inspection when such portion of work for which an inspection is called is not complete, when the required corrections have not been made or work is covered prior to inspection.

(3) No additional permits may be issued and no additional inspections conducted until the required fees have been paid.

(4) Re-inspection fees may be assessed when the approved plans are not readily available to the inspector, or there is a deviation from plans without the approval of the AHJ.

(5) Re-inspection fees may be assessed for failure to provide access to the property and to the facility where the inspection is to occur on the date for which the inspection is scheduled.

[14.5.3.9 NMAC - Rp, 14.5.3.9 NMAC, 3/10/2022]

14.5.3.10 STOP WORK ORDERS: Whenever contracting is being performed contrary to the CID rules, the inspector, after verification of the TBC or other AHJ, 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 and the owner of the property. If the inspector discovers a life safety issue contrary to CID rules, the inspector may order that the work be stopped, giving written notice of such order to the person performing the work or causing the work to be performed, the owner of the property and the specific trade bureau chief. The person performing the work or causing the work to be performed when receiving such notice shall cease and desist from performing, or causing the performance of the work, until authorized to proceed in writing, by the AHJ or the inspector. The following conditions for which a stop work order may be issued include, but are not limited to:

- A. inspection determined as a health or safety hazard;
- B. continuing work without all correction notice violations being corrected;
- C. work deviating from the approved plans or materials
- D. contractor not properly licensed;
- E. working beyond the scope of licensure;
- F. work not properly permitted;
- G. improper journeyman ratios.

[14.5.3.10 NMAC - Rp, 14.5.3.10 NMAC, 3/10/2022]

14.5.3.11 AUDIT AND INSPECTION OF WORK ON ANNUAL PERMIT: Pursuant to the provisions of Paragraph (7) of Subsection A of 14.5.2.19 NMAC the specific bureau chief shall determine, based on the review of the annual report logs, which items in the report logs require an in-person inspection.

A. If, upon audit or 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 violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the appropriate AHJ personnel when all violations have been corrected and the work is ready for re-inspection. Failure to comply with the correction of a cited violation, or other written notice within the time required by the inspector, or if no time is specified, within a reasonable time is a violation of the CID rules, codes and standards, and may result in disciplinary action by the division.

B. If the work inspected is not recorded fully and accurately on the log, the inspector shall notify the TBC for appropriate action.

C. If the work inspected or logged in is not authorized by the terms and conditions of the annual permit, the inspector shall notify the TBC for appropriate action.

D. If a violation constitutes a health or safety hazard the inspector shall take action pursuant to Section 60-13-42 NMSA 1978, if appropriate and also immediately notify the TBC. The annual permit is subject to suspension, cancellation or revocation pursuant to 14.5.2.13 NMAC and the holder may not be eligible to apply for another annual permit for up to one year thereafter as determined by the division director.

[14.5.3.11 NMAC - Rp, 14.5.3.11 NMAC, 3/10/2022]

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 or as approved by the specific TBC pursuant to Subsection D of 14.5.1.11 NMAC.

B. Procedures for determining compliance. The appropriate TBC has the authority to establish the procedures necessary to determine whether products and materials meet the standards set forth in the New Mexico construction codes.

C. Marking systems. Marking/labeling of a listing agency (accredited conformity assessment body) for equipment or materials shall identify products that comply with the standards set forth in the applicable New Mexico construction codes.

D. Approval of listing agencies. A listing agency shall not be approved for certifying, marking/labeling products for use in New Mexico that does not comply with the American national standards institute (ANSI) or other accredited certifying agencies as recommended by the appropriate TBC and approved by the commission.

[14.5.3.12 NMAC - Rp, 14.5.3.12 NMAC, 3/10/2022]

14.5.3.13 CERTIFICATES OF OCCUPANCY OR FINAL INSPECTION:

A. Occupancy. No building, or portion thereof, on which construction has been undertaken shall be occupied until the appropriate inspector has issued a C/O or an approved final inspection, as applicable.

B. Issuance. No C/O shall be issued by the CBO or the inspector until all of the required inspections have been performed and the appropriate inspectors have approved the work.

C. Homeowner's permit. A C/O issued for new construction or final inspection approved for a remodel of a residence constructed pursuant to a homeowner's permit shall expressly state that the residence was so constructed or remodeled pursuant to a homeowner permit.

D. Temporary certificate of occupancy.

(1) The appropriate inspector may issue a temporary C/O for a 30-day period or greater period if approved by the TBC or CBO when:

(a) an analysis of the circumstances in any specific case determined by the AHJ indicates that a temporary C/O is appropriate; and

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

(2) Upon receipt of a written request for an extension of a current, valid temporary C/O, and good cause being shown, the temporary certificate of occupancy can be extended for up to a maximum of 12 months.

E. Effect. The issuance of a C/O shall not be construed as an approval of an unrecognized violation of the provisions of the New Mexico construction codes or of other applicable codes. If a code violation is discovered after the C/O is issued or after, an approved final inspection, the C/O or final inspection is invalid until all code violations are corrected and the C/O is re-issued or final inspection approved. No C/O or approved final inspection shall be interpreted to certify compliance with the requirements of any other regulatory agency that may or might have jurisdiction over aspects of a project or that are overseen by other regulatory agencies. 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, homeland security and emergency management department, the transportation department, the public regulation commission, or any other state or local regulatory agency.

F. Revocation or suspension.

(1) The general construction TBC or a CBO of an AHJ who issued the C/O is authorized to suspend or revoke a C/O or reverse an approved final inspection 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 CILA or its rules.

(2) A suspended C/O or reversed final inspection may be reinstated upon approval of the appropriate CBO and payment of any fee assessed pursuant to 14.5.5 NMAC, Fees or local ordinance.

[14.5.3.13 NMAC - Rp, 14.5.3.13 NMAC, 3/10/2022]

14.5.3.14 INSPECTION AGENCIES: A privately-operated inspection agency that satisfies the

requirements of Subsection H of Section 60-13-41 NMSA 1978, and 14.6.7 NMAC may be approved by the division to conduct inspections on behalf of the division for modular structures, provided such agency employs certified inspectors who exclusively inspects for each manufacturer for general construction, mechanical and electrical specialties, meets the requirements of 14.6.7.11 NMAC, and are qualified and certified pursuant to 14.6.5 NMAC, Inspectors.

[14.5.3.14 NMAC - Rp, 14.5.3.14 NMAC, 3/10/2022]

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 AHJ or appropriate 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 AHJ or appropriate inspector has given approval to do so.

C. Electrical. No person shall connect, or reconnect any electrical wiring to an energy source until the AHJ building official or appropriate 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 AHJ has failed to approve or disapprove the work or installation to which the connection will be made within seven working days after receiving notification that the work is ready to inspect.

[14.5.3.15 NMAC - Rp, 14.5.3.15 NMAC, 3/10/2022]

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 11/25/1970;

CIC 72-4, General Construction Classifications, filed 2/16/1972;

CIC 76-2, Rules and Regulations, filed 5/5/1976;

CID 78-2, Rules and Regulations, filed 12/5/1978;

CID 79-1, Rules and Regulations, filed 6/6/1979;

CID 82-1, Construction Industries Rules and Regulations, filed 4/14/1982;

CID 85-1, Construction Industries Rules and Regulations, filed 2/4/1985;

CID 90-1, Construction Industries Rules and Regulations, filed 5/31/1990.

History of Repealed Material:

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 9/2/1997), repealed 12/1/2000.

14.5.3 NMAC, Housing and Construction - Construction Industries General Provisions - Inspections (filed 10/16/2000), repealed 7/1/2004.

14.5.3 NMAC, Inspections (filed 5/27/2004), repealed 11/15/2016.

14.5.3 NMAC, Inspections (filed 11/15/2016) was repealed and replaced by 14.5.3 NMAC, Inspections, effective 3/10/2022.

Other History:

That portion of CID 90-1, Construction Industries Rules and Regulations, filed 5/31/1990 - renumbered, reformatted and amended to 14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections, filed 9/3/1996.

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 9/3/1996) replaced by 14 NMAC 5.3, Inspections, effective 9/23/1997.

14 NMAC 5.3, Inspections (filed 9/2/1997) replaced by 14 NMAC 5.3, Inspections, effective 12/1/2000.

14.5.3 NMAC, Inspections (filed 10/16/2000) and those applicable portions of 14.7.2 NMAC, 1997 Uniform Building Code (filed 10/16/2000); 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Codes (filed 10/20/1998); and 14.10.4 NMAC, State of New Mexico Electrical Code (filed 7/1/2002) replaced by 14.5.3 NMAC, Inspections, effective 7/1/2004.