

Garage Conversion (Retroactive)

Eligibility

A homeowner or agent can apply for an administrative variance for a converted garage given the following criteria are met:

- The applicant can demonstrate that the home was constructed prior to December 24, 1999;
- The off-street parking required by ordinance can reasonably be met elsewhere on the site;
- and the conversion meets building code requirements and inspections.

If you have a converted garage but are unable to meet the above criteria, the same application forms and fees apply but the variance application will be heard at a Planning and Zoning Board meeting. Approval will be granted or denied by the Planning and Zoning Board. PZB approval will be conditional on building permit approval and successful completion of all inspections, which will take place after PZB hearing.

Application Checklist

1. Building Permit & Plan Review Application (page 4)
2. Site Plan showing the following items (see example on page 5)
 - a. Setbacks from property lines
 - b. Where required off-street parking can be accommodated on the site (9'x18' = 1 parking space, see required parking spaces here:
<https://www.codepublishing.com/NM/RioRancho/#!/RioRancho150/RioRancho154.html#154.76>)
3. Floor Plan showing original garage vs. converted garage and specific use of room (see example on page 6)
4. *IF ACTING AS A HOMEOWNER/CONTRACTOR*: Signed and notarized Homeowner's Responsibility Form (page 7-13)

Fees

Variance: \$200

Building permit: Calculated from square footage and valuation of remodeled area.

Submit application electronically via planning@rrnm.gov

City of Rio Rancho
3200 Civic Center Circle N.E. Rio Rancho, New Mexico 87144

Building Division
(505) 891-5006

Planning & Zoning Division
(505)891-5005

Fax: (505) 896-8994
Email: permits@rrnm.gov

Instructions on Process

- Submit application and supporting documents to planning@rrnm.gov
- Once data entry is complete, payment slip will be sent to the cashier who will then contact applicant for payment and plans will be routed to reviewers.
- If the reviewers need additional information, the applicant will be contacted by staff.
- Once plans are approved, the permit and approved plans will be emailed to applicant. Applicant can then begin scheduling inspections.
- Once all inspections are passed and approved a Certificate of Occupancy or Certificate of Completion will be issued to the Applicant. The Administrative Variance application will be submitted to Development Services Director for final approval. (Variance is not complete without Director signature.)

Governing Regulations

- 2015 International Residential Code
- 2015 Uniform Mechanical Code
- 2015 Uniform Plumbing Code
- 2017 National Electric Code
- 2018 International Energy Conservations Code
- 2015 International Fire Code
- City of Rio Rancho Code of Ordinances, Title XV, Land Usage:
 - Chapter 151 Building Code
- City of Rio Rancho Development Process Manual
- State of New Mexico Environmental Department

*State Amendments May Apply

See New Mexico Regulation & Licensing Department

<https://www.rld.nm.gov/construction-industries/find-a-bureau/bureaus/rules-laws-and-building-codes/>



Permit # _____

Model # _____

Garage Conversion (Retroactive) Permit & Plan Review Application

Fees (non-refundable)

Application fee is 65% of the Building Permit Fee

Property Information

Acreage of Property _____ Height of Primary _____

Width of Front Yard Setback _____ SQ. FT of Primary _____

**** Physical address**

Address _____

City _____ State _____ Zip _____

Legal Description

Subdivision/Unit _____ Block _____ Lot _____

Track/Parcel _____ Zoning _____

**** Description- Use of Converted space/garage:**

**** Cost of Project:** \$ _____

**** SETBACKS**

*Gross Floor Area: _____ Heated _____ Unheated _____

*Front _____ *Rear _____ *Left _____ *Right _____

Garage # of Bays _____

**** Homeowner Information**

Name (Print) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

**** Contractor Information (if applicable)**

Name (Print): _____ License # _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____ Email _____

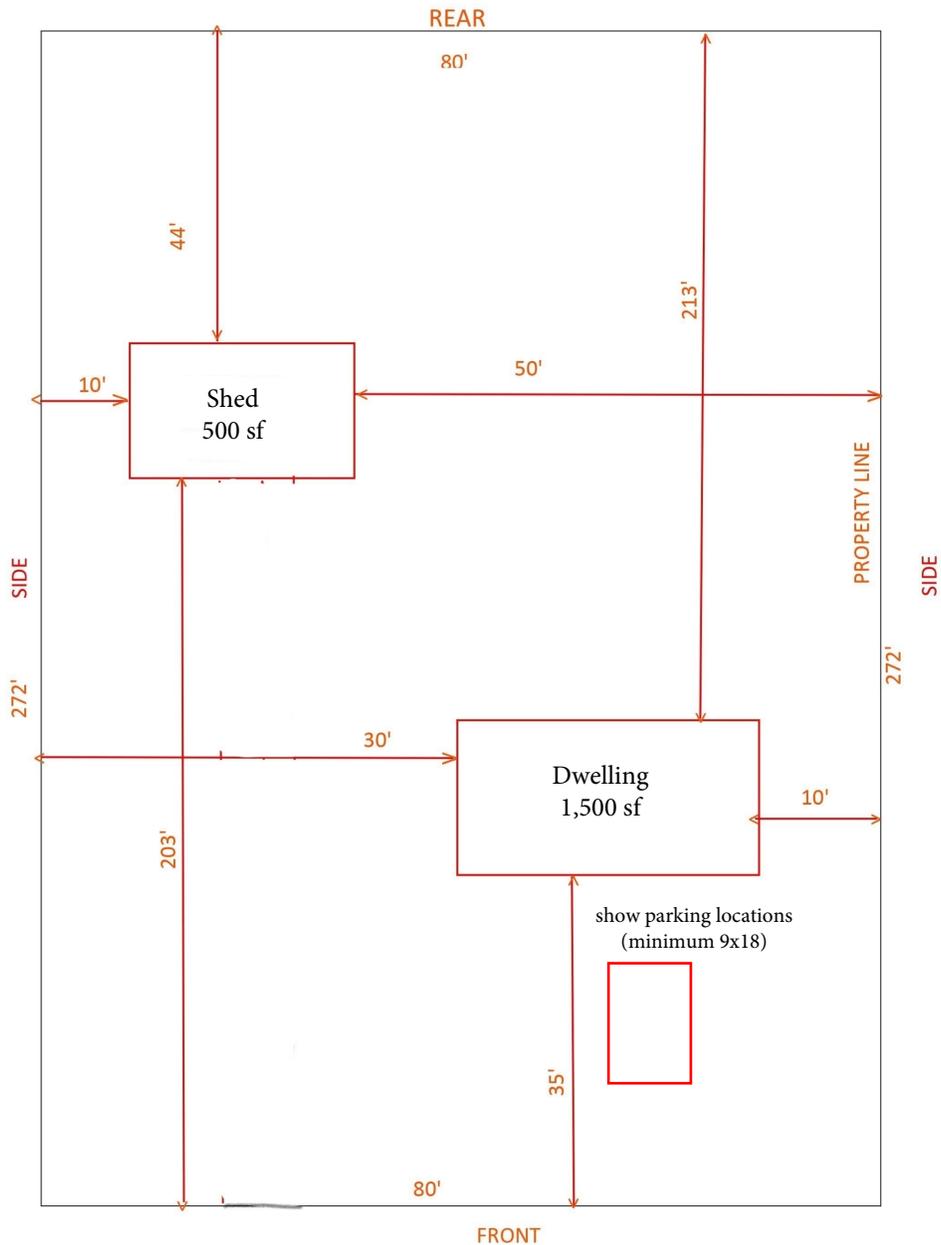
All text with () is required information and must be completed.**

I, the undersigned, understand the above application procedure and agree to comply with conditions of same.

Name (printed) _____ Date _____

Signature _____

SAMPLE SITE PLAN

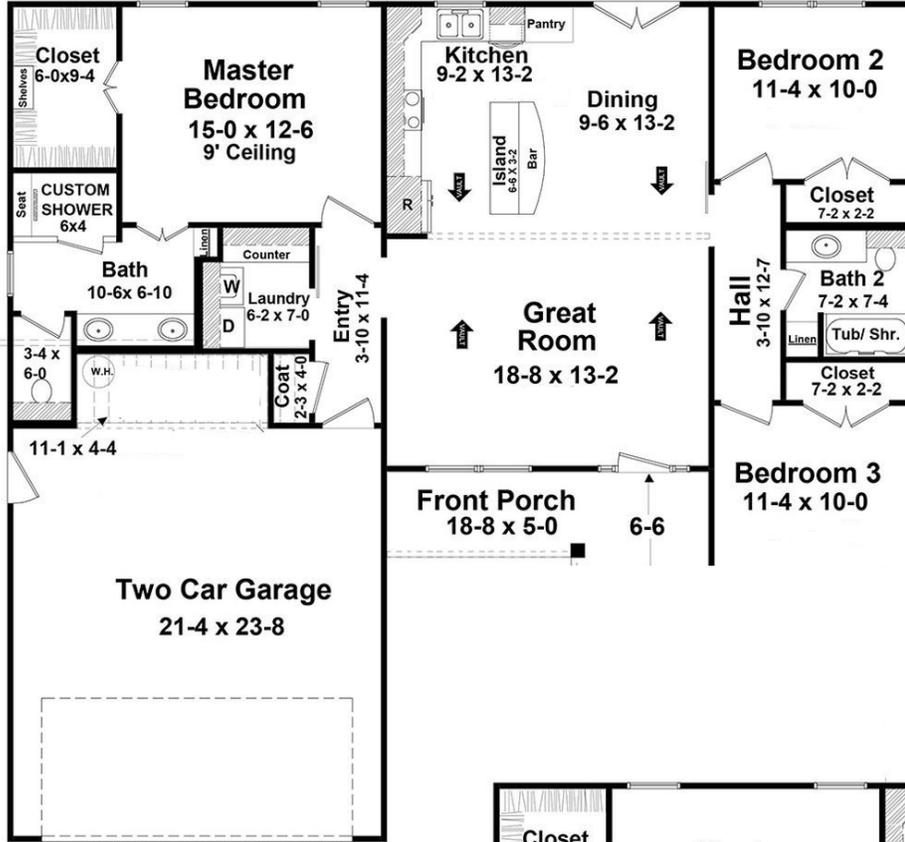


*All setbacks must be measured from property lines to structure.

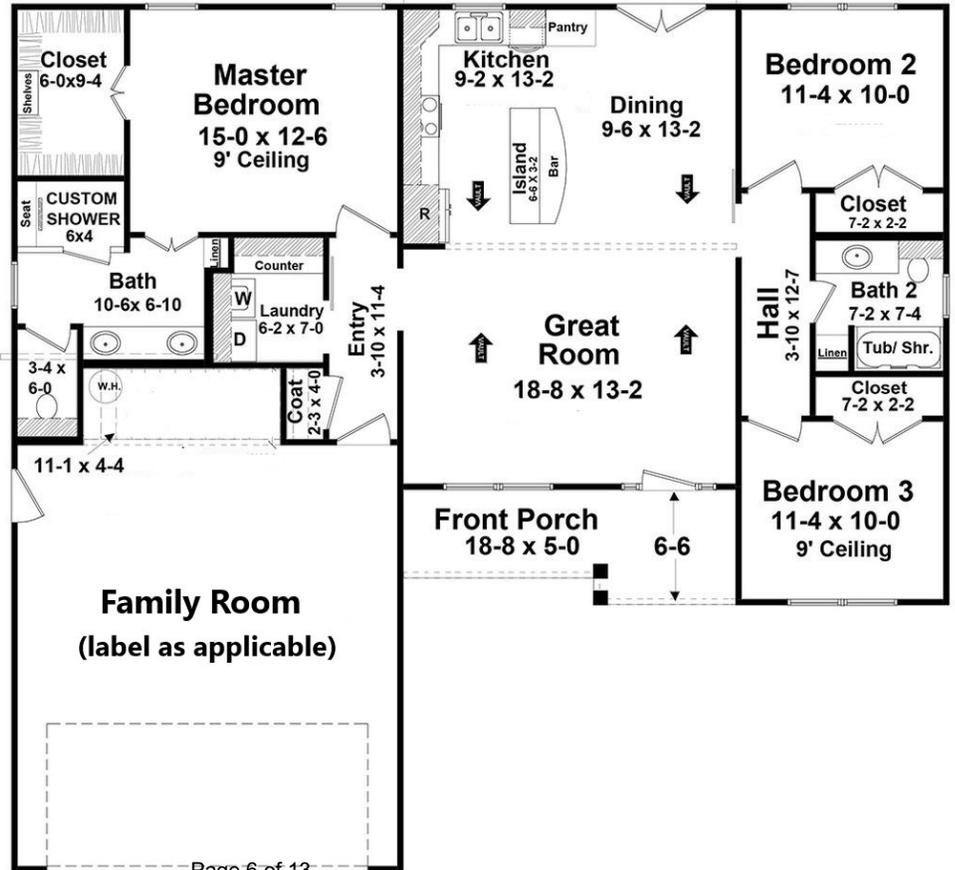
Please include all structures on site and show where required off street parking could be accommodated. *See application checklist for link to required parking spaces.

Floor Plan Sample Only

Prior to Conversion



After Conversion



READ CAREFULLY-YOUR RIGHTS ARE AFFECTED BY OBTAINING A HOMEOWNER'S PERMIT!!!



New Mexico Regulation and Licensing Department

CONSTRUCTION INDUSTRIES DIVISION

BOX PO Box 25101 ▪ Santa Fe, NM 87504 ▪ Ph (505) 476-4675 ▪ Fax (505) 476-4685
5500 5500 San Antonio Dr. NE ▪ Albuquerque, NM 87109 ▪ Ph (505) 222-9800 ▪ Fax (505) 765-5670
505 S. 505 S. Main St., Suite 118 ▪ Las Cruces, NM 88004 ▪ Ph (575) 524-6320 ▪ Fax (575) 524-6319
www.rld.state.nm.us/construction

HOMEOWNER PERMIT RESPONSIBILITIES AND LIABILITIES ACKNOWLEDGEMENT

BY OBTAINING THIS PERMIT, AS A HOMEOWNER, I ACCEPT SOLE RESPONSIBILITY AND ACKNOWLEDGE THAT I AM FULLY LIABLE FOR THE PROJECT.

The three possible homeowner's permits are a building permit, an electrical permit and a plumbing permit. The performance of HVAC and natural gas is not available through the homeowner's permit.

Homeowner responsibilities and liabilities are strictly monitored and must be adhered to by a homeowner seeking a homeowner's permit. Please read each of the following statements as each pertains to your application for the homeowner's permit. You must place your initials on the line adjacent to each statement as an acknowledgement of your agreement that you understand and shall abide by each statement. If you do not adhere to each of the following statements, your permit will be cancelled.

Prior to applying in person for a homeowner's permit with CID or the local permitting authority, you, as the homeowner, must obtain zoning approval from the local planning and zoning department, including floodplain determination. If you live in an area that does not have a planning and zoning department, you must obtain flood plain determination prior to applying for your permit.

TO BE COMPLETED BY THE LOCAL PERMITTING AUTHORITY WHEN APPROPRIATE.

I have verified that the individual signing this document as homeowner has provided (1) proof of identity; (2) proof of ownership of the property; (3) acknowledgement of review and signing of the Instruction sheet for obtaining a homeowner's permit AND (4) has completed all portions of this document.

Signature of local permitting authority or
local planning & zoning authorized personnel

Printed Name/Name of Department

Address

Telephone No.

Email address

After initialing each item, sign the acknowledgement before a Notary Public, present this document, proof of identity and ownership of the real property, completion of local planning & zoning documents, flood plain determination and the completed permit application package, including the instruction sheet, in person to the Authority Having Jurisdiction (AHJ) office or the local planning and zoning department. If the completed documentation is submitted to a local planning and zoning department, such documentation shall be mailed or emailed to the AHJ. The homeowner agrees and stipulates that an email submittal to the AHJ shall be considered by all parties as original signed documentation submitted to the AHJ for all intents and purposes. All completed homeowner documentation shall be kept on record by the AHJ with the permit application as proof of the responsibilities and liabilities you have assumed by applying for and obtaining a homeowner's permit.

THIS FORM MUST BE COMPLETED BY HOMEOWNER IN PERSON AT EITHER THE APPROPRIATE PERMITTING AUTHORITY OR THE LOCAL PLANNING AND ZONING DEPT PRIOR TO SUBMITTAL TO THE APPROPRIATE PERMITTING AUTHORITY. ALL PORTIONS MUST BE INITIALED OR THIS ACKNOWLEDGEMENT IS DEEMED INCOMPLETE AND UNACCEPTABLE!

Place a checkmark adjacent to the appropriate contracting you plan on completing when obtaining the homeowner's permit.

_____ I plan to build/construct a single-family primary residence that will be owned and occupied by me for a minimum of two years after the Certificate of Occupancy is issued. Violation of this two-year requirement may result in denial of future additional homeowner permits and/or initiation of criminal [unlicensed contracting] charges against you in accordance with the requirements of the Construction Industries Licensing Act, § 60-13-52.

_____ I plan to alter, repair, install or make improvements to my primary residence owned and occupied by me.

_____ I plan to build/construct or improve a free-standing garage or storage building located at my owned and occupied primary residence.

_____ I plan to install, alter or repair electrical wiring or plumbing systems at my owned and occupied primary residence.

I shall self-perform or subcontract each scope of work as indicated below:

concrete	_____ self-perform	_____ subcontract
framing	_____ self-perform	_____ subcontract
insulation	_____ self-perform	_____ subcontract
sheetrock	_____ self-perform	_____ subcontract
exterior finish	_____ self-perform	_____ subcontract
roofing	_____ self-perform	_____ subcontract
windows	_____ self-perform	_____ subcontract
doors	_____ self-perform	_____ subcontract
millwork	_____ self-perform	_____ subcontract
electrical	_____ self-perform	_____ subcontract
plumbing	_____ self-perform	_____ subcontract

Based on the scopes of work you have stated you shall self-perform and subcontract, the appropriate AHJ shall make a determination as to whether a homeowner's permit is applicable for this project and whether you qualify to perform the work to entitle you to a Homeowner's permit.

Read each statement and initial ONLY if you fully agree and acknowledge you will abide by and understand each responsibility and accompanying liability.

- I understand that the AHJ shall determine whether or not I am qualified to perform the work and whether I qualify for the homeowner permit.
- I understand that I must self-perform with or without employees the major portion of the project based on dollar amount to be eligible for the homeowner's permit.
- I understand that, by requesting and obtaining a homeowner's permit as a homeowner, I am acting as my own general builder, electrician or plumber and acknowledge I am solely responsible for my project.
- I understand that my entitlement to this homeowner's permit is premised on this single-family dwelling being **owned and occupied by me** as required by statute and rule.
- I understand that I am personally applying for this homeowner's permit and I cannot delegate this task to anyone.
- I understand that I must comply with all provisions of the Construction Industries Licensing Act, all regulations, and building standards and codes acknowledging that I have sufficient familiarity with these laws, standards and codes to do the construction, alter and repair of my own personal residence.
- I understand that my homeowner's building permit shall only be issued for the general construction portion of the work and that electrical and/or plumbing work must be performed by a properly licensed contractor unless I have demonstrated my ability to do such work by passing a homeowner's examination administered by the electrical or plumbing department for the jurisdiction in which I am building my home and obtaining the appropriate electrical or plumbing homeowner's permit.
- I understand that I must submit plans and all other required submittals for approval by the appropriate AHJ including my acknowledgement of my responsibilities to fulfill all the requirements in connection with my homeowner's permit.
- I understand that, under no circumstances, can I perform HVAC or natural gas under my homeowner's permit and that I must contract appropriately licensed subcontractors to perform such work. These appropriately licensed subcontractors must obtain their own permits and call for their own inspections.
- I understand that, as the homeowner obtaining the building permit I shall physically perform the work myself, hire employees to assist in the performance of the work or subcontract work.
- I understand that if I obtain a homeowner plumbing or electrical permit, only I can perform the work. I am not entitled to hire employees to assist nor may I subcontract any of the plumbing or electrical work.
- I understand that any portion of the construction work that I subcontract must be to licensed contractors and that each of these subcontractors must permit each scope of work separately from the Homeowner's permit. Licensed contractors are licensed business entities not individuals.
- I understand that before I subcontract any scope of work, I must verify with the Construction Industries Division that the subcontractor is duly licensed in New Mexico to perform the type of work for which I intend to subcontract.

- _____ I understand that if I contract with a GB-02 [licensed residential contractor] or a GB-98 [licensed residential/commercial contractor] to supervise my work, to act in the capacity of a general contractor or project manager, the homeowner's permit is automatically VOIDED requiring the licensed contractor to permit the project under the contractor's license. Any violation of this requirement by the licensed contractor shall subject the contractor to disciplinary action against the contractor's license.
- _____ I understand that if I hire a "construction manager" or "superintendent" or "foreman" to oversee my work, that individual must be my employee, I will pay the employee hourly wages and no other form of compensation, the employee shall work strictly under my direction and I shall be responsible to comply with all tax and worker's compensation legal requirements. my home, that individual will be my employee and strictly working under my direction.
- _____ I understand that if I hire an individual to assist me in this construction I shall pay this employee strictly hourly wages, no other form of compensation and be responsible for complying with all tax and worker's compensation legal requirements.
- _____ I understand I must provide my state and federal employee tax numbers and payroll records to the division, upon request.
- _____ I understand I will withhold all required state and federal taxes, including social security taxes from the wages I pay to my employee(s).
- _____ I understand that if I do not carry Worker's Compensation Insurance, I may be financially responsible if any of my employees are injured while working on my premises. This financial liability will include employee(s) for whom I may not be required to carry Worker's Compensation Insurance or injured workers hired by a subcontractor I subcontract, who does not carry his/her own worker's compensation insurance.
- _____ I understand that I must call for each and every required inspection, except those inspections permitted by my subcontractor(s). I shall make the premises accessible to all inspectors.
- _____ I understand that if an inspection results in a cited code violation, such violation must be cured within the time required by the AHJ building official or the inspector. Failure to correct is a violation of CID rules and may result in disciplinary action by the division.
- _____ I understand that for new construction all appropriate inspections, including the final, must be passed by the inspector in order to obtain a Certificate of Occupancy. The Certificate of Occupancy must be issued prior to my occupation.
- _____ I understand that if I occupy my home (or addition) prior to a final inspection, no Certificate of Occupancy shall be issued. Failure to call for a final inspection or obtain a certificate of occupancy shall result in a permanent record of such failure which may present issues in the future if I desire to sell or refinance my home.
- _____ I understand the Certificate of Occupancy shall state that my home, addition or storage building was built under a Homeowner's permit.
- _____ I understand that if I am building my own home and during the process of building, I decide not to own and/or occupy the home when it is completed, I am no longer eligible for the Homeowner's permit. At that time, I shall immediately notify the permitting AHJ who shall cancel my Homeowner's permit and I shall hire a licensed contractor to complete the work.
- _____ I understand that if I don't require each of my subcontractors to obtain their own permits, each of their contractor's bonds will not cover the work each performed and I will have limited remedies available to me through the Construction Industries Division and/or the Construction Industries Commission. Because I have assumed the responsibility for this project that would normally have been assumed by a licensed general/electrical/plumbing contractor I also assume all liabilities as to this project.

I, _____, stipulate, acknowledge and certify that I have read each of the above statements and I understand each requirement, responsibility and liability that accompanies a Homeowner's Permit. I agree to be bound by all applicable laws, regulations, codes, standards, requirements and responsibilities. I understand I must obtain separate permits to self-perform general building, plumbing and/or electrical work. I understand I am required to substantiate my plumbing and/or electrical knowledge to the satisfaction of the division or the appropriate AHJ. I further understand that I cannot perform HVAC or mechanical work pursuant to a homeowner's permit. If I subcontract a licensed contractor to do any portion of this project, the contractor will apply for his/her own permit for his/her portion of the work and ensure all inspections are conducted.

By signing I acknowledge that I must submit the appropriate completed permit application and comply with all the conditions, requirements, documents and plan submittals listed in the "Building Permit Guide for Residential Construction", which is being provided with this document. I have reviewed this Building Permit Guide for Residential Construction, and I understand and accept all the included responsibilities.

Homeowner signature
[Must be signed and acknowledged before a Notary Public]

SWORN AND ACKNOWLEDGED before me this _____ day of _____, 20____,

Notary Public

My Commission expires: _____

Instructions for Obtaining a Homeowner's Permit

The legislative intent of the exemption to licensing in the Construction Industries Licensing Act allows you to construct or alter your single-family residence without obtaining a contractor's license. To obtain a homeowner permit, in conjunction with legislative intent, the homeowner must perform the major portion of the work to be performed based on dollar amount. This exemption applies only to your primary residence that is owned and occupied or to be occupied by you. This exemption includes free standing garages, carports and sheds. The exemption does not apply to any other residential dwellings owned by you including rental dwellings or commercial properties as defined in the adopted codes.

- 1. The Homeowner permit is only required for work that requires a permit and inspections pursuant to the regulations.**
- 2. Specialty trade projects such as roofing or window installations, that are not part of a larger multi-faceted project, such as a house project or a remodel, are not eligible for a homeowner's permit if the work is to be subcontracted and is not performed by you either personally or with the aid of legal (W-2) employees.**
- 3. There are separate permits for residential general building, electrical wiring and plumbing installations, alterations and repairs.**
- 4. Prior to applying for a homeowner permit you shall:**
 - a. Obtain zoning approval from the local planning and zoning department where the property is located.**
 - b. Obtain a flood plain determination from the local planning and zoning department or the flood plain authority.**
 - c. Secure proof of ownership of the property which may include a deed, real estate contract or other proof as acceptable to the division.**
- 5. For this permit, you must apply in person at the office of the Authority Having Jurisdiction (AHJ), either the Construction Industries Division (CID) or the local permitting authority.**
- 6. When applying for the homeowner permit you shall provide each items listed below:**
 - a. Submit proof of identity.**
 - b. Submit proof of ownership of the property.**
 - c. Submit a signed copy of "The Instructions for Obtaining the Homeowner's Permit" indicating that you understand each obligation and agree to comply with the requirements of the Homeowner's permit.**
 - d. Submit a completed, signed and notarized original of the Homeowner Permit Responsibilities and Liabilities Acknowledgement form acknowledging and accepting your responsibilities as a homeowner permittee.**
 - e. Submit zoning approval and floodplain determination.**

- f. **Submit a completed AHJ approved application for the building permit.**
 - g. **Provide to the AHJ all required plans and documents as set forth in the “Building Permit Guide for Residential Construction”.**
 - h. **Submit payment of all applicable fees.**
7. **The homeowner building permit authorizes you to self-perform the work authorized by the permit, to utilize legal (W-2) employees or to sub-contract specialty trades to validly licensed contractors.**
 8. **If you are hiring employees, you shall comply with all federal and state tax registration and reporting requirements and worker’s compensation insurance requirements.**
 9. **If you subcontract for specialty trade work it must be to a validly licensed contractor who must apply for all applicable permits and request all inspections. Trades of work not authorized by the homeowner building permit must be subcontracted.**
 10. **Except for work that is legally subcontracted, you are responsible for requesting all inspections, making all corrections of code violations, requesting all required re-inspections and obtaining the Certificate of Occupancy and/or final inspection when applicable.**
 11. **The homeowner’s permit may not be used to permit a project for which a GB-2 or GB-98 contractor has been contracted to act as a general contractor, a project manager, or to supervise the project.**
 12. **The electrical and plumbing homeowner permits authorize only the permittee to perform work authorized by the permit. Subcontractors may not be utilized for this work nor may employees perform any of the electrical or plumbing work authorized by the permit.**
 13. **You must comply with all provisions of the Construction Industries Licensing Act (CILA), its regulations, standards and codes**

I, _____ state and certify that I own and occupy or shall be occupying the residence, that I have read this instruction sheet completely, that I understand what I must do in order to obtain a homeowner’s permit, and agree that I shall comply with all of the requirements.

Printed Name

Signature

Address

Telephone No.

Email address