

Opinion No. 52-5512

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TO: George R. Roy, Office Manager Contractors' License Board P. O. Box 1179 Santa Fe, New Mexico

{*225} Recently you asked this office whether or not the statutes of the State of New Mexico permit the formulation of a "Housing Code" by the Contractors' License Board.

In my opinion, Chapter 108, Laws of 1945 gives the State Contractors' License Board such power. The pertinent portion of the title of Chapter 108 reads as follows:

"Providing the State Contractors' License Board shall be given power to make rules and regulations governing the construction, altering, repairing, adding to or improving any building, excavation or other structural project, development or improvement, . . ."

This power is more clearly amplified and defined by Section 12 of the Act which reads in part as follows:

"The Contractors' License Board is further directed to issue orders prescribing the minimum standards for the construction, alteration, or repairing of buildings, other than in connection with electrical wiring connected therewith, and the installation of gas piping and appliances, which orders shall substantially embody the applicable provisions of the Uniform Building Code, as adopted by the Pacific Coast Building Officials Conference of the 6th Annual Meeting in October, 1927, with revisions and additions approved in the 17th Annual Meeting in October, 1939."

Pursuant to this power given by Chapter 108, Laws of 1945, the Contractors' License Board adopted and promulgated in 1945 a "Uniform Building Code for the State of New Mexico." It is my opinion that the code as it now stands is broad enough in its context to constitute a "Housing Code" as well as a "Building Code." I direct your attention particularly to the 1948 Edition, Section 401, page 21, where "building" is defined as follows:

" **'Building'** is any structure for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind."

Therefore, it may be said that a Housing Code already exists, which has been adopted pursuant to legislative authorization.

On the other hand, if the Board desires to formulate a code pertaining specifically to housing, in my opinion it is empowered to do so. However, any such code would have to comply with Section 12, Chapter 108, Laws of 1945 and "substantially embody the

applicable provisions of the Uniform Building Code, as adopted by the Pacific Coast Building Officials Conference of the 6th Annual Meeting in October, 1927," et cetera.

I hope that this opinion answers your inquiries on this subject.