



Doña Ana County

Community Development Department

Advance Planning ▫ Current Planning ▫ Building Services ▫ GIS

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www.donaanacounty.org

H-2A Housing Guidelines

Congregate Living Facilities (nontransient) with 16 or fewer occupants

January 18, 2024

- "Where local health and safety standards for rental and/or public accommodations exist, all of those local standards will apply. If, however, the local standards do not address any one or more of these essential concerns, then any state standards addressing those concerns will apply on that issue. If neither local nor state standards address any one or more of these essential concerns, then the relevant OSHA standards that pertain to those concerns will apply."
- There are two [2] types of housing classifications for the program [1] "on farm/ranch" (a site built, mobile home or modular home that is constructed or placed on the working farm/ranch or a working farm/ranch that is leased) the occupancy allowances under the federal OSHA guidelines will apply. [2] any other structure that is not classified by Doña Ana County as on-farm/ranch will comply with the State of New Mexico occupancy allowances, The livable square footage of the dwelling will determine the allowable number of occupants (migrant workers) based on NMAC 14.7.2 the 2021 New Mexico Commercial Building Code and 2021 IBC table 1004.5. The allowable floor area is 200 square feet per occupant. [based upon the site visit and the life safety conditions the square footage may be reduced to approx.. 160 sq.ft./occ.] ALL other OSHA guidelines apply.
- All NEW site built, mobile home or modular homes will be permitted through Doña Ana County, if there are any questions please contact the Building Services Department.
- Existing dwellings will be verified by Doña Ana County to ensure they are LEGAL and all required permits and inspections have been approved.
- The Employer/Company must contact Doña Ana County Building Services to request a site visit. A floorplan with dimensions showing all rooms to include door and window sizes and the square footage of the structure must be supplied at the time of inspection. To request an inspection, call 575-525-6108 or email buildingservices@donaanacounty.org
- Doña Ana County Inspectors will perform a site visit to verify there are no *Life Safety violations*, and for "off-farm" dwellings, to determine an occupant load. If there are no violations, an email will be sent to NM Workforce solutions notifying them the property has been inspected and is considered "on-farm/ranch" or off farm/ranch and a Certificate of Inspection is issued with an approved occupant load. If any violations are found a Notice of Violation will be issued, a permit will be required through Doña Ana County with a Licensed New Mexico Contractor to correct the violations.

- If you are using a mobile home as a part of the program, there are additional steps needed for compliance as the mobile home will be used for non-residential purposes. (1) A structural letter from a Licensed New Mexico Engineer or Architect is required stating the structure “meets or exceeds the appropriate building, electrical, mechanical, plumbing code standards as adopted by the construction industries division of the regulation and licensing department at that time” and “the letter must also state that the mobile home is being converted” per NMAC 14.12.1.10 E (2) a floorplan with dimensions showing all rooms to include door and window sizes and the square footage of the structure (3) A foundation or anchoring plan (4) a building permit will be required. (5) electrical, plumbing/mechanical permits as needed.
- If a structure is classified Commercial R-2 as a *Congregate Living Facility* (nontransient) with 16 or more occupants all commercial, life safety and fire flow/suppression requirements will apply and a pre-application meeting with Dona Ana County Building Services department will be required.
- Any modifications to existing site built homes/mobile homes for this program will comply with Chapter 10 of the 2021 New Mexico Existing Building Code, a building permit with a complete set of plans and a structural letter from a Licensed New Mexico Engineer or Architect is required for permitting.