

HOUSE JOINT MEMORIAL 24

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE PROPERTY TAX DIVISION OF THE TAXATION AND REVENUE DEPARTMENT TO STUDY AND MAKE RECOMMENDATIONS TO UPDATE PROVISIONS OF THE PROPERTY TAX CODE RELATED TO THE TAXATION OF ABANDONED PROPERTIES.

WHEREAS, the property tax division of the taxation and revenue department receives a list of properties more than two years delinquent from each county by July 15 of each year; and

WHEREAS, the department has the responsibility and exclusive authority to take all action necessary to collect delinquent taxes shown on the delinquency list; and

WHEREAS, tax delinquencies comprising the nine largest failed New Mexico subdivisions constitute eighty-five thousand unpaid tax accounts, many aged over ten years; and

WHEREAS, Section 7-38-81 NMSA 1978 limits actions on

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1 collection of property taxes by presuming delinquent property  
2 taxes are paid by act of the legislature after ten years; and

3 WHEREAS, the vast majority of these delinquencies  
4 constitute a permanent tax gap, with a new tenth year of  
5 delinquent obligation falling off the tax rolls every year; and

6 WHEREAS, existing statutes, property categorization and  
7 assessment conventions have proved insufficient to rehabilitate  
8 these delinquencies; and

9 WHEREAS, these properties are provable examples of real  
10 property exhibiting extreme economic and functional  
11 obsolescence; and

12 WHEREAS, it is vitally important to the future well-being  
13 of property tax beneficiaries and stakeholders, including  
14 taxpayers and state and local governments, that property tax  
15 delinquencies be resolved;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
17 STATE OF NEW MEXICO that the property tax division of the  
18 taxation and revenue department be requested to study and make  
19 recommendations to update provisions of the Property Tax Code  
20 related to the taxation of abandoned properties with an eye  
21 toward a collaborative effort to rehabilitate property  
22 abandonment and the tax consequences thereof; and

23 BE IT FURTHER RESOLVED that the property tax division  
24 request assistance from interested stakeholders, including  
25 state and local governments, tribal, pueblo and land grant

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1 governments, the New Mexico association of counties, the New  
2 Mexico municipal league, the economic development department,  
3 universities and agricultural and livestock organizations, to  
4 collect data and foster dialogue with respect to this issue;  
5 and

6 BE IT FURTHER RESOLVED that the property tax division  
7 request legal assistance from the New Mexico attorney general;  
8 and

9 BE IT FURTHER RESOLVED that the property tax division  
10 report its findings and recommendations on or before August 1,  
11 2018 to the appropriate legislative interim committees  
12 concerned with economic and rural development, land grants and  
13 Indian affairs; and

14 BE IT FURTHER RESOLVED that copies of this memorial be  
15 transmitted to the secretary of taxation and revenue, the New  
16 Mexico association of counties and the treasurers' affiliate of  
17 the New Mexico association of counties.

