

HOUSE BILL 554

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Andrea Romero and Cristina Parajón

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HOUSING; ALLOWING ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONING DISTRICTS; ALLOWING MULTIFAMILY HOUSING IN COMMERCIAL DISTRICTS AND AREAS NEAR TRANSIT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 3-21-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-20-1, as amended) is amended to read:

"3-21-1. ZONING--AUTHORITY OF COUNTY OR MUNICIPALITY.--

.230818.5AIC March 8, 2025 (9:59am)

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

A. For the purpose of promoting health, safety [morals] or the general welfare, a county or municipality is a zoning authority and may regulate and restrict within its jurisdiction the:

- (1) height, number of stories and size of buildings and other structures;
- (2) percentage of a lot that may be occupied;
- (3) size of yards, courts and other open space;
- (4) density of population; and
- (5) location and use of buildings, structures and land for trade, industry, residence or other purposes.

B. The county or municipal zoning authority may:

- (1) divide the territory under its jurisdiction into districts of such number, shape, area and form as is necessary to carry out the purposes of Sections 3-21-1 through 3-21-14 NMSA 1978; and
- (2) regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each district. All such regulations shall be uniform for each class or kind of buildings within each district, but regulation in one district may differ from regulation in another district.

C. All state-licensed or state-operated community residences for persons with a mental or developmental

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

disability and serving ten or fewer persons may be considered a residential use of property for purposes of zoning and may be permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings.

D. A board of county commissioners of the county in which the greatest amount of the territory of the petitioning village, community, neighborhood or district lies may declare by ordinance that a village, community, neighborhood or district is a "traditional historic community" upon petition by twenty-five percent or more of the qualified electors of the territory within the village, community, neighborhood or district requesting the designation. The number of qualified electors shall be based on county records as of the date of the last general election.

E. Any village, community, neighborhood or district that is declared a traditional historic community shall be excluded from the extraterritorial zone and extraterritorial zoning authority of any municipality whose extraterritorial zoning authority extends to include all or a portion of the traditional historic community and shall be subject to the zoning jurisdiction of the county in which the greatest portion of the traditional historic community lies.

F. Zoning authorities, including zoning authorities of home rule municipalities, shall:

.230818.5AIC March 8, 2025 (9:59am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

(1) accommodate [~~multigenerational~~] housing by creating a mechanism to allow up to two kitchens within a single-family zoning district, such as conditional use permits;

~~[G. For the purpose of this section, "multigenerational" means any number of persons related by blood, common ancestry, marriage, guardianship or adoption.]~~

(2) accommodate accessory dwelling units in residential zoning districts as a permitted use; and

(3) accommodate multifamily residential housing in commercial zoning districts and areas near HCPAC→transit←HCPAC HCPAC→a passenger rail station←HCPAC as a permitted use."

SECTION 2. A new section of Chapter 3, Article 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] ACCESSORY DWELLING UNITS.--

A. As used in this section, "accessory dwelling unit" means a single habitable living unit that is a complete and independent living unit, provides separate ingress and egress, is built on a property with a residential use and includes permanent provisions for sleeping, cooking and sanitation.

B. A zoning authority, including a zoning authority of a home rule municipality, shall accommodate as a permitted use the construction of at least one accessory dwelling unit for each lot within zoning districts that allow residential

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

uses regardless of the size of the lot.

C. An accessory dwelling unit shall:

- (1) be permitted as either attached to or detached from an existing residential structure;
- (2) have side and rear setbacks that are no more than five feet from the property line and ten feet from any other structure on the property;
- (3) be permitted as an existing dwelling unit; provided that the unit complies with the provisions of this section or will comply after another residential dwelling unit is constructed;
- (4) be permitted to have a combined or separate driveway serving the other residential uses on the property;
- (5) be permitted to have combined or separate utilities serving the other residential uses on the property;
- (6) be permitted to occupy an existing residential or accessory structure; and
- (7) be permitted to occupy an existing residential or accessory structure which has been deemed legally nonconforming to zoning regulations; provided that the size of the nonconformity is not expanded and the occupation shall not diminish health and safety standards.

D. The owner of an accessory dwelling unit shall obtain approval from the appropriate health officer prior to

.230818.5AIC March 8, 2025 (9:59am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

any installation of a private liquid waste disposal system.

E. A zoning authority, including a zoning authority of a home rule municipality, shall not:

(1) impose single-family or owner-occupancy requirements on an accessory dwelling unit;

(2) charge additional impact fees if the existing utility infrastructure is sufficient to accommodate the accessory dwelling unit;

(3) limit the maximum size of an accessory dwelling unit to less than one thousand gross square feet;

(4) require more than one parking space per accessory dwelling unit; or

(5) require additional development, review or aesthetic standards more restrictive than for other residential construction permitted on the property, except that a zoning authority may require that the accessory dwelling unit shall be used for rentals of terms longer than thirty days.

F. A HGEIC→~~local ordinance, policy, regulation~~
~~or~~←HGEIC neighborhood or homeowner association restriction
HGEIC→**implemented after the effective date of this 2025**
~~act~~←HGEIC shall not be a basis for a delay or a denial of a building permit for an accessory dwelling unit.

G. An accessory dwelling unit that conforms to this section shall not be deemed to exceed the allowable density of dwellings for the lot on which it is located and is considered

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

a permissive, residential use that is consistent with the existing general plan and zoning designations for the lot."

SECTION 3. A new section of Chapter 3, Article 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] MULTIFAMILY DWELLING UNITS.--

A. As used in this section HCPAC→:←HCPAC
HCPAC→,←HCPAC

HCPAC→(1)←"major public transit location"
means a property with a passenger rail station, a public transit stop that provides daily fixed-route service at intervals of at←HCPAC HCPAC→least fifteen minutes or park and ride locations managed by the department of transportation; and←HCPAC

HCPAC→(2)←HCPAC "multifamily housing" means a residential property that contains more than one household and includes duplexes and townhouses.

B. A zoning authority, including a zoning authority of a home rule municipality, shall accommodate as a permitted use the construction of multifamily housing in all residential and commercial zoning districts and areas within one-fourth mile of a major public transit location.

C. Multifamily housing may be constructed with:

- (1) a minimum density of ten dwelling units per acre;
- (2) a minimum height of thirty-six feet; and

underscoring = new

~~[bracketed material]~~ = delete

Amendments: new = → bold, blue, highlight ←

delete = → bold, red, highlight, strikethrough ←

(3) at least one off-street parking space for each unit in addition to required accessible parking spaces."

- 8 -

.230818.5AIC

March 8, 2025 (9:59am)