

SENATE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO REAL PROPERTY; AMENDING THE NEW MEXICO SUBDIVISION ACT TO EXCLUDE DIVISIONS OF LAND BY DESIGNATED LAND GRANTS- MERCEDES FROM THE DEFINITION OF "SUBDIVISION".

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

SECTION 1. Section 47-6-2 NMSA 1978 (being Laws 1973, Chapter 348, Section 2, as amended) is amended to read:

"47-6-2. DEFINITIONS.--As used in the New Mexico Subdivision Act:

A. "board of county commissioners" means the governing board of a county;

B. "common promotional plan" means a plan or scheme of operation, undertaken by a single subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land where the land is either contiguous or part of

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1 the same area of land or is known, designated or advertised as  
2 a common unit or by a common name;

3 C. "final plat" means a map, chart, survey, plan or  
4 replat certified by a licensed, registered land surveyor  
5 containing a description of the subdivided land with ties to  
6 permanent monuments prepared in a form suitable for filing of  
7 record;

8 D. "immediate family member" means a husband, wife,  
9 father, stepfather, mother, stepmother, brother, stepbrother,  
10 sister, stepsister, son, stepson, daughter, stepdaughter,  
11 grandson, stepgrandson, granddaughter, stepgranddaughter,  
12 nephew and niece, whether related by natural birth or adoption;

13 E. "Indian nation, tribe or pueblo" means any  
14 federally recognized Indian nation, tribe or pueblo located  
15 wholly or partially in New Mexico;

16 F. "lease" means to lease or offer to lease land;

17 G. "parcel" means land capable of being described  
18 by location and boundaries and not dedicated for public or  
19 common use;

20 H. "person" means any individual, estate, trust,  
21 receiver, cooperative association, club, corporation, company,  
22 firm, partnership, joint venture, syndicate or other entity;

23 I. "preliminary plat" means a map of a proposed  
24 subdivision showing the character and proposed layout of the  
25 subdivision and the existing conditions in and around it, and

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1 need not be based upon an accurate and detailed survey of the  
2 land;

3 J. "sell" means to sell or offer to sell land;

4 K. "subdivide" means to divide a surface area of  
5 land into a subdivision;

6 L. "subdivider" means any person who creates or who  
7 has created a subdivision individually or as part of a common  
8 promotional plan or any person engaged in the sale, lease or  
9 other conveyance of subdivided land; however, "subdivider" does  
10 not include any duly licensed real estate broker or salesperson  
11 acting on another's account;

12 M. "subdivision" means the division of a surface  
13 area of land, including land within a previously approved  
14 subdivision, into two or more parcels for the purpose of sale,  
15 lease or other conveyance or for building development, whether  
16 immediate or future; but "subdivision" does not include:

17 (1) the sale, lease or other conveyance of any  
18 parcel that is thirty-five acres or larger in size within any  
19 twelve-month period; provided that the land has been used  
20 primarily and continuously for agricultural purposes, in  
21 accordance with Section 7-36-20 NMSA 1978, for the preceding  
22 three years;

23 (2) the sale or lease of apartments, offices,  
24 stores or similar space within a building;

25 (3) the division of land within the boundaries

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1 of a municipality;

2 (4) the division of land in which only gas,  
3 oil, mineral or water rights are severed from the surface  
4 ownership of the land;

5 (5) the division of land created by court  
6 order where the order creates no more than one parcel per  
7 party;

8 (6) the division of land for grazing or  
9 farming activities; provided the land continues to be used for  
10 grazing or farming activities;

11 (7) the division of land resulting only in the  
12 alteration of parcel boundaries where parcels are altered for  
13 the purpose of increasing or reducing the size of contiguous  
14 parcels and where the number of parcels is not increased;

15 (8) the division of land to create burial  
16 plots in a cemetery;

17 (9) the division of land to create a parcel  
18 that is sold or donated as a gift to an immediate family  
19 member; however, this exception shall be limited to allow the  
20 seller or donor to sell or give no more than one parcel per  
21 tract of land per immediate family member;

22 (10) the division of land created to provide  
23 security for mortgages, liens or deeds of trust; provided that  
24 the division of land is not the result of a seller-financed  
25 transaction;

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1 (11) the sale, lease or other conveyance of  
2 land that creates no parcel smaller than one hundred forty  
3 acres;

4 (12) the division of land to create a parcel  
5 that is donated to any trust or nonprofit corporation granted  
6 an exemption from federal income tax, as described in Section  
7 501(c)(3) of the United States Internal Revenue Code of 1986,  
8 as amended; school, college or other institution with a defined  
9 curriculum and a student body and faculty that conducts classes  
10 on a regular basis; or church or group organized for the  
11 purpose of divine worship, religious teaching or other  
12 specifically religious activity; [~~or~~]

13 (13) the division of a tract of land into two  
14 parcels that conform with applicable zoning ordinances;  
15 provided that a second or subsequent division of either of the  
16 two parcels within five years of the date of the division of  
17 the original tract of land shall be subject to the provisions  
18 of the New Mexico Subdivision Act; provided further that a  
19 survey, and a deed if a parcel is subsequently conveyed, shall  
20 be filed with the county clerk indicating that the parcel shall  
21 be subject to the provisions of the New Mexico Subdivision Act  
22 if the parcel is further divided within five years of the date  
23 of the division of the original tract of land; or

24 (14) the division of land by a land grant-  
25 merced designated as a political subdivision of the state

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1 pursuant to Chapter 49, Article 1 or Article 4 NMSA 1978;

2 N. "terrain management" means the control of  
3 floods, drainage and erosion and measures required for adapting  
4 proposed development to existing soil characteristics and  
5 topography;

6 O. "time of purchase, lease or other conveyance"  
7 means the time of signing any document obligating the person  
8 signing the document to purchase, lease or otherwise acquire a  
9 legal interest in land;

10 P. "type-one subdivision" means any subdivision  
11 containing five hundred or more parcels, any one of which is  
12 less than ten acres in size;

13 Q. "type-two subdivision" means any subdivision  
14 containing not fewer than twenty-five but not more than four  
15 hundred ninety-nine parcels, any one of which is less than ten  
16 acres in size;

17 R. "type-three subdivision" means any subdivision  
18 containing not more than twenty-four parcels, any one of which  
19 is less than ten acres in size;

20 S. "type-four subdivision" means any subdivision  
21 containing twenty-five or more parcels, each of which is ten  
22 acres or more in size; and

23 T. "type-five subdivision" means any subdivision  
24 containing not more than twenty-four parcels, each of which is  
25 ten acres or more in size."

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SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.