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SENATE BILL 370

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO DEVELOPMENT; REPEALING SECTIONS OF THE URBAN DEVELOPMENT LAW; REPEALING THE COMMUNITY DEVELOPMENT LAW; LIMITING THE ABILITY TO CONDEMN PROPERTY FOR ECONOMIC DEVELOPMENT IN THE METROPOLITAN REDEVELOPMENT CODE; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 3-46-43 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-47-19, as amended) is amended to read:

"3-46-43. ORDINANCES RELATING TO REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION-- COMPLAINT--SERVICE OF COMPLAINT--APPEAL.--

A. Whenever [~~any~~] a municipality finds that there exist dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents

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1 or other calamities; lack of ventilation, light or sanitary
2 facilities; or ~~[due to]~~ other conditions, including those set
3 forth in Subsection C of this section, rendering the dwellings
4 unsafe and unsanitary or dangerous or detrimental to the
5 health, safety or morals or otherwise inimical to the welfare
6 of the residents of the municipality, power is conferred upon
7 the municipality to require or cause the repair, closing or
8 demolition or removal of the ~~[dwelling]~~ dwellings in the manner
9 provided in this section. [A] "Dwelling" means ~~[any]~~ a
10 building or structure or part thereof used and occupied for
11 human habitation or intended to be so used and includes any
12 appurtenances usually enjoyed in the dwelling.

13 B. Upon the adoption of an ordinance finding that
14 dwelling conditions of the character described in Subsection A
15 of this section exist, the governing body of the municipality
16 ~~[is authorized to]~~ may adopt ordinances relating to the
17 dwellings within the municipality that are unfit for human
18 habitation. The ordinances shall include the following
19 provisions:

20 (1) a public officer shall be designated or
21 appointed to exercise the powers prescribed by the ordinances;

22 (2) whenever it appears to the public officer,
23 on ~~[his]~~ the officer's own motion, that ~~[any]~~ a dwelling is
24 unfit for human habitation, ~~[he]~~ the officer shall, if ~~[his]~~
25 the officer's preliminary investigation discloses a basis for

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1 the charges, issue and cause to be served on the owner, every
2 mortgagee of record and all parties in interest in the
3 dwelling, including persons in possession, a complaint stating
4 the charges in that respect. The complaint shall contain a
5 notice that a hearing will be held before the public officer or
6 ~~[his]~~ the officer's designated agent at a place fixed in the
7 complaint not less than ten days nor more than thirty days
8 after the serving of the complaint; that the owner, mortgagee
9 and parties in interest shall be given the right to file an
10 answer to the complaint and to appear in person or otherwise
11 and give testimony at the place and the time fixed in the
12 complaint; and that the rules of evidence prevailing in courts
13 of law or equity shall not be controlling in hearings before
14 the public officer;

15 (3) if after the notice and hearing the public
16 officer determines that the dwelling under consideration is
17 unfit for human habitation, ~~[he]~~ the officer shall state in
18 writing ~~[his]~~ findings of fact in support of that determination
19 and shall issue and cause to be served upon the owner an order
20 in writing that advises the owner of ~~[his]~~ the owner's rights
21 under Subsection E of this section and that:

22 (a) if the repair, alteration or
23 improvement of the dwelling can be made at a reasonable cost in
24 relation to the value of the dwelling, the ordinance of the
25 municipality shall fix a certain percentage of the cost as

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1 being reasonable for that purpose and require the owner, within
2 the time specified in the order, to repair, alter or improve
3 the dwelling to render it fit for human habitation or to vacate
4 and close the dwelling as a human habitation; or

5 (b) if the repair, alteration or
6 improvement of the dwelling cannot be made at a reasonable cost
7 in relation to the value of the dwelling, the ordinance of the
8 municipality shall fix a certain percentage of the cost as
9 being reasonable for the purpose, and require the owner, within
10 the time specified in the order, to remove or demolish the
11 dwelling;

12 (4) if the owner fails to comply with an order
13 to repair, alter or improve or to vacate and close the
14 dwelling, the public officer may cause the dwelling to be
15 repaired, altered or improved or to be vacated and closed;

16 (5) if the owner fails to comply with an order
17 to remove or demolish the dwelling, the public officer may
18 cause the dwelling to be removed or demolished; and

19 (6) the amount of the cost of the repairs,
20 alterations or improvements or the vacating and closing or the
21 removal or demolition by the public officer shall be a lien
22 against the real property upon which the cost was incurred. If
23 the dwelling is removed or demolished by the public officer,
24 [he] the officer shall sell the materials of the dwelling and
25 shall credit the proceeds of the sale against the cost of the

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1 removal or demolition. Any balance remaining shall be
2 deposited in the district court by the public officer and shall
3 be secured in the manner as may be directed by the court and
4 shall be disbursed by the court to the persons found to be
5 entitled to the balance by final order or decree of the court.

6 C. An ordinance adopted by a municipality pursuant
7 to this section shall provide that the public officer may
8 determine a dwelling is unfit for human habitation if ~~[he]~~ the
9 officer finds that conditions exist in the dwelling that are
10 dangerous or injurious to the health, safety or morals of the
11 occupants of the dwelling, the occupants of neighboring
12 dwellings or other residents of the municipality or that have a
13 blighting influence on properties in the area. The conditions
14 may include the following without limitations: defects
15 increasing the hazards of fire, accident or other calamities;
16 lack of adequate ventilation, light or sanitary facilities;
17 dilapidation; disrepair; structural defects; uncleanliness;
18 overcrowding; inadequate ingress and egress; inadequate
19 drainage; or any violation of health, fire, building or zoning
20 regulations or any other laws or regulations relating to the
21 use of land and the use and occupancy of buildings and
22 improvements. The ordinance may provide additional standards
23 to guide the public officer or ~~[his]~~ the officer's agents or
24 employees in determining the fitness of a dwelling for human
25 habitation.

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1 D. Complaints or orders issued by a public officer
2 pursuant to an ordinance adopted under the provisions of [~~the~~
3 ~~Urban Development Law~~] this section shall be served upon
4 persons either personally or by registered mail. If the
5 whereabouts of the persons are unknown and cannot be
6 ascertained by the public officer in the exercise of reasonable
7 diligence and the public officer makes an affidavit to that
8 effect, [~~then~~] the serving of the complaint or order upon the
9 persons may be made by publishing the complaint or order once
10 each week for two consecutive weeks in a newspaper printed and
11 published in the municipality or, in the absence of a
12 newspaper, in one printed and published in the county and
13 circulating in the municipality in which the dwellings are
14 located. A copy of the complaint or order shall be posted in a
15 conspicuous place on the premises affected by the complaint or
16 order. A copy of the complaint or order shall also be filed
17 with the clerk of the county in which the dwelling is located.
18 Filing of the complaint or order shall have the same force and
19 effect as other lis pendens notices provided by law.

20 E. [~~Any~~] A person affected by an order issued by
21 the public officer may file an appeal pursuant to the
22 provisions of Section 39-3-1.1 NMSA 1978.

23 F. An ordinance adopted by the governing body of
24 the municipality may authorize the public officer to exercise
25 powers as may be necessary or convenient to carry out and

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1 effectuate the purposes and provisions of [~~the Urban~~
2 ~~Development Law~~] this section, including the following powers
3 [~~in addition to others granted in the Urban Development Law~~]:

4 (1) to investigate the dwelling conditions in
5 the municipality in order to determine which dwellings are
6 unfit for human habitation;

7 (2) to administer oaths and affirmations,
8 examine witnesses and receive evidence;

9 (3) to enter upon premises for the purpose of
10 making examinations, provided that the entries shall be made in
11 a manner as to cause the least possible inconvenience to the
12 persons in possession, and to obtain an order for this purpose
13 from a court of competent jurisdiction in the event entry is
14 denied or resisted;

15 (4) to appoint and fix the duties of any
16 officers, agents and employees as [~~he~~] the officer deems
17 necessary to carry out the purposes of the ordinances; and

18 (5) to delegate any [~~of his~~] functions and
19 powers under the ordinance to officers, agents and employees
20 [~~he~~] that the public officer may designate.

21 G. The governing body of a municipality adopting an
22 ordinance under this section shall, as soon as possible
23 thereafter, prepare an estimate of the annual expenses or costs
24 to provide the equipment, personnel and supplies necessary for
25 periodic examinations and investigations of the dwellings in

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1 the municipality for the purpose of determining the fitness of
2 the dwellings for human habitation and for the enforcement and
3 administration of its ordinance or ordinances adopted under
4 this section.

5 H. Nothing in this section shall be construed to
6 abrogate or impair the powers of the courts or of a department
7 of a municipality to enforce any provisions of its charter or
8 its ordinances or regulations or to prevent or punish
9 violations thereof. The powers conferred by this section shall
10 be in addition and supplemental to the powers conferred by any
11 other law.

12 I. Nothing in this section shall be construed to
13 impair or limit in any way the power of the municipality to
14 define and declare nuisances and to cause their removal or
15 abatement by summary proceedings or otherwise."

16 Section 2. Section 3-60A-2 NMSA 1978 (being Laws 1979,
17 Chapter 391, Section 2) is amended to read:

18 "3-60A-2. FINDINGS AND DECLARATIONS OF NECESSITY.--

19 A. It is [~~hereby~~] found and declared that there
20 [~~exists~~] exist in municipalities of the state slum areas and
21 blighted areas [~~which~~] that constitute a serious and growing
22 menace, injurious to the public health, safety, morals and
23 welfare of the residents of the state; that the existence of
24 these areas contributes substantially to the spread of disease
25 and crime, constitutes an economic and social burden,

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1 substantially impairs or arrests the sound and orderly
2 development of municipalities and retards the maintenance and
3 expansion of necessary housing accommodations; ~~[that economic~~
4 ~~and commercial activities are lessened in those areas by the~~
5 ~~slum or blighted conditions, and the effects of these~~
6 ~~conditions include less employment in the area and~~
7 ~~municipality, lower property values, less gross receipts tax~~
8 ~~revenues for the state and municipalities and reduces the use~~
9 ~~of buildings, residential dwellings and other facilities in the~~
10 ~~area]~~ that the prevention and elimination of slum areas and
11 blighted areas ~~[and the prevention and elimination of~~
12 ~~conditions which impair the sound and orderly development of~~
13 ~~municipalities]~~ is a matter of state policy and concern in
14 order that the state and its municipalities shall not continue
15 to be endangered by these areas ~~[which contribute little to the~~
16 ~~tax income of the state and its municipalities]~~ that consume an
17 excessive proportion of its revenues because of the extra
18 services required for police, fire, accident, hospitalization
19 or other forms of public protection, services and facilities.

20 B. Certain slum areas and blighted areas or
21 portions thereof may require land acquisition and clearance by
22 the municipality, since prevailing conditions may make
23 impracticable their reclamation or development; other areas or
24 portions of the slum or blighted area may be suitable for
25 conservation or rehabilitation efforts and the conditions and

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1 evils [~~hereinbefore~~] enumerated in Subsection A of this section
2 may be eliminated, remedied or prevented by those efforts; and
3 to the extent feasible, salvageable slum and blighted areas
4 should be conserved and rehabilitated through voluntary action,
5 the regulatory process and, when necessary, by government
6 assistance.

7 C. The powers conferred by the Metropolitan
8 Redevelopment Code regarding the use of public money are for
9 public uses or purposes for which public money may be expended
10 and the power of eminent domain exercised. The individual
11 benefits accruing to persons as the result of the powers
12 conferred by the Metropolitan Redevelopment Code and projects
13 conducted in accordance with its provisions are [~~hereby~~] found
14 and declared to be incidental to the objectives of that code
15 and are far outweighed by the benefit to the public as a whole.
16 Activities authorized and powers granted by the Metropolitan
17 Redevelopment Code are hereby declared not to result in a
18 donation or aid to any person, association or public or private
19 organization or enterprise. The necessity for these provisions
20 and the power is declared to be in the public interest as a
21 matter of legislative determination.

22 D. The legislature finds that the problems of the
23 large metropolitan areas are unique in this state because of
24 the size and magnitude of the problems when such large numbers
25 of people are affected. The legislature further finds and

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1 declares that the strategies and methods for solving these
2 problems in the large metropolitan areas differ from those in
3 the smaller cities and towns and villages of the state, and it
4 is necessary to authorize those home rule metropolitan areas
5 additional powers and flexibility because of the nature and
6 size of their problems and because the governments of such
7 metropolitan areas have sufficient staff to meet and deal with
8 those problems. Further, these authorizations are merely
9 explanations of the powers of home rule communities in these
10 metropolitan areas that can be exercised under home rule
11 authority notwithstanding any limitations contained in the
12 Metropolitan Redevelopment Code."

13 Section 3. Section 3-60A-3 NMSA 1978 (being Laws 1979,
14 Chapter 391, Section 3) is amended to read:

15 "3-60A-3. LEGISLATIVE INTENT.--

16 A. It is the intent of the legislature by the
17 passage of the Metropolitan Redevelopment Code to authorize
18 municipalities to acquire, own, lease and improve [~~and dispose~~
19 ~~of~~] properties in a metropolitan redevelopment area [~~to the end~~
20 ~~that such municipalities may be able to promote industry and~~
21 ~~develop trade or other economic activity by inducing profit or~~
22 ~~nonprofit corporations, federal governmental offices, hospitals~~
23 ~~and manufacturing, industrial, commercial or business~~
24 ~~enterprises to locate, expand or remain in such area, to~~
25 ~~mitigate the serious threat of extensive unemployment in a~~

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1 ~~metropolitan redevelopment area and to secure and maintain a~~
2 ~~balanced and stable economy in an area declared to be a slum or~~
3 ~~blighted area].~~

4 B. It is the further intent of the legislature to
5 authorize municipalities to acquire, own, lease and improve
6 [~~and dispose of~~] properties so that adequate medical care,
7 residential housing and facilities for the disposal of sewage
8 and solid waste may be provided; [~~and industrial,~~
9 ~~manufacturing, commercial or business activities may be begun~~
10 ~~or expanded in these areas; furnishing~~] water, energy and gas
11 may be provided; more adequate facilities for sports events and
12 activities and recreation activities, conventions and trade
13 shows may be provided; and more parking facilities or storage
14 or training facilities may be provided; [~~and more adequate~~
15 ~~research, product testing and administrative facilities may be~~
16 ~~provided~~] all of which promote the public health, welfare,
17 safety, convenience and prosperity.

18 C. It is, therefore, the intention of the
19 legislature to vest municipalities with all powers that may be
20 necessary to enable them to accomplish such purposes, which
21 powers shall in all respects be exercised for the benefit of
22 the inhabitants of this state and municipalities of the state
23 for the promotion of their health, safety, welfare, convenience
24 and prosperity.

25 D. It is not intended by the Metropolitan

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1 Redevelopment Code to authorize any municipality to operate any
2 manufacturing, industrial, commercial or business enterprise or
3 any research, product-testing or administrative facilities of
4 such enterprise. Nor is it the intent of that code to prohibit
5 the operation by a municipality of residential housing
6 facilities, health care facilities, sewage or solid waste
7 disposal facilities or the furnishing of water, sports or
8 recreation facilities, convention or trade show facilities,
9 airports, public transportation facilities or operations,
10 parking facilities or storage or training facilities by any
11 municipality."

12 Section 4. Section 3-60A-4 NMSA 1978 (being Laws 1979,
13 Chapter 391, Section 4, as amended) is amended to read:

14 "3-60A-4. DEFINITIONS.--As used in the Metropolitan
15 Redevelopment Code:

16 A. "public body" means a municipality, board,
17 commission, authority, district or ~~[any]~~ other political
18 subdivision or public body of the state;

19 B. "local governing body" means the city council,
20 ~~[or] city commission [of a city, the]~~ or board of trustees of a
21 ~~[town or village]~~ municipality; the council of an incorporated
22 county; or the board of county commissioners of an H class
23 county;

24 C. "mayor" means the mayor or the ~~[chairman]~~ chair
25 of the ~~[city commission]~~ local governing body or other officer

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1 or body having the duties customarily imposed on the head of a
2 municipality;

3 D. "municipality" means [~~any~~] an incorporated city,
4 town or village, whether incorporated under general act,
5 special act or special charter, an incorporated county or an H
6 class county;

7 E. "clerk" means the clerk or other official of
8 [~~the~~] a municipality who is the chief custodian of the official
9 records of the municipality;

10 F. "federal government" includes the United States
11 of America or [~~any~~] an agency or instrumentality, corporate or
12 otherwise, of the United States;

13 [~~G. "state" means the state of New Mexico;~~

14 H.] G. "slum area" means an area within the area of
15 operation in which there are numerous residential or
16 nonresidential buildings, improvements and structures [~~whether~~
17 ~~residential or nonresidential, which, by reason of its~~
18 ~~dilapidation, deterioration, age, obsolescence~~] that are
19 dilapidated, deteriorated, aged or obsolete or that have
20 inadequate provision for ventilation, light, air or sanitation
21 or the area lacks open spaces or has a high density of
22 population or overcrowding or [~~the existence of~~] there exists
23 in the area conditions that endanger life or property by fire
24 or other causes, and the area is conducive to ill health,
25 transmission of disease, infant mortality, juvenile delinquency

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1 or crime and is detrimental to the public health, safety,
2 morals or welfare;

3 ~~[F.]~~ H. "blighted area" means an area within the
4 area of operation other than a slum area that ~~[because of the~~
5 ~~presence of a substantial number of deteriorated or~~
6 ~~deteriorating structures, predominance of defective or~~
7 ~~inadequate street layout, faulty lot layout in relation to~~
8 ~~size, adequacy, accessibility or usefulness, insanitary or~~
9 ~~unsafe conditions, deterioration of site or other improvements,~~
10 ~~diversity of ownership, tax or special assessment delinquency~~
11 ~~exceeding the fair value of the land, defective or unusual~~
12 ~~conditions of title, improper subdivision or lack of adequate~~
13 ~~housing facilities in the area or obsolete or impractical~~
14 ~~planning and platting or an area where a significant number of~~
15 ~~commercial or mercantile businesses have closed or~~
16 ~~significantly reduced their operations due to the economic~~
17 ~~losses or loss of profit due to operating in the area, low~~
18 ~~levels of commercial or industrial activity or redevelopment or~~
19 ~~any combination of such factors]~~ substantially impairs or
20 arrests the sound growth and economic health and well-being of
21 a municipality or locale within a municipality or an area that
22 retards the provisions of housing accommodations or constitutes
23 an economic or social burden and is a menace to the public
24 health, safety, morals or welfare in its present condition and
25 use because of the presence of a substantial number of

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1 deteriorated or deteriorating structures; insanitary or unsafe
2 conditions; deterioration of site or other improvements;
3 substantial diversity of ownership; tax or special assessment
4 delinquency exceeding the fair value of the land; or an area
5 where a significant number of commercial or mercantile
6 businesses have closed or significantly reduced their
7 operations due to the economic losses or loss of profit due to
8 operating in the area, low levels of commercial or industrial
9 activity or redevelopment or any combination of such factors;

10 [J.] I. "metropolitan redevelopment project" or
11 "project" means an activity, undertaking or series of
12 activities or undertakings designed to eliminate slums or
13 blighted areas or to address areas with substantial diverse
14 ownership in areas designated as metropolitan redevelopment
15 areas and ~~[that]~~ the activity or undertaking conforms to an
16 approved plan for the area for slum clearance and
17 redevelopment, rehabilitation and conservation;

18 [K.] J. "slum clearance and redevelopment" means
19 the use of those powers authorized by the Metropolitan
20 Redevelopment Code ~~[for the purpose of eliminating]~~ to
21 eliminate slum areas and ~~[undertaking]~~ undertake activities
22 authorized by the Metropolitan Redevelopment Code to rejuvenate
23 or revitalize those areas so that the conditions that caused
24 those areas to be designated slum areas are eliminated;

25 [L.] K. "rehabilitation" or "conservation" means

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1 the restoration and renewal of a slum or blighted area or
2 portion thereof in accordance with ~~[any]~~ an approved plan by
3 use of powers granted by the Metropolitan Redevelopment Code;

4 ~~[M.]~~ L. "metropolitan redevelopment area" means a
5 slum area or a blighted area or a combination thereof that the
6 local governing body so finds and declares and designates as
7 appropriate for a metropolitan redevelopment project;

8 ~~[N.]~~ M. "metropolitan redevelopment plan" means a
9 plan, as it exists from time to time, for one or more
10 metropolitan redevelopment areas or for a metropolitan
11 redevelopment project, which plan shall:

12 (1) seek to eliminate the problems created by
13 a slum area or blighted area;

14 (2) conform to the general plan for the
15 municipality as a whole; and

16 (3) be sufficient to indicate the proposed
17 activities to be carried out in the area, including ~~[but not~~
18 ~~limited to]~~ any proposals for land acquisition; proposals for
19 demolition and removal of structures; redevelopment; proposals
20 for improvements, rehabilitation and conservation; zoning and
21 planning changes; land uses, maximum densities, building
22 restrictions and requirements; and the plan's relationship to
23 definite local objectives respecting land uses, improved
24 traffic patterns and controls, public transportation, public
25 utilities, recreational and community facilities, housing

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1 facilities, commercial activities or enterprises, industrial or
2 manufacturing use and other public improvements;

3 [Θ-] N. "real property" includes all lands,
4 including improvements and fixtures thereon, and property of
5 any nature appurtenant thereto or used in connection therewith
6 and every estate, interest, right and use, legal or equitable,
7 therein, including terms for years and liens by way of
8 judgment, mortgage or otherwise;

9 [P-] O. "bonds" means any bonds, including
10 refunding bonds, notes, interim certificates, certification of
11 indebtedness, debentures, metropolitan redevelopment bonds or
12 other securities evidencing an obligation and issued under the
13 provisions of the Metropolitan Redevelopment Code or other
14 obligations;

15 [Q-] P. "obligee" includes [~~any~~] a bondholder,
16 agent or trustee for [~~any~~] a bondholder or lessor demising to
17 the municipality property used in connection with a
18 metropolitan redevelopment project or any assignee or assignees
19 of such lessor's interest or any part thereof;

20 [R-] Q. "person" means [~~any~~] an individual, firm,
21 partnership, corporation, company, association, joint stock
22 association or body politic or the state or any political
23 subdivision thereof and shall further include any trustee,
24 receiver, assignee or other person acting in a similar
25 representative capacity;

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1 ~~[S-]~~ R. "area of operation" means the area within
2 the corporate limits of the municipality and the area outside
3 of the corporate limits but within five miles of such limits or
4 otherwise on municipally owned property wherever located,
5 except that it shall not include ~~[any]~~ an area that lies within
6 the territorial boundaries of another municipality unless an
7 ordinance has been adopted by the governing body of the other
8 municipality declaring a need therefor;

9 ~~[F-]~~ S. "board" or "commission" means a board,
10 commission, department, division, office, body or other unit of
11 the municipality designated by the local governing body to
12 perform functions authorized by the Metropolitan Redevelopment
13 Code as directed by the local governing body; ~~[and]~~

14 ~~[U-]~~ T. "public officer" means any person who is in
15 charge of any department or branch of government of the
16 municipality; and

17 U. "substantial diverse ownership" means two-thirds
18 or more of the lots in a metropolitan redevelopment area are
19 each owned by a separate and distinct person."

20 Section 5. Section 3-60A-8 NMSA 1978 (being Laws 1979,
21 Chapter 391, Section 8) is amended to read:

22 "3-60A-8. DESIGNATION OF A METROPOLITAN REDEVELOPMENT
23 AREA.--

24 A. A municipality shall not prepare a metropolitan
25 redevelopment plan for an area unless the governing body has,

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1 by resolution, determined the area to be a slum area or a
2 blighted area or a combination thereof and designated the area
3 as appropriate for a metropolitan redevelopment project
4 ~~[which]~~; provided that when the resolution determines an area
5 to be blighted by reason of substantial diverse ownership, it
6 must be adopted by three-fourths or more of the governing body.
7 The resolution may be adopted only after the governing body
8 ~~[shall have]~~ has caused to be published in a newspaper of
9 general circulation within the area of operation of the
10 municipality a notice ~~[which shall contain]~~ that contains a
11 general description of the area and the date, time and place
12 where the governing body shall hold a public hearing to
13 consider the resolution and a notice that any interested party
14 may appear and speak to the issue of the adoption of the
15 resolution.

16 B. ~~[Such]~~ Notice shall be published at least
17 ~~[twice]~~ four times, and the last publication shall be not less
18 than ~~[twenty]~~ thirty days before the hearing. The owner of any
19 real property affected by the resolution ~~[shall have]~~ has the
20 right to file in the district court of the county within which
21 the municipality is located, within ~~[twenty]~~ thirty days after
22 the adoption of the resolution, an action to set aside the
23 determination made by the governing body of the municipality.

24 C. A municipality shall not acquire real property
25 for a metropolitan redevelopment project unless the local

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1 governing body has approved a metropolitan redevelopment plan
2 relating to the metropolitan redevelopment area in which the
3 real property is located."

4 Section 6. Section 3-60A-9 NMSA 1978 (being Laws 1979,
5 Chapter 391, Section 9) is amended to read:

6 "3-60A-9. PREPARATION OF A METROPOLITAN REDEVELOPMENT
7 PLAN.--

8 A. When a municipality has complied with the
9 provisions of the Redevelopment Law concerning public hearing
10 and designation of an area as a metropolitan redevelopment
11 area, it may prepare or cause to be prepared a metropolitan
12 redevelopment plan; however, prior to final consideration of
13 the plan by the local governing body, the plan shall be the
14 subject of at least one public hearing held by the mayor or
15 [~~his~~] the mayor's designee or the municipal planning
16 commission, at which time comments from the public as a whole
17 can be gathered and considered by the municipality in its
18 preparation of the final plan. The local governing body may
19 hold a public hearing for purposes of approval of the proposed
20 plan, as provided in Subsection B of this section, only after
21 the hearing required by this subsection.

22 B. The local governing body shall hold a public
23 hearing on a metropolitan redevelopment plan or substantial
24 modification of an approved plan after public notice [~~thereof~~
25 ~~by publication~~] is published once a week for four weeks in a

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1 newspaper having a general circulation in the area of operation
2 of the municipality. The notice shall describe the time, date,
3 place and purpose of the hearing, which shall be not less than
4 thirty days after the last notice, shall generally identify the
5 area covered by the plan and shall outline the general scope of
6 the metropolitan redevelopment project under consideration.
7 Prior to the public hearing on this matter, notice of the
8 public hearing shall be mailed by first class mail to the
9 owners of real property in the metropolitan redevelopment area.
10 The mailing shall be to the owner's address as shown on the
11 records of the county treasurer. If the notice by first class
12 mail to the owner is returned undelivered, the municipality
13 shall attempt to discover the owner's most recent address and
14 shall remail the notice by certified mail, return receipt
15 requested, to the address.

16 C. Following the public hearing, the local
17 governing body may approve a metropolitan redevelopment plan if
18 it finds that:

19 (1) the proposed activities will aid in the
20 elimination or prevention of slum or blight or the conditions
21 ~~[which]~~ that lead to the development of slum or blight;

22 (2) a feasible method is included in the plan
23 to provide individuals and families who occupy residential
24 dwellings in the metropolitan redevelopment area and who may be
25 displaced by the proposed activities with decent, safe and

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1 sanitary dwelling accommodations within their means and without
2 undue hardship to such individuals and families; and

3 (3) the plan conforms to the general plan for
4 the municipality as a whole [~~and~~

5 ~~(4) the plan affords maximum opportunity~~
6 ~~consistent with the needs of the community for the~~
7 ~~rehabilitation or redevelopment of the area by private~~
8 ~~enterprise or persons and the objectives of the plan justify~~
9 ~~the proposed activities as public purposes and needs].~~

10 D. A metropolitan redevelopment plan may be
11 modified at any time; however, if the plan is modified after
12 the lease or sale by the municipality of real property in the
13 project area, the modification shall be subject to any rights
14 at law or in equity a lessee or purchaser or [~~his~~] a lessee's
15 or purchaser's successors in interest may be entitled to
16 assert. Any proposed modification [~~which~~] that will
17 substantially change the plan as previously approved by the
18 local governing body shall be subject to the requirements of
19 this section, including the requirement of a public hearing,
20 before it may be approved."

21 Section 7. Section 3-60A-10 NMSA 1978 (being Laws 1979,
22 Chapter 391, Section 10) is amended to read:

23 "3-60A-10. POWERS OF MUNICIPALITY.--~~Every~~ A
24 municipality shall have all the powers necessary or convenient
25 to carry out and effectuate the purposes and provisions of the

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1 Metropolitan Redevelopment Code, including [~~but not necessarily~~
2 ~~limited to~~] the following powers:

3 A. to undertake and carry out metropolitan
4 redevelopment projects within its area of operation, including
5 clearance and redevelopment, rehabilitation, conservation and
6 development activities and programs; to make, enter into and
7 execute contracts and other agreements and instruments
8 necessary or convenient to the exercise of its powers under the
9 Redevelopment Law; and to disseminate information regarding
10 slum clearance, prevention of blight and the metropolitan
11 redevelopment projects and areas;

12 B. to provide, arrange or contract for the
13 furnishing or repair by [~~any~~] a public or private person or
14 agency for services, privileges, works, streets, roads, public
15 utilities, public buildings or other facilities for or in
16 connection with a metropolitan redevelopment project; to,
17 within its area of operation, install, acquire, construct,
18 reconstruct, remodel, rehabilitate, maintain and operate
19 streets, utilities, parks, buildings, playgrounds and public
20 buildings, including [~~but not limited to~~] parking facilities,
21 transportation centers, public safety buildings and other
22 public improvements or facilities or improvements for public
23 purposes, as may be required by the municipality, the state or
24 a political subdivision of the state; to agree to [~~any~~]
25 conditions that it may deem reasonable and appropriate [~~which~~]

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1 that are attached to federal financial assistance and imposed
2 pursuant to federal law, including conditions relating to the
3 determination of prevailing salaries or wages or compliance
4 with federal and state labor standards, compliance with federal
5 property acquisition policy and the provision of relocation
6 assistance in accordance with federal law in the undertaking or
7 carrying out of a metropolitan redevelopment project; and to
8 include in [~~any~~] a contract let in connection with the project
9 provisions to fulfill [~~any of~~] these conditions as it may deem
10 reasonable and appropriate; provided, however, that all
11 purchases of personal property shall be in accordance with the
12 [~~Public Purchases Act~~] Procurement Code;

13 C. within its area of operation, to inspect any
14 building or property in [~~any~~] a metropolitan redevelopment area
15 in order to make surveys, appraisals, soundings or test borings
16 and to obtain an order for this purpose from a court of
17 competent jurisdiction in the event inspection is denied by the
18 property owner or occupant to acquire, by purchase, lease,
19 option, gift, grant, bequest, devise, eminent domain or
20 otherwise, any real property or personal property for its
21 administrative or project purposes, together with any
22 improvements thereon; to hold, improve, clear or prepare for
23 redevelopment any such property; to mortgage, pledge,
24 hypothecate or otherwise encumber [~~or dispose of any~~] real
25 property; to insure or provide for the insurance of [~~any~~] real

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1 or personal property or operations of the municipality against
2 [~~any~~] risks or hazards, including the power to pay premiums on
3 [~~any such~~] that insurance; and to enter into [~~any~~] contracts
4 necessary to effectuate the purposes of the Metropolitan
5 Redevelopment Code;

6 D. to invest [~~any~~] metropolitan redevelopment
7 project funds held in reserve, sinking funds or other project
8 funds [~~which~~] that are not required for immediate disbursement
9 in property or securities in which municipalities may legally
10 invest funds subject to their control; to redeem bonds as have
11 been issued pursuant to the Metropolitan Redevelopment Code at
12 the redemption price established [~~therein~~] in the bonds or to
13 purchase the bonds at less than redemption price. [~~All~~] Bonds
14 so redeemed or purchased shall be canceled;

15 E. to borrow or lend money subject to those
16 procedures and limitations as may be provided in the
17 constitution of New Mexico or the Municipal Code and to apply
18 for and accept advances, loans, grants, contributions and [~~any~~]
19 other [~~form~~] forms of financial assistance from the federal
20 government, the state, the county or other public body or from
21 [~~any~~] sources, public or private, for the purposes of the
22 Metropolitan Redevelopment Code; and to give security as may be
23 required and subject to the provisions and limitations of
24 general law except as may otherwise be provided by the
25 Redevelopment Law and to enter into and carry out contracts in

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1 connection [~~therewith~~] with that law. A municipality may
2 include in [~~any~~] a contract for financial assistance with the
3 federal government for a metropolitan redevelopment project
4 conditions imposed pursuant to federal law [~~which~~] that the
5 municipality may deem reasonable or appropriate and [~~which~~]
6 that are not inconsistent with the purposes of the Metropolitan
7 Redevelopment Code;

8 F. within its area of operation, to make [~~all~~]
9 plans necessary for the carrying out of the purposes of the
10 Metropolitan Redevelopment Code and to contract with any
11 person, public or private, in making and carrying out such
12 plans and to adopt or approve, modify and amend the plans. The
13 plans may include [~~without limitation~~]:

14 (1) a general plan for redevelopment of the
15 metropolitan area as a whole;

16 (2) redevelopment plans for specific areas;

17 (3) plans for programs of voluntary or
18 assisted repair and rehabilitation of buildings and
19 improvements;

20 (4) plans for the enforcement of state and
21 local laws, codes and regulations relating to the use of land
22 and the use and occupancy of buildings and improvements and to
23 the compulsory repair, rehabilitation, demolition or removal of
24 buildings and improvements; and

25 (5) appraisals, title searches, surveys,

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1 studies and other preliminary plans and work necessary to
2 prepare for the undertaking of metropolitan redevelopment
3 projects;

4 ~~[The municipality is authorized]~~ G. to develop, test and
5 report methods and techniques and carry out demonstrations and
6 other activities for the prevention and elimination of slums
7 and urban blight and to pay for, accept and ~~[utilize]~~ use
8 grants of funds from the federal government for ~~[such]~~ those
9 purposes;

10 ~~[G.]~~ H. to prepare plans for the relocation of
11 families displaced from a metropolitan redevelopment area to
12 the extent essential for acquiring possession of and clearing
13 the area or its parts or permit the carrying out of the
14 metropolitan redevelopment project;

15 ~~[H.]~~ I. to appropriate under existing authority the
16 funds and make expenditures necessary to carry out the purposes
17 of the Metropolitan Redevelopment Code and under existing
18 authority to levy taxes and assessments for such purposes; to
19 close, vacate, plan or replan streets, roads, sidewalks, ways
20 or other places; in accordance with applicable law or
21 ordinances, to plan or replan, zone or rezone any part of the
22 municipality or make exceptions from building regulations; and
23 to enter into agreements with a metropolitan redevelopment
24 agency vested with metropolitan redevelopment project powers,
25 which agreements may extend over any period, notwithstanding

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1 any provision or rule of law to the contrary, respecting action
2 to be taken by ~~[such]~~ the municipality pursuant to ~~[any of]~~ the
3 powers granted by the Redevelopment Law;

4 ~~[I.]~~ J. within its area of operation, to organize,
5 coordinate and direct the administration of the provisions of
6 the Redevelopment Law as they apply to the municipality in
7 order that the objective of remedying slum areas and blighted
8 areas and preventing the causes of ~~[same]~~ those areas within
9 the municipality may be most effectively promoted and achieved
10 and to establish any new office ~~[or offices]~~ of the
11 municipality or to reorganize existing offices as necessary;

12 ~~[J.]~~ K. to acquire real property ~~[in addition to~~
13 ~~power elsewhere conferred herein, which]~~ that is appropriate
14 for the preservation or restoration of historic sites; the
15 beautification of urban land; the conservation of open spaces,
16 natural resources and scenic areas; the provision of
17 recreational opportunities; or is to be used for public
18 purposes;

19 ~~[K.]~~ L. to engage in ~~[any or all of]~~ the following
20 activities as part of a metropolitan redevelopment project:

21 (1) acquisition, construction, reconstruction
22 or installation of public works, facilities and site or other
23 improvements, including ~~[but not limited to]~~ neighborhood
24 facilities, senior citizen centers, historic properties,
25 utilities, streets, street lights, water and sewer facilities,

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1 including connections for residential users, foundations and
2 platforms for air-rights sites, pedestrian malls and walkways,
3 parks, playgrounds and other recreation facilities, flood and
4 drainage facilities, parking facilities, solid waste disposal
5 facilities and fire protection or health facilities [~~which~~]
6 that serve designated areas;

7 (2) special projects directed to the removal
8 of materials and architectural barriers [~~which~~] that restrict
9 the mobility and accessibility of elderly and [~~handicapped~~]
10 disabled persons;

11 (3) provision of public services in the
12 metropolitan redevelopment area [~~which~~] that are not otherwise
13 available in the area, including [~~but not limited to~~] the
14 provisions of public services directed to the employment,
15 economic development, crime prevention, child care, health,
16 drug abuse, welfare or recreation needs of the people who
17 reside in the metropolitan redevelopment area;

18 (4) payment of the nonfederal share of any
19 federal grant-in-aid program to the municipality [~~which~~] that
20 will be a part of a metropolitan redevelopment project;

21 (5) if federal funds are used in the project,
22 to provide for payment of relocation costs and assistance to
23 individuals, families, businesses, organizations and farm
24 operations displaced as a direct result of a metropolitan
25 redevelopment project in accordance with applicable law

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1 governing such payment;

2 (6) payment of reasonable administrative costs
3 and carrying charges related to the planning and execution of
4 plans and projects;

5 (7) economic and marketing studies to
6 determine the economic condition of an area and to determine
7 the viability of certain economic ventures proposed for the
8 metropolitan redevelopment area;

9 (8) issuance of bonds, grants or loans as
10 authorized by the Metropolitan Redevelopment Code in accordance
11 with the requirements of that code; and

12 (9) grants to nonprofit corporations, local
13 development corporations or entities organized under Section
14 301 (d) of the federal Small Business Investment Act of 1958
15 for the purposes of carrying out the provisions of the
16 Metropolitan Redevelopment Code;

17 [~~E.~~] M. provided that [~~all~~] payments made by the
18 municipality or metropolitan redevelopment agency under the
19 terms of a contract for reconstruction or rehabilitation of
20 private property shall be made from a special fund created for
21 that purpose and shall not be paid directly to [~~such~~] the
22 property owner but shall instead be paid to the contractor by
23 the municipality or agency from such fund upon proper
24 authorization of the property owner and notification that the
25 terms of the contract have been fulfilled. However, [~~all such~~]

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1 those rehabilitation contracts shall be between the property
2 owner and the contractor after a sealed bidding procedure and
3 award of contract approved by the municipality has taken place;

4 ~~[M.]~~ N. the municipality is empowered in a
5 metropolitan redevelopment project, rehabilitation or
6 conservation undertaking or activity to exercise the following
7 powers in one or more metropolitan redevelopment areas to
8 include the elimination and prevention of the development or
9 spread of slums or blight and may involve slum clearance and
10 redevelopment in ~~[any such]~~ that area or rehabilitation or
11 conservation in ~~[any such]~~ that area or any combination or part
12 ~~[thereof]~~ of those areas in accordance with a metropolitan
13 redevelopment area plan and for undertakings or activities of a
14 municipality in ~~[any]~~ a metropolitan redevelopment area to
15 eliminate the conditions ~~[which]~~ that caused an area to be so
16 designated ~~[such an area]~~ and may include ~~[any or all of]~~ the
17 following:

18 (1) acquisition of real property within the
19 metropolitan redevelopment area pursuant to any powers and for
20 purposes enumerated in the Metropolitan Redevelopment Code;

21 (2) clearing the land, grading the land and
22 replatting the land in accordance with the metropolitan
23 redevelopment plan; installation, construction or
24 reconstruction of roads, streets, gutters, sidewalks, storm
25 drainage facilities, water lines or water supply installations,

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1 sewer lines and sewage disposal installations, steam, gas and
2 electric lines and installations, airport facilities and
3 construction of any other needed public facilities or buildings
4 whether on or off the site if deemed necessary by the local
5 governing body to prepare the land in the metropolitan
6 redevelopment area for residential, commercial, industrial and
7 public use in accordance with the metropolitan redevelopment
8 plan; and

9 (3) making the land available for development
10 by private enterprise or public agencies, including sale,
11 initial leasing, leasing or retention by the municipality
12 itself, at its fair market value for uses in accordance with
13 the metropolitan redevelopment plan for the area; provided that
14 no more than one-third of the land shall be made available for
15 development by private enterprise;

16 [N.] 0. the municipality is empowered in a
17 metropolitan redevelopment area to undertake slum clearance and
18 redevelopment ~~[which]~~ that includes:

19 (1) acquisition of a slum area or a blighted
20 area or portion thereof;

21 (2) demolition and removal of buildings and
22 improvements;

23 (3) installation, construction,
24 reconstruction, maintenance and operation of streets,
25 utilities, storm drainage facilities, curbs and gutters, parks,

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1 playgrounds, single- or multi-family dwelling units, buildings,
2 public buildings, including [~~but not limited to~~] parking
3 facilities, transportation centers, safety buildings and other
4 improvements, necessary for carrying out in the area the
5 provisions of an approved plan for the area; and

6 (4) making the real property available for
7 development or redevelopment by private enterprise or public
8 agencies, including sale, leasing or retention by the
9 municipality itself, [~~as~~] at its fair value for uses in
10 accordance with the metropolitan redevelopment area plan;
11 provided that no more than one-third of the land shall be made
12 available for development or redevelopment by private
13 enterprise; and

14 [~~0.~~] P. the municipality is empowered to engage in
15 rehabilitation or conservation [~~which~~] that includes the
16 restoration and renewal of a slum or blighted area or portion
17 thereof in accordance with any approved plan, by:

18 (1) carrying out plans for a program of
19 voluntary or compulsory repair and rehabilitation of buildings
20 or other improvements;

21 (2) acquisition of real property and
22 demolition or removal of buildings and improvements thereon
23 where necessary to eliminate unhealthful, [~~unsanitary~~]
24 insanitary or unsafe conditions, lessen or increase density,
25 eliminate obsolete or other uses detrimental to the public

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1 welfare or to otherwise remove or prevent the spread of blight
2 or deterioration or to provide land for needed public
3 facilities;

4 (3) installation, construction or
5 reconstruction of streets, utilities, parks, playgrounds and
6 other improvements necessary for carrying out in the area the
7 provisions of the Metropolitan Redevelopment Code;

8 (4) the disposition of any property acquired
9 in such an area, including sale, leasing or retention by the
10 municipality itself, for uses in accordance with such an
11 approved plan; provided that no more than one-third of any
12 property acquired shall be disposed of to private enterprise;

13 (5) acquisition of real property in the area
14 [~~which~~] that, under a metropolitan redevelopment plan, is to be
15 repaired or rehabilitated;

16 (6) repair or rehabilitation of structures
17 within the area;

18 (7) power to resell repaired or rehabilitated
19 property;

20 (8) acquisition, without regard to [~~any~~] a
21 requirement that the area be a slum or blighted area, of air-
22 rights in an area consisting principally of land on which is
23 located a highway, railway, bridge or subway tracks or tunnel
24 entrance or other similar facilities [~~which~~] that have a
25 blighting influence on the surrounding area and over which air-

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1 rights sites are to be developed for the elimination of such
2 blighting influences; and

3 (9) making loans or grants or authorizing the
4 use of the proceeds of bonds issued pursuant to the
5 Metropolitan Redevelopment Code for the purpose of repairing,
6 remodeling, modifying or otherwise reconstructing a building
7 [~~or buildings~~] located in the metropolitan redevelopment area.
8 Such rehabilitation or conservation with use of funds expended
9 by authority of the Metropolitan Redevelopment Code or by
10 metropolitan revenue bonds authorized by that code shall be
11 authorized only after approval by the local governing body and
12 after it has been determined that such expenditure is in
13 accordance with the metropolitan redevelopment plan for that
14 area."

15 Section 8. Section 3-60A-11 NMSA 1978 (being Laws 1979,
16 Chapter 391, Section 11, as amended) is amended to read:

17 "3-60A-11. EMINENT DOMAIN.--

18 A. A municipality shall have the right to acquire
19 by condemnation [~~any~~] an interest in real property, including a
20 fee simple title [~~thereto~~], which it may deem necessary for or
21 in connection with a metropolitan redevelopment project under
22 the Redevelopment Law. A municipality may exercise the power
23 of eminent domain in the manner provided by the Eminent Domain
24 Code or, when found appropriate by the governing body, the
25 special alternative procedure for condemnation of property as

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1 provided by Sections 42-2-1 through 42-2-24 NMSA 1978.
2 Property already devoted to a public use may be acquired in
3 like manner. However, no real property belonging to the state
4 or any political subdivision thereof may be acquired without
5 its consent unless in a manner authorized by law.

6 B. When the condemnation is for a metropolitan
7 redevelopment project based upon substantial diverse ownership,
8 a municipality shall pay to those entitled to receive just
9 compensation for the property condemned one hundred fifteen
10 percent of the appraised fair market value of the property."

11 Section 9. Section 3-60A-12 NMSA 1978 (being Laws 1979,
12 Chapter 391, Section 12) is amended to read:

13 "3-60A-12. DISPOSAL OF PROPERTY.--

14 A. A municipality may sell, lease or otherwise
15 transfer no more than one-third of real property or any
16 interest [~~therein~~] in real property acquired by it in a
17 metropolitan redevelopment area and may enter into contracts
18 with respect [~~thereto~~] to the real property for residential,
19 commercial, industrial or other uses or for public use or may
20 retain such property or interest for public use in accordance
21 with the metropolitan redevelopment plan, subject to any
22 covenants, conditions and restrictions, including covenants
23 running with the land and including the incorporation by
24 reference [~~therein~~] in the covenants of the provisions of a
25 metropolitan redevelopment plan or any part thereof, as it may

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1 deem to be in the public interest or necessary to carry out the
2 purposes of the metropolitan redevelopment plan. The
3 purchasers or lessees and their successors and assigns shall be
4 obligated to devote the real property only to the uses
5 specified in the metropolitan redevelopment plan for a period
6 of years as set out in the sale or lease agreement and may be
7 obligated to comply with other requirements ~~[which]~~ that the
8 municipality may determine to be in the public interest,
9 including the obligation to begin within a reasonable time any
10 improvements on real property required by the metropolitan
11 redevelopment plan. The real property or interest shall be
12 sold, leased, otherwise transferred or retained at not less
13 than its fair value for uses in accordance with the
14 Redevelopment Law as determined by the governing body of the
15 municipality or by the metropolitan redevelopment agency, if so
16 authorized. In determining the fair value of real property for
17 uses in accordance with the metropolitan redevelopment plan, a
18 municipality shall take into account and give consideration to
19 the uses provided in the plan, the restrictions upon and the
20 covenants, conditions and obligations assumed by the purchaser
21 or lessee or by the municipality retaining the property and the
22 objectives of the plan for the prevention of and recurrence of
23 slum or blighted areas. The municipality in any instrument of
24 conveyance to a private purchaser or lessee may provide that
25 the purchaser or lessee shall be without power to sell, lease

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1 or otherwise transfer the real property without the prior
2 written consent of the municipality until [~~he~~] the purchaser or
3 lessee has completed the construction of any and all
4 improvements [~~which he~~] that the purchaser or lessee has been
5 obligated [~~himself~~] to construct [~~thereon~~] on the real
6 property. Real property acquired by a municipality [~~which~~]
7 that, in accordance with the provisions of the metropolitan
8 redevelopment plan, is to be transferred shall be transferred
9 consistent with the carrying out of the provisions of the plan.
10 The inclusion in any contract or conveyance to a purchaser or
11 lessee of covenants, restrictions or conditions, including the
12 incorporation by reference [~~therein~~] in the covenants of the
13 provisions of a metropolitan redevelopment plan or any part
14 thereof, shall not prevent the filing of the contract or
15 conveyance in the land records of the county in a manner as to
16 afford actual or constructive notice thereof.

17 B. A municipality may dispose of no more than one-
18 third of the real property in a metropolitan redevelopment area
19 to private persons and only in accordance with the procedures
20 set out in this subsection. The municipality shall, prior to
21 entering into any agreement to convey title or an interest in
22 real property, publish a public notice once each week for at
23 least two consecutive weeks of the date, time and place it will
24 receive proposals for the purchase, lease or rental, for
25 development or redevelopment purposes, of the real property or

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1 interest [~~therein~~] in the real property it intends to dispose
2 of. The public notice shall contain sufficient information to
3 describe the location of the real property, the type of
4 development sought or land use requirement and the selection
5 criteria the municipality will follow during review of
6 proposals and shall state that details may be obtained at the
7 office designated in the notice. The municipality shall
8 consider all proposals submitted in accordance with the public
9 notice and shall only accept proposals it deems in the public
10 interest and meeting the objectives of the metropolitan
11 redevelopment plan after considering the type of development,
12 redevelopment or use proposed and the financial ability of the
13 persons making [~~such~~] the proposals to carry them out.

14 C. If after following the procedures set out in
15 Subsection B of this section a municipality receives no
16 proposals or determines the ones received are not in accordance
17 with the call for proposals or do not meet the objectives of
18 the Metropolitan Redevelopment Code, the municipality may
19 reject any proposals received and then dispose of [~~such~~] the
20 real property through reasonable negotiating procedures;
21 provided, however, that negotiated sales, leases or transfers
22 must be reported to the local governing body and approved by
23 that body before [~~such~~] the sale, lease or transfer may take
24 effect.

25 D. A municipality may operate and maintain real

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1 property acquired in a metropolitan redevelopment area pending
2 the disposition of the property for development or
3 redevelopment without regard to the provisions of Subsection A
4 of this section for any uses and purposes deemed desirable even
5 though not in conformity with the Redevelopment Law."

6 Section 10. Section 3-60A-27 NMSA 1978 (being Laws 1979,
7 Chapter 391, Section 27) is amended to read:

8 "3-60A-27. DEFINITIONS.--As used in the Redevelopment
9 Bonding Law:

10 A. "revenue bonds" means bonds, notes or other
11 securities evidencing an obligation and issued pursuant to the
12 powers granted by the Metropolitan Redevelopment Code by a
13 municipality for purposes authorized by that code;

14 B. "finance" or "financing" means the issuing of
15 bonds by a municipality and the use of substantially all of the
16 proceeds [~~therefrom~~] from the bonds pursuant to a financing
17 agreement with the user to pay or to reimburse the user or its
18 designee for the costs of the acquisition or construction of a
19 project, whether these costs are incurred by the municipality,
20 the user or a designee of the user; provided that title to or
21 in the project may at all times remain in the user, and, in
22 such case, the bonds of the municipality may be secured by
23 mortgage or other lien upon the project or upon any other
24 property of the user or both granted by the user or by a pledge
25 of one or more notes, debentures, bonds or other secured or

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1 unsecured debt obligations of the user as the governing body
2 deems advisable, but no municipality shall be authorized hereby
3 to pledge any of its property or to otherwise secure the
4 payment of any bonds with its property, except that the
5 municipality may pledge the property of the project or revenues
6 ~~[therefrom]~~ from the project;

7 C. "financing agreement" includes a lease,
8 sublease, ~~[installment purchase agreement]~~ rental agreement
9 ~~[option to purchase or any other agreement]~~ or any combination
10 thereof entered into in connection with the financing of a
11 project pursuant to the Metropolitan Redevelopment Code;

12 D. "mortgage" means a deed of trust or any other
13 security device for both real and personal property;

14 E. "ordinance" means an ordinance of a municipality
15 financing or refinancing an activity involving or affecting
16 improvement or improvements;

17 F. "project" means an activity ~~[which]~~ that can be
18 funded or refinanced by revenue bonds issued pursuant to the
19 Redevelopment Bonding Law for the purpose of acquiring,
20 improving, rehabilitating, conserving, financing, or
21 refinancing, erecting or building new or improved facilities,
22 on land, building or buildings or any other improvement or
23 improvements, site or any other activity authorized by the
24 Metropolitan Redevelopment Code for projects or activities
25 located within the boundaries of a metropolitan redevelopment

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1 area. The revenue bonds may be used for the projects hereafter
2 enumerated for any purpose or use in such project, except that
3 no funds shall be used for inventories, raw materials or other
4 working capital, whether or not in existence, suitable or used
5 for or in connection with any of the following projects:

6 (1) manufacturing, industrial, commercial or
7 business enterprises, including [~~without limitation~~]
8 enterprises engaged in storing, warehousing, distributing,
9 selling or transporting any products of industry, commerce,
10 manufacturing or business or any utility plant;

11 (2) hospital, health-care or nursing-home
12 facilities, including [~~without limitation~~] clinics and out-
13 patient facilities and facilities for the training of hospital,
14 health care or nursing home personnel;

15 (3) residential facilities intended for use as
16 the place of residence by the owners or intended occupants;

17 (4) sewage or solid waste disposal facilities;

18 (5) facilities for the furnishing of water, if
19 available, on reasonable demand to members of the general
20 public;

21 (6) facilities for the furnishing of energy or
22 gas;

23 (7) sports and recreational facilities;

24 (8) convention or trade show facilities; and

25 (9) research, product testing and

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underscored material = new
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1 administrative facilities;

2 G. "state" means the state of New Mexico;

3 H. "user" means one or more persons who enter into
4 a financing agreement with a municipality relating to a
5 project, except that the user need not be the person actually
6 occupying, operating or maintaining the project; and

7 I. "utility plant" means any facility used for or
8 in connection with the generation, production, transmission or
9 distribution of electricity; the production, manufacture,
10 storage or distribution of gas; the transportation or
11 conveyance of gas, oil or other fluid substance by pipeline; or
12 the diverting, developing, pumping, impounding, distributing or
13 furnishing of water."

14 Section 11. Section 3-60A-28 NMSA 1978 (being Laws 1979,
15 Chapter 391, Section 28) is amended to read:

16 "3-60A-28. GENERAL POWERS.--~~[A.]~~ In addition to any other
17 powers, each municipality has the following powers:

18 ~~[(1)]~~ A. to acquire, whether by construction,
19 purchase, gift, devise, lease or sublease, to improve and equip
20 and to finance ~~[sell]~~ or lease ~~[or otherwise dispose of]~~ one or
21 more projects or part thereof. If a municipality issues
22 revenue bonds as provided by the Metropolitan Redevelopment
23 Code to finance or acquire projects, such projects shall be
24 located within the municipality and within a metropolitan
25 redevelopment area;

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underscored material = new
[bracketed material] = delete

1 [~~(2)~~] B. to enter into financing agreements with
2 others for the purpose of providing revenues to pay the bonds
3 authorized by the Redevelopment Bonding Law; to lease [~~sell or~~
4 ~~otherwise dispose of~~] any or all of its projects to others for
5 such revenues and upon such terms and conditions as the local
6 governing body may deem advisable; and to grant options to
7 renew any lease or other agreement with respect to the project
8 and to grant options to buy any project at such price as the
9 local governing body deems desirable;

10 [~~(3)~~] C. to issue revenue bonds for the purpose of
11 defraying the cost of financing, acquiring, improving and
12 equipping any project, including the payment of principal and
13 interest on [~~such~~] the bonds for a period not to exceed three
14 years and all other incidental expenses incurred in issuing
15 [~~such~~] the bonds; and

16 [~~(4)~~] D. to secure payment of [~~such~~] revenue bonds
17 as provided in the Redevelopment Bonding Law."

18 Section 12. REPEAL.--Sections 3-46-1 through 3-46-42,
19 3-46-44, 3-46-45, 3-60-1 through 3-60-37 and 3-60A-6 NMSA 1978
20 (being Laws 1965, Chapter 300, Section 14-47-1, Laws 1971,
21 Chapter 200, Section 2, Laws 1969, Chapter 221, Sections 1
22 through 20, Laws 1971, Chapter 200, Sections 5 through 7, Laws
23 1965, Chapter 300, Sections 14-47-3 through 14-47-9, Laws 1969,
24 Chapter 279, Section 1, Laws 1965, Chapter 300, Sections
25 14-47-10 through 14-47-18, Laws 1971, Chapter 200, Section 22,
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underscoring material = new
~~[bracketed material] = delete~~

1 Laws 1975, Chapter 333, Section 2, Laws 1975, Chapter 341,
2 Sections 1 through 37 and Laws 1979, Chapter 391, Section 6, as
3 amended) are repealed.

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