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HOUSE BILL 393

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO DEVELOPMENT; REPEALING SECTIONS OF THE URBAN DEVELOPMENT LAW; REPEALING THE COMMUNITY DEVELOPMENT LAW; REMOVING 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~~] revenue for the state and municipalities and reduces  
9 the use of buildings, residential dwellings and other  
10 facilities in the area that the prevention and elimination of  
11 slum areas and blighted areas and the prevention and  
12 elimination of conditions [~~which~~] that impair the sound and  
13 orderly development of municipalities is a matter of state  
14 policy and concern in order that the state and its  
15 municipalities shall not continue to be endangered by these  
16 areas [~~which~~] that contribute little to the tax income of the  
17 state and its municipalities and that consume an excessive  
18 proportion of its revenues because of the extra services  
19 required for police, fire, accident, hospitalization or other  
20 forms of public protection, services and facilities.

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

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

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

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

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

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

16 "3-60A-3. LEGISLATIVE INTENT.--

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

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1 mitigate the serious threat of extensive unemployment in a  
2 metropolitan redevelopment area and to secure and maintain a  
3 balanced and stable economy in an area declared to be a slum or  
4 blighted area.

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

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

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1           D. It is not intended by the Metropolitan  
2 Redevelopment Code to authorize any municipality to operate any  
3 manufacturing, industrial, commercial or business enterprise or  
4 any research, product-testing or administrative facilities of  
5 such enterprise. Nor is it the intent of that code to prohibit  
6 the operation by a municipality of residential housing  
7 facilities, health care facilities, sewage or solid waste  
8 disposal facilities or the furnishing of water, sports or  
9 recreation facilities, convention or trade show facilities,  
10 airports, public transportation facilities or operations,  
11 parking facilities or storage or training facilities by any  
12 municipality."

13           Section 4. Section 3-60A-10 NMSA 1978 (being Laws 1979,  
14 Chapter 391, Section 10) is amended to read:

15           "3-60A-10. POWERS OF MUNICIPALITY.--~~Every~~ A  
16 municipality shall have all the powers, other than the power of  
17 eminent domain, necessary or convenient to carry out and  
18 effectuate the purposes and provisions of the Metropolitan  
19 Redevelopment Code, including but not necessarily limited to  
20 the following powers:

21           A. to undertake and carry out metropolitan  
22 redevelopment projects within its area of operation, including  
23 clearance and redevelopment, rehabilitation, conservation and  
24 development activities and programs; to make, enter into and  
25 execute contracts and other agreements and instruments

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1 necessary or convenient to the exercise of its powers under the  
2 Redevelopment Law; and to disseminate information regarding  
3 slum clearance, prevention of blight and the metropolitan  
4 redevelopment projects and areas;

5 B. to provide, arrange or contract for the  
6 furnishing or repair by ~~[any]~~ a public or private person or  
7 agency for services, privileges, works, streets, roads, public  
8 utilities, public buildings or other facilities for or in  
9 connection with a metropolitan redevelopment project; to,  
10 within its area of operation, install, acquire, construct,  
11 reconstruct, remodel, rehabilitate, maintain and operate  
12 streets, utilities, parks, buildings, playgrounds and public  
13 buildings, including but not limited to parking facilities,  
14 transportation centers, public safety buildings and other  
15 public improvements or facilities or improvements for public  
16 purposes, as may be required by the municipality, the state or  
17 a political subdivision of the state; to agree to ~~[any]~~  
18 conditions that it may deem reasonable and appropriate ~~[which]~~  
19 that are attached to federal financial assistance and imposed  
20 pursuant to federal law, including conditions relating to the  
21 determination of prevailing salaries or wages or compliance  
22 with federal and state labor standards, compliance with federal  
23 property acquisition policy and the provision of relocation  
24 assistance in accordance with federal law in the undertaking or  
25 carrying out of a metropolitan redevelopment project; and to

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1 include in [~~any~~] a contract let in connection with the project  
2 provisions to fulfill [~~any of~~] these conditions as it may deem  
3 reasonable and appropriate; provided, however, that all  
4 purchases of personal property shall be in accordance with the  
5 [~~Public Purchases Act~~] Procurement Code;

6 C. within its area of operation, to inspect any  
7 building or property in [~~any~~] a metropolitan redevelopment area  
8 in order to make surveys, appraisals, soundings or test borings  
9 and to obtain an order for this purpose from a court of  
10 competent jurisdiction in the event inspection is denied by the  
11 property owner or occupant; to acquire, by purchase, lease,  
12 option, gift, grant, bequest, devise [~~eminent domain~~] or  
13 otherwise, any real property or personal property for its  
14 administrative or project purposes, together with any  
15 improvements thereon; to hold, improve, clear or prepare for  
16 redevelopment any such property; to mortgage, pledge,  
17 hypothecate or otherwise encumber or dispose of any real  
18 property; to insure or provide for the insurance of [~~any~~] real  
19 or personal property or operations of the municipality against  
20 [~~any~~] risks or hazards, including the power to pay premiums on  
21 [~~any such~~] that insurance; and to enter into [~~any~~] contracts  
22 necessary to effectuate the purposes of the Metropolitan  
23 Redevelopment Code;

24 D. to invest [~~any~~] metropolitan redevelopment  
25 project funds held in reserve, sinking funds or other project

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1 funds ~~[which]~~ that are not required for immediate disbursement  
2 in property or securities in which municipalities may legally  
3 invest funds subject to their control; to redeem bonds as have  
4 been issued pursuant to the Metropolitan Redevelopment Code at  
5 the redemption price established ~~[therein]~~ in the bonds or to  
6 purchase the bonds at less than redemption price. ~~[All]~~ Bonds  
7 so redeemed or purchased shall be canceled;

8 E. to borrow or lend money subject to those  
9 procedures and limitations as may be provided in the  
10 constitution of New Mexico or the Municipal Code and to apply  
11 for and accept advances, loans, grants, contributions and ~~[any]~~  
12 other ~~[form]~~ forms of financial assistance from the federal  
13 government, the state, the county or other public body or from  
14 ~~[any]~~ sources, public or private, for the purposes of the  
15 Metropolitan Redevelopment Code; and to give security as may be  
16 required and subject to the provisions and limitations of  
17 general law except as may otherwise be provided by the  
18 Redevelopment Law and to enter into and carry out contracts in  
19 connection ~~[therewith]~~ with that law. A municipality may  
20 include in ~~[any]~~ a contract for financial assistance with the  
21 federal government for a metropolitan redevelopment project  
22 conditions imposed pursuant to federal law ~~[which]~~ that the  
23 municipality may deem reasonable or appropriate and ~~[which]~~  
24 that are not inconsistent with the purposes of the Metropolitan  
25 Redevelopment Code;

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1 F. within its area of operation, to make ~~[all]~~  
2 plans necessary for the carrying out of the purposes of the  
3 Metropolitan Redevelopment Code and to contract with any  
4 person, public or private, in making and carrying out such  
5 plans and to adopt or approve, modify and amend the plans. The  
6 plans may include without limitation:

7 (1) a general plan for redevelopment of the  
8 metropolitan area as a whole;

9 (2) redevelopment plans for specific areas;

10 (3) plans for programs of voluntary or  
11 assisted repair and rehabilitation of buildings and  
12 improvements;

13 (4) plans for the enforcement of state and  
14 local laws, codes and regulations relating to the use of land  
15 and the use and occupancy of buildings and improvements and to  
16 the compulsory repair, rehabilitation, demolition or removal of  
17 buildings and improvements; and

18 (5) appraisals, title searches, surveys,  
19 studies and other preliminary plans and work necessary to  
20 prepare for the undertaking of metropolitan redevelopment  
21 projects; ~~[The municipality is authorized]~~

22 G. to develop, test and report methods and  
23 techniques and carry out demonstrations and other activities  
24 for the prevention and elimination of slums and urban blight  
25 and to pay for, accept and ~~[utilize]~~ use grants of funds from

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1 the federal government for [~~such~~] those purposes;

2 [~~G.~~] H. to prepare plans for the relocation of  
3 families displaced from a metropolitan redevelopment area to  
4 the extent essential for acquiring possession of and clearing  
5 the area or its parts or permit the carrying out of the  
6 metropolitan redevelopment project;

7 [~~H.~~] I. to appropriate under existing authority the  
8 funds and make expenditures necessary to carry out the purposes  
9 of the Metropolitan Redevelopment Code and under existing  
10 authority to levy taxes and assessments for such purposes; to  
11 close, vacate, plan or replan streets, roads, sidewalks, ways  
12 or other places; in accordance with applicable law or  
13 ordinances, to plan or replan, zone or rezone any part of the  
14 municipality or make exceptions from building regulations; and  
15 to enter into agreements with a metropolitan redevelopment  
16 agency vested with metropolitan redevelopment project powers,  
17 which agreements may extend over any period, notwithstanding  
18 any provision or rule of law to the contrary, respecting action  
19 to be taken by [~~such~~] the municipality pursuant to [~~any of~~] the  
20 powers granted by the Redevelopment Law;

21 [~~F.~~] J. within its area of operation, to organize,  
22 coordinate and direct the administration of the provisions of  
23 the Redevelopment Law as they apply to the municipality in  
24 order that the objective of remedying slum areas and blighted  
25 areas and preventing the causes of [~~same~~] those areas within

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1 the municipality may be most effectively promoted and achieved  
2 and to establish any new office [~~or offices~~] of the  
3 municipality or to reorganize existing offices as necessary;

4 [~~J.~~] K. to acquire real property [~~in addition to~~  
5 ~~power elsewhere conferred herein, which~~] that is appropriate  
6 for the preservation or restoration of historic sites; the  
7 beautification of urban land; the conservation of open spaces,  
8 natural resources and scenic areas; or the provision of  
9 recreational opportunities; or that is to be used for public  
10 purposes;

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

13 (1) acquisition, construction, reconstruction  
14 or installation of public works, facilities and site or other  
15 improvements, including but not limited to neighborhood  
16 facilities, senior citizen centers, historic properties,  
17 utilities, streets, street lights, water and sewer facilities,  
18 including connections for residential users, foundations and  
19 platforms for air-rights sites, pedestrian malls and walkways,  
20 parks, playgrounds and other recreation facilities, flood and  
21 drainage facilities, parking facilities, solid waste disposal  
22 facilities and fire protection or health facilities [~~which~~]  
23 that serve designated areas;

24 (2) special projects directed to the removal  
25 of materials and architectural barriers [~~which~~] that restrict

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1 the mobility and accessibility of elderly and [~~handicapped~~]  
2 disabled persons;

3 (3) provision of public services in the  
4 metropolitan redevelopment area [~~which~~] that are not otherwise  
5 available in the area, including but not limited to the  
6 provisions of public services directed to the employment,  
7 economic development, crime prevention, child care, health,  
8 drug abuse, welfare or recreation needs of the people who  
9 reside in the metropolitan redevelopment area;

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

13 (5) if federal funds are used in the project  
14 to provide for payment of relocation costs and assistance to  
15 individuals, families, businesses, organizations and farm  
16 operations displaced as a direct result of a metropolitan  
17 redevelopment project in accordance with applicable law  
18 governing such payment;

19 (6) payment of reasonable administrative costs  
20 and carrying charges related to the planning and execution of  
21 plans and projects;

22 (7) economic and marketing studies to  
23 determine the economic condition of an area and to determine  
24 the viability of certain economic ventures proposed for the  
25 metropolitan redevelopment area;

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

4 (9) grants to nonprofit corporations, local  
5 development corporations or entities organized under Section  
6 301 (d) of the federal Small Business Investment Act of 1958  
7 for the purposes of carrying out the provisions of the  
8 Metropolitan Redevelopment Code;

9 [~~L. provided that all~~] M. if payments are to be  
10 made by the municipality or metropolitan redevelopment agency  
11 under the terms of a contract for reconstruction or  
12 rehabilitation of private property payments shall be made from  
13 a special fund created for that purpose and shall not be paid  
14 directly to [~~such~~] the property owner but shall instead be paid  
15 to the contractor by the municipality or agency from such fund  
16 upon proper authorization of the property owner and  
17 notification that the terms of the contract have been  
18 fulfilled. However, [~~all such~~] those rehabilitation contracts  
19 shall be between the property owner and the contractor after a  
20 sealed bidding procedure and award of contract approved by the  
21 municipality has taken place;

22 [~~M. the municipality is empowered~~] N. in a  
23 metropolitan redevelopment project or rehabilitation or  
24 conservation undertaking or activity, to exercise the following  
25 powers in one or more metropolitan redevelopment areas to

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~~[bracketed material]~~ = delete

1 include the elimination and prevention of the development or  
2 spread of slums or blight and may involve slum clearance and  
3 redevelopment in ~~[any such]~~ that area or rehabilitation or  
4 conservation in ~~[any such]~~ that area or any combination or part  
5 ~~[thereof]~~ of those areas in accordance with a metropolitan  
6 redevelopment ~~[area]~~ plan and for undertakings or activities of  
7 a municipality in ~~[any]~~ a metropolitan redevelopment area to  
8 eliminate the conditions ~~[which]~~ that caused an area to be so  
9 designated ~~[such an area]~~ and may include ~~[any or all of]~~ the  
10 following:

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

14 (2) clearing the land, grading the land and  
15 replatting the land in accordance with the metropolitan  
16 redevelopment plan; installation, construction or  
17 reconstruction of roads, streets, gutters, sidewalks, storm  
18 drainage facilities, water lines or water supply installations,  
19 sewer lines and sewage disposal installations, steam, gas and  
20 electric lines and installations, airport facilities and  
21 construction of any other needed public facilities or buildings  
22 whether on or off the site if deemed necessary by the local  
23 governing body to prepare the land in the metropolitan  
24 redevelopment area for residential, commercial, industrial and  
25 public use in accordance with the metropolitan redevelopment

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1 plan; and

2 (3) making the land available for development  
3 by private enterprise or public agencies, including sale,  
4 initial leasing, leasing or retention by the municipality  
5 itself, at its fair market value for uses in accordance with  
6 the metropolitan redevelopment plan for the area;

7 [~~N.~~] O. the municipality is empowered in a  
8 metropolitan redevelopment area to undertake slum clearance and  
9 redevelopment [~~which~~] that includes:

10 (1) acquisition of a slum area or a blighted  
11 area or portion thereof;

12 (2) demolition and removal of buildings and  
13 improvements;

14 (3) installation, construction,  
15 reconstruction, maintenance and operation of streets,  
16 utilities, storm drainage facilities, curbs and gutters, parks,  
17 playgrounds, single- or multi-family dwelling units, buildings,  
18 public buildings, including but not limited to parking  
19 facilities, transportation centers, safety buildings and other  
20 improvements, necessary for carrying out in the area the  
21 provisions of an approved plan for the area; and

22 (4) making the real property available for  
23 development or redevelopment by private enterprise or public  
24 agencies, including sale, leasing or retention by the  
25 municipality itself, [~~as~~] at its fair value for uses in

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1 accordance with the metropolitan redevelopment area plan; and  
2 ~~[0. the municipality is empowered]~~ P. to engage in  
3 rehabilitation or conservation ~~[which]~~ that includes the  
4 restoration and renewal of a slum or blighted area or portion  
5 thereof in accordance with any approved plan, by:

6 (1) carrying out plans for a program of  
7 voluntary or compulsory repair and rehabilitation of buildings  
8 or other improvements;

9 (2) acquisition of real property and  
10 demolition or removal of buildings and improvements thereon  
11 where necessary to eliminate unhealthful, unsanitary or unsafe  
12 conditions, lessen or increase density, eliminate obsolete or  
13 other uses detrimental to the public welfare or to otherwise  
14 remove or prevent the spread of blight or deterioration or to  
15 provide land for needed public facilities;

16 (3) installation, construction or  
17 reconstruction of streets, utilities, parks, playgrounds and  
18 other improvements necessary for carrying out in the area the  
19 provisions of the Metropolitan Redevelopment Code;

20 (4) the disposition of any property acquired  
21 in such an area, including sale, leasing or retention by the  
22 municipality itself, for uses in accordance with such an  
23 approved plan;

24 (5) acquisition of real property in the area  
25 which, under a plan, is to be repaired or rehabilitated;

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1 (6) repair or rehabilitation of structures  
2 within the area;

3 (7) power to resell repaired or rehabilitated  
4 property;

5 (8) acquisition, without regard to any  
6 requirement that the area be a slum or blighted area, of air-  
7 rights in an area consisting principally of land on which is  
8 located a highway, railway, bridge or subway tracks or tunnel  
9 entrance or other similar facilities ~~which~~ that have a  
10 blighting influence on the surrounding area and over which air-  
11 rights sites are to be developed for the elimination of such  
12 blighting influences; and

13 (9) making loans or grants or authorizing the  
14 use of the proceeds of bonds issued pursuant to the  
15 Metropolitan Redevelopment Code for the purpose of repairing,  
16 remodeling, modifying or otherwise reconstructing a building or  
17 buildings located in the metropolitan redevelopment area. Such  
18 rehabilitation or conservation with use of funds expended by  
19 authority of the Metropolitan Redevelopment Code or by  
20 metropolitan revenue bonds authorized by that code shall be  
21 authorized only after approval by the local governing body and  
22 after it has been determined that such expenditure is in  
23 accordance with the metropolitan redevelopment plan for that  
24 area."

25 Section 5. Section 3-60A-15 NMSA 1978 (being Laws 1979,

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1 Chapter 391, Section 15) is amended to read:

2 "3-60A-15. EXERCISE OF POWERS IN CARRYING OUT PROJECTS.--

3 A. The local governing body may directly exercise  
4 its metropolitan redevelopment project powers or it may, by  
5 ordinance if it determines such action to be in the public  
6 interest, elect to delegate the exercise of such powers to the  
7 metropolitan redevelopment agency created pursuant to the  
8 Redevelopment Law. If the local governing body so determines,  
9 the agency shall be vested with all of the powers in the same  
10 manner as though all the powers were conferred on the agency or  
11 authority instead of the municipality.

12 B. As used in this section, the term "redevelopment  
13 project powers" includes any rights, powers, functions and  
14 duties of a municipality authorized by the Redevelopment Law  
15 except the following, which are reserved to the local governing  
16 body; the power to:

17 (1) declare an area to be a slum or a blighted  
18 area or combination thereof and to designate the area as  
19 appropriate for a redevelopment project;

20 (2) approve or amend redevelopment plans;

21 (3) approve a general plan for the  
22 municipality as a whole;

23 (4) make findings of necessity prior to  
24 preparation of a metropolitan redevelopment plan as provided in  
25 the Redevelopment Law and the findings and determinations

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1 required prior to approval of a metropolitan redevelopment plan  
2 or project as provided in the Redevelopment Law;

3 (5) issue general obligation bonds and revenue  
4 bonds authorized in the Municipal Code;

5 (6) approve loans or grants;

6 (7) approve leases of more than one year's  
7 duration;

8 (8) issue municipal redevelopment bonds; and

9 (9) appropriate funds [~~to~~] and levy taxes and  
10 assessments [~~and~~

11 ~~(10) exercise the power of eminent domain]."~~

12 Section 6. REPEAL.--Sections 3-46-1 through 3-46-42,  
13 3-46-44, 3-46-45, 3-60-1 through 3-60-37 and 3-60A-11 NMSA 1978  
14 (being Laws 1965, Chapter 300, Section 14-47-1, Laws 1971,  
15 Chapter 200, Section 2, Laws 1969, Chapter 221, Sections 1  
16 through 20, Laws 1971, Chapter 200, Sections 5 through 7, Laws  
17 1965, Chapter 300, Sections 14-47-3 through 14-47-9, Laws 1969,  
18 Chapter 279, Section 1, Laws 1965, Chapter 300, Sections  
19 14-47-10 through 14-47-18, Laws 1971, Chapter 200, Section 22,  
20 Laws 1975, Chapter 333, Section 2, Laws 1975, Chapter 341,  
21 Sections 1 through 37 and Laws 1979, Chapter 391, Section 11,  
22 as amended) are repealed.