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SENATE BILL 333

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO HOUSING; PROVIDING ADDITIONAL ACCOMMODATIONS FOR  
MULTIGENERATIONAL HOUSING; RESTRICTING THE ESTABLISHMENT OF  
SINGLE-FAMILY ZONING DISTRICTS.

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

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

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

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

(1) height, number of stories and size of  
buildings and other structures;

(2) percentage of a lot that may be occupied;

1                   (3) size of yards, courts and other open  
2 space;

3                   (4) density of population; and

4                   (5) location and use of buildings, structures  
5 and land for trade, industry, residence or other purposes.

6                   B. The county or municipal zoning authority may:

7                   (1) divide the territory under its  
8 jurisdiction into districts of such number, shape, area and  
9 form as is necessary to carry out the purposes of Sections  
10 3-21-1 through 3-21-14 NMSA 1978; and

11                   (2) regulate or restrict the erection,  
12 construction, reconstruction, alteration, repair or use of  
13 buildings, structures or land in each district. All such  
14 regulations shall be uniform for each class or kind of  
15 buildings within each district, but regulation in one district  
16 may differ from regulation in another district.

17                   C. All state-licensed or state-operated community  
18 residences for persons with a mental or developmental  
19 disability and serving ten or fewer persons may be considered a  
20 residential use of property for purposes of zoning and may be  
21 permitted use in all districts in which residential uses are  
22 permitted generally, including particularly residential zones  
23 for single-family dwellings.

24                   D. A board of county commissioners of the county in  
25 which the greatest amount of the territory of the petitioning

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1 village, community, neighborhood or district lies may declare  
2 by ordinance that a village, community, neighborhood or  
3 district is a "traditional historic community" upon petition by  
4 twenty-five percent or more of the qualified electors of the  
5 territory within the village, community, neighborhood or  
6 district requesting the designation. The number of qualified  
7 electors shall be based on county records as of the date of the  
8 last general election.

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

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

19 (1) accommodate multigenerational housing by  
20 creating a mechanism to allow up to two kitchens and to allow  
21 additional detached dwelling units within a single-family  
22 zoning district, such as conditional use permits;

23 (2) accommodate one additional dwelling unit  
24 within each lot in a single-family zoning district as a  
25 permissive use; and

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(3) not establish single-family zoning districts after the effective date of this 2023 act.

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

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2023.

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