

underscoring material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 311

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

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO METROPOLITAN REDEVELOPMENT; GIVING LOCAL GOVERNMENTS THE POWER OF EMINENT DOMAIN TO CARRY OUT AND EFFECTUATE THE METROPOLITAN REDEVELOPMENT CODE.

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

SECTION 1. Section 3-60A-3 NMSA 1978 (being Laws 1979, Chapter 391, Section 3, as amended) is amended to read:

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

A. It is the intent of the legislature by the passage of the Metropolitan Redevelopment Code to authorize local governments to acquire, own, lease, improve and dispose of properties in a designated metropolitan redevelopment area to the end that such local governments may be able to promote industry and develop trade or other economic activity by inducing profit or nonprofit corporations, federal governmental

underscored material = new  
[bracketed material] = delete

1 offices, hospitals and manufacturing, industrial, commercial or  
2 business enterprises to locate, expand or remain in such area,  
3 to mitigate the serious threat of extensive unemployment in a  
4 metropolitan redevelopment area and to secure and maintain a  
5 balanced and stable economy in an area declared to be a slum or  
6 blighted area.

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

21 C. It is, therefore, the intention of the  
22 legislature to vest local governments with all powers, [~~other~~  
23 ~~than~~] including the power of eminent domain, that may be  
24 necessary to enable them to accomplish such purposes, which  
25 powers shall in all respects be exercised for the benefit of

.229901.1

underscoring material = new  
[bracketed material] = delete

1 the inhabitants of this state and within the jurisdiction of  
2 the local governments of the state for the promotion of their  
3 health, safety, welfare, convenience and prosperity.

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

16 SECTION 2. Section 3-60A-10 NMSA 1978 (being Laws 1979,  
17 Chapter 391, Section 10, as amended) is amended to read:

18 "3-60A-10. POWERS OF LOCAL GOVERNMENT.--A local  
19 government shall have all the powers, [~~other than~~] including  
20 the power of eminent domain, necessary or convenient to carry  
21 out and effectuate the purposes and provisions of the  
22 Metropolitan Redevelopment Code, including the following  
23 powers:

24 A. to undertake and carry out metropolitan  
25 redevelopment projects within its area of operation, including

.229901.1

underscoring material = new  
~~[bracketed material]~~ = delete

1 clearance and redevelopment, rehabilitation, conservation and  
2 development activities and programs; to make, enter into and  
3 execute contracts and other agreements and instruments  
4 necessary or convenient to the exercise of its powers under the  
5 Redevelopment Law; and to disseminate information regarding  
6 slum clearance, prevention of blight and the metropolitan  
7 redevelopment projects and areas;

8 B. to provide, arrange or contract for the  
9 furnishing or repair by a public or private person or agency  
10 for services, privileges, works, streets, roads, public  
11 utilities, public buildings or other facilities for or in  
12 connection with a metropolitan redevelopment project; to,  
13 within its area of operation, install, acquire, construct,  
14 reconstruct, remodel, rehabilitate, maintain and operate  
15 streets, utilities, parks, buildings, playgrounds and public  
16 buildings, including parking facilities, transportation  
17 centers, public safety buildings and other public improvements  
18 or facilities or improvements for public purposes, as may be  
19 required by the local government, the state or a political  
20 subdivision of the state; to agree to conditions that it may  
21 deem reasonable and appropriate that are attached to federal  
22 financial assistance and imposed pursuant to federal law,  
23 including conditions relating to the determination of  
24 prevailing salaries or wages or compliance with federal and  
25 state labor standards, compliance with federal property

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1 acquisition policy and the provision of relocation assistance  
2 in accordance with federal law in the undertaking or carrying  
3 out of a metropolitan redevelopment project; and to include in  
4 a contract let in connection with the project provisions to  
5 fulfill these conditions as it may deem reasonable and  
6 appropriate; provided, however, that all purchases of personal  
7 property shall be in accordance with the Procurement Code;

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

25 D. to invest metropolitan redevelopment project

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1 funds held in reserve, sinking funds or other project funds  
2 that are not required for immediate disbursement in property or  
3 securities in which local governments may legally invest funds  
4 subject to their control; to redeem bonds as have been issued  
5 pursuant to the Metropolitan Redevelopment Code at the  
6 redemption price established in the bonds or to purchase the  
7 bonds at less than redemption price. Bonds so redeemed or  
8 purchased shall be canceled;

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

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1           F. within its area of operation, to make plans  
2 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 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;

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 blight and to  
25 pay for, accept and use grants of funds from the federal

.229901.1

underscoring material = new  
~~[bracketed material]~~ = delete

1 government for those purposes;

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

7 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 within  
14 the jurisdiction of the local government or make exceptions  
15 from building regulations; and to enter into agreements with a  
16 metropolitan redevelopment agency vested with metropolitan  
17 redevelopment project powers, which agreements may extend over  
18 any period, notwithstanding any provision or rule of law to the  
19 contrary, respecting action to be taken by the local government  
20 pursuant to the powers granted by the Redevelopment Law;

21 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 local government in  
24 order that the objective of remedying slum areas and blighted  
25 areas and preventing the causes of those areas within the

.229901.1



1 jurisdiction of the local government may be most effectively  
2 promoted and achieved and to establish any new office of the  
3 local government or to reorganize existing offices as  
4 necessary;

5 K. to acquire real property that is appropriate for  
6 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 L. to engage in the following activities as part of  
12 a metropolitan redevelopment project:

13 (1) acquisition, construction, reconstruction  
14 or installation of public works, facilities and site or other  
15 improvements, including neighborhood facilities, senior citizen  
16 centers, historic properties, utilities, streets, street  
17 lights, water and sewer facilities, including connections for  
18 residential users, foundations and platforms for air-rights  
19 sites, pedestrian malls and walkways, parks, playgrounds and  
20 other recreation facilities, flood and drainage facilities,  
21 parking facilities, solid waste disposal facilities and fire  
22 protection or health facilities that serve designated areas;

23 (2) special projects directed to the removal  
24 of materials and architectural barriers that restrict the  
25 mobility and accessibility of elderly and disabled persons;

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

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

8 (4) payment of the nonfederal share of any  
9 federal grant-in-aid program to the local government that will  
10 be a part of a metropolitan redevelopment project;

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

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

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

24 (8) issuance of bonds, grants or loans as  
25 authorized by the Metropolitan Redevelopment Code in accordance

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1 with the requirements of that code; and

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

7 M. in a metropolitan redevelopment project or  
8 rehabilitation or conservation undertaking or activity, to  
9 exercise the following powers in one or more metropolitan  
10 redevelopment areas to include the elimination and prevention  
11 of the development or spread of slums or blight and may involve  
12 slum clearance and redevelopment in that area or rehabilitation  
13 or conservation in that area or any combination or part of  
14 those areas in accordance with a metropolitan redevelopment  
15 plan and for undertakings or activities of a local government  
16 in a metropolitan redevelopment area to eliminate the  
17 conditions that caused an area to be so designated and may  
18 include the following:

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

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

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

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

10 (3) making the land available for development  
11 by private enterprise or public agencies, including sale,  
12 initial leasing, leasing or retention by the local government  
13 itself, at its fair market value for uses in accordance with  
14 the metropolitan redevelopment plan for the area;

15 N. the local government is empowered in a  
16 metropolitan redevelopment area to undertake slum clearance and  
17 redevelopment that includes:

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

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

22 (3) installation, construction,  
23 reconstruction, maintenance and operation of streets,  
24 utilities, storm drainage facilities, curbs and gutters, parks,  
25 playgrounds, single-family or multifamily dwelling units,

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1 buildings, public buildings, including parking facilities,  
2 transportation centers, safety buildings and other  
3 improvements, necessary for carrying out in the area the  
4 provisions of an approved plan for the area; and

5 (4) making the real property available for  
6 development or redevelopment by private enterprise or public  
7 agencies, including sale, leasing or retention by the local  
8 government itself, at its fair value for uses in accordance  
9 with the metropolitan redevelopment area plan; and

10 0. to engage in rehabilitation or conservation that  
11 includes the restoration and renewal of a slum or blighted area  
12 or portion thereof in accordance with any approved plan, by:

13 (1) carrying out plans for a program of  
14 voluntary or compulsory repair and rehabilitation of buildings  
15 or other improvements;

16 (2) acquisition of real property and  
17 demolition or removal of buildings and improvements thereon  
18 where necessary to eliminate unhealthful, unsanitary or unsafe  
19 conditions, lessen or increase density, eliminate obsolete or  
20 other uses detrimental to the public welfare or to otherwise  
21 remove or prevent the spread of blight or deterioration or to  
22 provide land for needed public facilities;

23 (3) installation, construction or  
24 reconstruction of streets, utilities, parks, playgrounds and  
25 other improvements necessary for carrying out in the area the

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1 provisions of the Metropolitan Redevelopment Code;

2 (4) the disposition of any property acquired  
3 in the area, including sale, leasing or retention by the local  
4 government itself, for uses in accordance with an approved  
5 plan;

6 (5) acquisition of real property in the area  
7 that, under a plan, is to be repaired or rehabilitated;

8 (6) repair or rehabilitation of structures  
9 within the area;

10 (7) power to resell repaired or rehabilitated  
11 property;

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

20 (9) making loans or grants or authorizing the  
21 use of the proceeds of bonds issued pursuant to the  
22 Metropolitan Redevelopment Code for the purpose of  
23 constructing, repairing, remodeling or modifying a building or  
24 buildings located in the metropolitan redevelopment area. Such  
25 rehabilitation or conservation with use of funds expended by

.229901.1

underscoring material = new  
~~[bracketed material] = delete~~

1 authority of the Metropolitan Redevelopment Code or by  
2 metropolitan revenue bonds authorized by that code shall be  
3 authorized after approval by the local government and after it  
4 has been determined that the expenditure is in accordance with  
5 the metropolitan redevelopment plan for that area."

6 - 15 -  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25