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AN ACT

RELATING TO DEVELOPMENT; ADDRESSING THE EMINENT DOMAIN POWER OF MUNICIPALITIES; 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 3-18-10 NMSA 1978 (being Laws 1973, Chapter 395, Section 1) is amended to read:

"3-18-10. POWER OF EMINENT DOMAIN--PURPOSES--  
PROCEEDINGS.--

A. Both within the municipal boundary and for a distance not extending beyond the planning and platting jurisdiction of the municipal boundary, a municipality has the power and right of condemnation of private property for public use for the purpose of:

- (1) laying out, opening and widening streets, alleys and highways or their approaches; or
- (2) constructing, maintaining and operating:
  - (a) storm drains; or
  - (b) garbage and refuse disposal areas and plants.

B. A municipality may acquire by eminent domain

1 any property within the municipality:

2 (1) for park purposes;

3 (2) to establish cemeteries or mausoleums or  
4 to acquire existing cemeteries or mausoleums; or

5 (3) for the purpose of correcting obsolete  
6 or impractical planning and platting of subdivisions. For  
7 the purpose of this paragraph, "obsolete or impractical  
8 planning and platting" applies only to property that:

9 (a) was platted prior to 1971;

10 (b) has remained vacant and unimproved;

11 and

12 (c) threatens the health, safety and  
13 welfare of persons or property due to erosion, flooding and  
14 inadequate drainage.

15 C. Condemnation proceedings pursuant to this  
16 section shall be in the manner provided by law."

17 Section 2. Section 3-46-43 NMSA 1978 (being Laws 1965,  
18 Chapter 300, Section 14-47-19, as amended) is amended to  
19 read:

20 "3-46-43. ORDINANCES RELATING TO REPAIR, CLOSING AND  
21 DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION--  
22 COMPLAINT--SERVICE OF COMPLAINT--APPEAL.--

23 A. Whenever a municipality finds that there exist  
24 dwellings that are unfit for human habitation due to  
25 dilapidation; defects increasing the hazards of fire,

1 accidents or other calamities; lack of ventilation, light or  
2 sanitary facilities; or other conditions, including those set  
3 forth in Subsection C of this section, rendering the  
4 dwellings unsafe and unsanitary or dangerous or detrimental  
5 to the health, safety or morals or otherwise inimical to the  
6 welfare of the residents of the municipality, power is  
7 conferred upon the municipality to require or cause the  
8 repair, closing or demolition or removal of the dwellings in  
9 the manner provided in this section. "Dwelling" means 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  
15 A of this section exist, the governing body of the  
16 municipality may adopt ordinances relating to the dwellings  
17 within the municipality that are unfit for human habitation.  
18 The ordinances shall include the following provisions:

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

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

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

15 (3) if after the notice and hearing the  
16 public officer determines that the dwelling under  
17 consideration is unfit for human habitation, the officer  
18 shall state in writing findings of fact in support of that  
19 determination and shall issue and cause to be served upon the  
20 owner an order in writing that advises the owner of the  
21 owner's rights 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  
24 in relation to the value of the dwelling, the ordinance of  
25 the municipality shall fix a certain percentage of the cost

1 as being reasonable for that purpose and require the owner,  
2 within the time specified in the order, to repair, alter or  
3 improve the dwelling to render it fit for human habitation or  
4 to vacate 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  
7 cost in relation to the value of the dwelling, the ordinance  
8 of the municipality shall fix a certain percentage of the  
9 cost as being reasonable for the purpose, and require the  
10 owner, within the time specified in the order, to remove or  
11 demolish the dwelling;

12 (4) if the owner fails to comply with an  
13 order 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  
17 order to remove or demolish the dwelling, the public officer  
18 may 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  
21 the removal or demolition by the public officer shall be a  
22 lien against the real property upon which the cost was  
23 incurred. If the dwelling is removed or demolished by the  
24 public officer, the officer shall sell the materials of the  
25 dwelling and shall credit the proceeds of the sale against

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

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

1 of a dwelling for human habitation.

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

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

24 F. An ordinance adopted by the governing body of  
25 the municipality may authorize the public officer to exercise

1 powers as may be necessary or convenient to carry out and  
2 effectuate the purposes and provisions of this section,  
3 including the following powers:

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

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

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

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



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

5 H. Nothing in this section shall be construed to  
6 abrogate or impair the powers of the courts or of a  
7 department of a municipality to enforce any provisions of its  
8 charter or its ordinances or regulations or to prevent or  
9 punish violations thereof. The powers conferred by this  
10 section shall be in addition and supplemental to the powers  
11 conferred by any 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 3. 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 found and declared that there exist in  
20 municipalities of the state slum areas and blighted areas  
21 that constitute a serious and growing menace, injurious to  
22 the public health, safety, morals and welfare of the  
23 residents of the state; that the existence of these areas  
24 contributes substantially to the spread of disease and crime,  
25 constitutes an economic and social burden, substantially

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

1 evils enumerated in Subsection A of this section may be  
2 eliminated, remedied or prevented by those efforts; and to  
3 the extent feasible, salvageable slum and blighted areas  
4 should be conserved and rehabilitated through voluntary  
5 action, the regulatory process and, when necessary, by  
6 government 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  
10 expended. The individual benefits accruing to persons as the  
11 result of the powers conferred by the Metropolitan  
12 Redevelopment Code and projects conducted in accordance with  
13 its provisions are found and declared to be incidental to the  
14 objectives of that code and are far outweighed by the benefit  
15 to the public as a whole. Activities authorized and powers  
16 granted by the Metropolitan Redevelopment Code are hereby  
17 declared not to result in a donation or aid to any person,  
18 association or public or private organization or enterprise.  
19 The necessity for these provisions and the power is declared  
20 to be in the public interest as a matter of legislative  
21 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  
25 numbers of people are affected. The legislature further

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

14 Section 4. 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  
21 that such municipalities may be able to promote industry and  
22 develop trade or other economic activity by inducing profit  
23 or nonprofit corporations, federal governmental offices,  
24 hospitals and manufacturing, industrial, commercial or  
25 business enterprises to locate, expand or remain in such

1 area, to mitigate the serious threat of extensive  
2 unemployment in a metropolitan redevelopment area and to  
3 secure and maintain a balanced and stable economy in an area  
4 declared to be a slum or 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,  
10 manufacturing, commercial or business activities may be begun  
11 or expanded in these areas; furnishing water, energy and gas  
12 may be provided; more adequate facilities for sports events  
13 and activities and recreation activities, conventions and  
14 trade shows may be provided; more parking facilities or  
15 storage or training facilities may be provided; and more  
16 adequate research, product-testing and administrative  
17 facilities may be provided, all of which promote the public  
18 health, welfare, safety, convenience and prosperity.

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

1 and prosperity.

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

14 Section 5. Section 3-60A-10 NMSA 1978 (being Laws 1979,  
15 Chapter 391, Section 10) is amended to read:

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

22 A. to undertake and carry out metropolitan  
23 redevelopment projects within its area of operation,  
24 including clearance and redevelopment, rehabilitation,  
25 conservation and development activities and programs; to

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

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

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

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

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



1 that are not required for immediate disbursement in property  
2 or securities in which municipalities may legally invest  
3 funds subject to their control; to redeem bonds as have been  
4 issued pursuant to the Metropolitan Redevelopment Code at the  
5 redemption price established in the bonds or to purchase the  
6 bonds at less than redemption price. Bonds so redeemed or  
7 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  
12 other forms of financial assistance from the federal  
13 government, the state, the county or other public body or  
14 from sources, public or private, for the purposes of the  
15 Metropolitan Redevelopment Code; and to give security as may  
16 be 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  
19 in connection with that law. A municipality may include in a  
20 contract for financial assistance with the federal government  
21 for a metropolitan redevelopment project conditions imposed  
22 pursuant to federal law that the municipality may deem  
23 reasonable or appropriate and that are not inconsistent with  
24 the purposes of the Metropolitan Redevelopment Code;

25 F. within its area of operation, to make plans

1 necessary for the carrying out of the purposes of the  
2 Metropolitan Redevelopment Code and to contract with any  
3 person, public or private, in making and carrying out such  
4 plans and to adopt or approve, modify and amend the plans.

5 The plans may include without limitation:

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

8 (2) redevelopment plans for specific areas;

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

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

17 (5) appraisals, title searches, surveys,  
18 studies and other preliminary plans and work necessary to  
19 prepare for the undertaking of metropolitan redevelopment  
20 projects;

21 G. to develop, test and report methods and  
22 techniques and carry out demonstrations and other activities  
23 for the prevention and elimination of slums and urban blight  
24 and to pay for, accept and use grants of funds from the  
25 federal government for those purposes;

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

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

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

4 K. to acquire real property that is appropriate  
5 for the preservation or restoration of historic sites; the  
6 beautification of urban land; the conservation of open  
7 spaces, natural resources and scenic areas; or the provision  
8 of recreational opportunities; or that is to be used for  
9 public purposes;

10 L. to engage in the following activities as part  
11 of a metropolitan redevelopment project:

12 (1) acquisition, construction,  
13 reconstruction or installation of public works, facilities  
14 and site or other improvements, including but not limited to  
15 neighborhood facilities, senior citizen centers, historic  
16 properties, utilities, streets, street lights, water and  
17 sewer facilities, including connections for residential  
18 users, foundations and platforms for air-rights sites,  
19 pedestrian malls and walkways, parks, playgrounds and other  
20 recreation facilities, flood and drainage facilities, parking  
21 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;

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

8                   (4) payment of the nonfederal share of any  
9 federal grant-in-aid program to the municipality that will be  
10 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  
18 costs and carrying charges related to the planning and  
19 execution of 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

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

19 N. in a metropolitan redevelopment project or  
20 rehabilitation or conservation undertaking or activity, to  
21 exercise the following powers in one or more metropolitan  
22 redevelopment areas to include the elimination and prevention  
23 of the development or spread of slums or blight and may  
24 involve slum clearance and redevelopment in that area or  
25 rehabilitation or conservation in that area or any

1 combination or part of those areas in accordance with a  
2 metropolitan redevelopment plan and for undertakings or  
3 activities of a municipality in a metropolitan redevelopment  
4 area to eliminate the conditions that caused an area to be so  
5 designated and may include the following:

6 (1) acquisition of real property within the  
7 metropolitan redevelopment area pursuant to any powers and  
8 for purposes enumerated in the Metropolitan Redevelopment  
9 Code;

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

23 (3) making the land available for  
24 development by private enterprise or public agencies,  
25 including sale, initial leasing, leasing or retention by the

1 municipality itself, at its fair market value for uses in  
2 accordance with the metropolitan redevelopment plan for the  
3 area;

4 O. the municipality is empowered in a metropolitan  
5 redevelopment area to undertake slum clearance and  
6 redevelopment that includes:

7 (1) acquisition of a slum area or a blighted  
8 area or portion thereof;

9 (2) demolition and removal of buildings and  
10 improvements;

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

19 (4) making the real property available for  
20 development or redevelopment by private enterprise or public  
21 agencies, including sale, leasing or retention by the  
22 municipality itself, at its fair value for uses in accordance  
23 with the metropolitan redevelopment area plan; and

24 P. to engage in rehabilitation or conservation  
25 that includes the restoration and renewal of a slum or



1 blighted area or portion thereof in accordance with any  
2 approved plan, by:

3 (1) carrying out plans for a program of  
4 voluntary or compulsory repair and rehabilitation of  
5 buildings or other improvements;

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

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

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

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

24 (6) repair or rehabilitation of structures  
25 within the area;

1 (7) power to resell repaired or  
2 rehabilitated property;

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

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

23 Section 6. Section 3-60A-15 NMSA 1978 (being Laws 1979,  
24 Chapter 391, Section 15) is amended to read:

25 "3-60A-15. EXERCISE OF POWERS IN CARRYING OUT

1 PROJECTS.--

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

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

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

19 (2) approve or amend redevelopment plans;

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

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

1 plan or project as provided in the Redevelopment Law;

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

4 (6) approve loans or grants;

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

7 (8) issue municipal redevelopment bonds; and

8 (9) appropriate funds and levy taxes and  
9 assessments."

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