

HOUSE BILL 274

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO LAND USE; PERMITTING MOBILE HOME PARK OWNERS TO
CREATE NONCONFORMING LOTS; AMENDING AND ENACTING SECTIONS OF
THE NMSA 1978.

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. Except as provided for in Section 3 of this 2026 act, 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:

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- (3) size of yards, courts and other open space;
- (4) density of population; and
- (5) location and use of buildings, structures and land for trade, industry, residence or other purposes.

B. The county or municipal zoning authority may:

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

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

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

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

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 accommodate
19 multigenerational housing by creating a mechanism to allow up
20 to two kitchens within a single-family zoning district, such as
21 conditional use permits.

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

25 **SECTION 2.** Section 3-21A-5 NMSA 1978 (being Laws 1987,

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1 Chapter 196, Section 5, as amended) is amended to read:

2 **"3-21A-5. IMPERMISSIBLE REGULATIONS.--**

3 A. No ordinance or regulation authorized by the
4 Manufactured Housing and Zoning Act shall regulate the original
5 construction of the manufactured home or mobile home.

6 B. No ordinance or regulation otherwise authorized
7 or permitted by the Manufactured Housing and Zoning Act shall
8 be permissible or enforceable if it would have the direct or
9 indirect effect of requiring that a multi-section manufactured
10 home be installed in an excavated site in order to be included
11 in a specific-use district in which site-built, single-family
12 housing is allowed.

13 C. No ordinance or regulation authorized by the
14 Manufactured Housing and Zoning Act shall preclude the transfer
15 of ownership of spaces on which a manufactured or modular home
16 or mobile home is located to create separately owned lots
17 without conforming to the dimensional requirements of an
18 underlying zoning district, including minimum lot size and
19 required building setback, and without requiring infrastructure
20 improvements that might otherwise be required through
21 subdivision regulations."

22 **SECTION 3.** A new section of the Mobile Home Park Act is
23 enacted to read:

24 "**[NEW MATERIAL]** CREATION OF NONCONFORMING LOTS.--The
25 management of a mobile home park may transfer ownership of

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1 individual mobile home spaces to create separately owned lots
2 without conforming to the dimensional requirements of an
3 underlying zoning district, including minimum lot size and
4 required building setback, and without requiring infrastructure
5 improvements that might otherwise be required through
6 subdivision regulations."

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