

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;

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~~] building within each district, but regulation in  
16 one district 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 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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Chapter 196, Section 5, as amended) is amended to read:

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

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

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

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

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

"[NEW MATERIAL] CREATION OF NONCONFORMING LOTS.--The management of a mobile home park may transfer ownership of .232918.2

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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