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HOUSE BILL 334

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

**RELATING TO REAL PROPERTY; CHANGING PROVISIONS OF THE
DEVELOPMENT FEES ACT TO PERMIT WAIVER OF IMPACT FEE
REQUIREMENTS FOR AFFORDABLE HOUSING PROJECTS.**

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

**Section 1. Section 5-8-3 NMSA 1978 (being Laws 1993,
Chapter 122, Section 3) is amended to read:**

"5-8-3. AUTHORIZATION OF FEE. --

**A. Unless otherwise specifically authorized by the
Development Fees Act, no municipality or county may enact or
impose an impact fee.**

**B. If it complies with the Development Fees Act, a
municipality or county may enact or impose impact fees on land
within its respective corporate boundaries.**

C. A municipality and county may enter into a

underscored material = new
[bracketed material] = delete

1 joint powers agreement to provide capital improvements within
2 an area subject to both county and municipal platting and
3 subdivision jurisdiction or extraterritorial jurisdiction and
4 may charge an impact fee under the agreement, but if an impact
5 fee is charged in that area, the municipality and county shall
6 comply with the Development Fees Act.

7 D. A municipality or county may waive impact fee
8 requirements for affordable housing projects."