

HOUSE JOINT MEMORIAL 38

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONDUCT A STUDY ON THE NEED OF CLASS A COUNTIES TO HAVE A SPECIAL JUDGE OR A SPECIAL MASTER TO HEAR CODE ENFORCEMENT CASES.

WHEREAS, every year, Bernalillo county presents approximately three hundred cases to the district and metropolitan courts relating to alleged violations of codes, including the zoning, building, environmental health, animal control, fire marshal and public works codes; and

WHEREAS, code violation cases are often docketed with other types of cases that may be viewed as having a higher priority, such as DWI, traffic violation and domestic violence cases; and

WHEREAS, in 2009, Bernalillo county filed in metropolitan court several hundred zoning-related cases of which

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1 approximately one-half were continued for additional hearings;  
2 and

3 WHEREAS, the number of code enforcement cases filed in  
4 Bernalillo county will continue to increase as code compliance  
5 becomes more of a priority for the community and enforcement  
6 efforts are increased; and

7 WHEREAS, increased emphasis on county code enforcement  
8 will increase congestion in an already over-burdened court  
9 system; and

10 WHEREAS, assigning code enforcement cases to an additional  
11 special division of the court system or to a special master  
12 outside the traditional court system may ameliorate court  
13 congestion resulting from increased enforcement efforts and  
14 provide enforcement staff with the support needed to enforce  
15 county codes effectively;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
17 STATE OF NEW MEXICO that the administrative office of the  
18 courts be requested to conduct a study in the need for class A  
19 counties to have a special judge or special master to hear code  
20 enforcement cases; and

21 BE IT FURTHER RESOLVED that the administrative office of  
22 the courts be requested to present the results of its study and  
23 any recommendations regarding the need for class A counties to  
24 have a special judge or special master to hear code enforcement  
25 cases to the appropriate interim legislative committee no later

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1 than October 1, 2010; and

2 BE IT FURTHER RESOLVED that copies of this memorial be  
3 transmitted to the director of the administrative office of the  
4 courts and the chairs of the boards of county commissioners in  
5 all class A counties.

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