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SENATE BILL 8

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO PROPERTY; AMENDING THE CONDOMINIUM ACT TO REQUIRE
CONFIRMATION THAT A CONDOMINIUM DECLARATION COMPLIES WITH LOCAL
ZONING AND SUBDIVISION LAWS.

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

SECTION 1. Section 47-7B-5 NMSA 1978 (being Laws 1982,
Chapter 27, Section 17, as amended) is amended to read:

"47-7B-5. CONTENTS OF DECLARATION.--

A. The declaration for a condominium shall contain:

- (1) the names of the condominium, which shall include the word "condominium" or be followed by the words "a condominium", and the association;
- (2) the name of every county in which any part of the condominium is situated;
- (3) a description, legally sufficient for

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1 conveyance, of the real estate included in the condominium;

2 (4) a statement of the maximum number of units
3 [~~which~~] that the declarant reserves the right to create;

4 (5) a description of the boundaries of each
5 unit created by the declaration, including the unit's
6 identifying number;

7 (6) a description of any limited common
8 elements, other than those specified in Subsections B, D and E
9 of Section 47-7B-2 NMSA 1978, as provided in Section 47-7B-9
10 NMSA 1978;

11 (7) a description of any real estate, except
12 real estate subject to development rights, [~~which~~] that may be
13 allocated subsequently as limited common elements, other than
14 limited common elements specified in Subsections B, D and E of
15 Section 47-7B-2 NMSA 1978, together with a statement that they
16 may be so allocated;

17 (8) a description of any development rights
18 and other special declarant rights reserved by the declarant,
19 together with a legally sufficient description of the real
20 estate to which each of those rights applies, and a time limit
21 within which each of those rights must be exercised;

22 (9) if any development right may be exercised
23 with respect to different parcels of real estate at different
24 times, a statement to that effect together with either a
25 statement fixing the boundaries of those portions and

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1 regulating the order in which those portions may be subjected
2 to the exercise of each development right, or a statement that
3 no assurances are made in those regards, and a statement as to
4 whether, if any development right is exercised in any portion
5 of the real estate subject to that development right, that
6 development right must be exercised in all or in any other
7 portion of the remainder of that real estate;

8 (10) any other conditions or limitations under
9 which the rights described in Paragraph (8) of this subsection
10 shall be exercised or they shall lapse;

11 (11) an allocation to each unit of the
12 allocated interests in the manner described in Section 47-7B-7
13 NMSA 1978;

14 (12) any restrictions on use, occupancy and
15 alienation of the units; [~~and~~]

16 (13) if required by local ordinance, written
17 confirmation from the local zoning official that the
18 condominium complies with the zoning density requirements of
19 local zoning and subdivision ordinances or regulations as
20 required in Section 47-7A-6 NMSA 1978; and

21 [~~(13)~~] (14) all matters required by Sections
22 47-7B-6 through 47-7B-9, 47-7B-15, 47-7B-16 and Subsection D of
23 Section 47-7C-3 NMSA 1978.

24 B. The declaration may contain any other matters
25 that the declarant deems appropriate."

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