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FISCAL IMPACT REPORT

SPONSOR Schmedes **ORIGINAL DATE** 03/04/21
LAST UPDATED _____ **HB** _____
SHORT TITLE Zoning Changes for Disabled **SB** 322
ANALYST Dinces

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Aging and Long Term Services Department (ALTSD)
 Governor’s Commission on Disability (GCD)
 Human Services Department (HSD)
 Department of Health (DOH)

No Response Received

Developmental Disabilities Planning Council (DDPC)

SUMMARY

Synopsis of Bill

SB322 amends Section 3-21-1 NMSA 1978 by adding a new sub-section (G) that would require zoning authorities to allow an additional detached dwelling for the residence and care of a person with disabilities in a single-family zoning district or other zoning district that limits dwellings to one per lot.

Some costs may be realized by local governments when amending zoning ordinances such as the requirement to establish a conditional permit process or some other mechanism to address the special circumstances that might give rise to the decision to grant a permit for a free-standing dwelling that includes a kitchen. Not only must the procedure and mechanism be developed, but the evaluation criteria must be established. The zoning authority needs to be provided with the criteria required for granting such a permit, as well as any disqualifying criteria. The zoning authority must develop that procedure and work it into its already developed zoning process. Procedures need to be created to establish notice and hearing requirements as well as appeal

requirements. It can also be assumed that an increase in revenue may be realized if permit requests increase.

FISCAL IMPLICATIONS

No significant fiscal implications as SB322 amends zoning laws, which is unlikely to impact agency budget or state revenues.

SIGNIFICANT ISSUES

According to the National Association of City and County Health Officials (NACCHO), people with disabilities are disproportionately likely to experience homelessness. In New Mexico, according to a New Mexico Coalition to End Homelessness 2019 report, 59 percent of those surveyed in an unsheltered living situation in Albuquerque were chronically homeless with a disability. This may be partially due to people with disabilities being less likely to be employed full-time or year-around, resulting in workers with disabilities earning 66 cents for every dollar earned by a worker without a disability. Nationally, in December 2020, the unemployment rate for people with disabilities was at 11 percent, almost double the 6.3 percent rate for people without disabilities. In New Mexico, about 54 thousand people with disabilities who cannot work and receive Supplemental Security Income, which has a maximum monthly rate of \$783, or \$9,396 a year. Those who experience homelessness are also at greater risk for health challenges.

New Mexico Municipal League previously reported single-family zoning is intended to provide comfortable housing for varying numbers of people according to the size of the residence. Single family dwellings are normally situated on lots to provide some sort of shielding form the neighbors. Adding additional structures diminishes that buffer zone and adds an increased number of people living in the area.

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