

LFC Requester:	Allegra Hernandez
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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date January 26, 2026
Bill No: HB 138

Sponsor: Rep. Andrea Romero
Short Title: Zoning Lot Size Requirements

Agency Name and Code Regulation and Licensing Department-420
Number: _____
Person Writing Lori Chavez
Phone: 505-469-2728 **Email** Lori.chavez1@rld.nm.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
n/a	n/a	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
n/a	n/a	n/a	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	n/a	n/a	n/a	n/a	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: n/a

Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 138 amends the Zoning Authority of County or Municipality Act, NMAC 1978, Section 3-21-1 prohibiting counties or municipalities from imposing lot size requirements in residential zones.

HB 138 amends Conflicts Between Zoning Regulations and Other Statutes and Ordinances, NMAC 1978, Section 3-21-11 to apply only to premises that are not residential property.

FISCAL IMPLICATIONS

HB 138 is not anticipated to have any significant fiscal or operational impact on the Construction Industries Division or other divisions of the Regulation and Licensing Department.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

While the 2021 International Residential Code (IRC) focuses on the structural safety, fire protection, and energy efficiency of the building itself, lot size is almost exclusively a function of local zoning ordinances. Lot size requirements are generally not dictated by the IRC.

Statement on Lot Size and the IRC

The 2021 IRC does not establish minimum lot size requirements; instead, it provides the technical standards for the "built environment" to ensure occupant safety. Minimum lot sizes are traditionally managed through local municipal or county zoning codes to regulate population density and land use. Therefore, a legislative move to prohibit local authorities from imposing lot size requirements does not conflict with the IRC's building codes. However, while the IRC doesn't care about the size of the lot, it does mandate Fire Separation Distances and minimum space required between a structure and the property line to prevent fire spread. If lot sizes are

significantly reduced, builders must still adhere to the IRC's stricter fire-rating requirements for exterior walls and openings when those walls are close to property lines.

Key Distinctions

Important Note: Even if a state or municipality prohibits "lot size requirements" to encourage housing density, the 2021 IRC Table R302.1(1) will still apply. This table dictates how a house must be built if it sits less than 5 feet (or 3 feet, depending on local adoption) from the property line.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS