

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: 1/27/26

Check all that apply:

Bill Number: SB 144

Original Correction

Amendment Substitute

Sponsor: Rep. Jay C. Block
Short Title: Repeal Special Zoning District Act

Agency Name and Code Number: AOC 218

Person Writing: Kathleen Sabo
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 144 repeals the Zoning District Act, Section 3-21-15 through 3-21-26 NMSA 1978.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and a lack of commenced prosecutions and appeals from convictions, as well as claims for relief made in District Court. The doing away with these penalties and claims may serve to reduce the impact upon the judiciary.

SIGNIFICANT ISSUES

1) According to NAHRO, a membership organization of more than 26,000 housing and community development providers and professionals throughout the United States, “Restrictive zoning codes contribute to socioeconomic divisions, worsen the housing affordability crisis, and artificially inflate housing prices. The insufficient housing supply further emphasizes the importance of exploring opportunities for increasing housing stock through land use reform.” See [Rethinking Zoning to Increase Affordable Housing](#), NAHRO, December 22, 2023. See also, [Most Western States Have Eased Zoning Rules to Promote Housing](#), Pew Charitable Trusts, February 10, 2025.

Section 3-21-21 NMSA 1978 grants the authority to a Commission elected by the registered electors within the district to regulate and restrict:

- (1) the height, number of stories and size of buildings and other structures;
- (2) the percentage of a lot that may be occupied;
- (3) the size of yards, courts and other open spaces;
- (4) the density of populations;
- (5) the location and use of buildings and structures; and
- (6) the use of lands for trade, industry, residence or other purposes.

These regulations and restrictions can serve to limit the amount and type of housing within the district.

2) Section 3-21-23 NMSA 1978 provides that a violation of the Special Zoning District Act, or any ordinance made thereunder, is a misdemeanor. Section 3-21-24 NMSA 1978 provides that the ordinances enacted under the authority of the Zoning District Act shall be enforced by the District Attorney and the sheriff of the county or counties in which the district is situate. Section 3-21-25 NMSA 1978 provides that a person aggrieved by any regulation, restriction, or ordinance made by the commission may file a claim for relief in the District Court.

The doing away with these penalties and claims may serve to reduce the impact upon the judiciary.

3) In 1999, both houses of the legislature voted to repeal the Zoning District Act, in SB 718, but it

was vetoed by Governor Gary Johnson. (There is no analysis available for that bill.)

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS