

HOUSE BILL 166

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PROPERTY; ENACTING A NEW SECTION OF THE NMSA 1978 TO LIMIT COUNTY AND MUNICIPAL RESTRICTIONS ON CERTAIN BATTERY-CHARGED FENCES WITH ALARM SYSTEMS LOCATED OUTSIDE OF AREAS ZONED EXCLUSIVELY FOR RESIDENTIAL USE; AMENDING A SECTION OF THE NMSA 1978 REGARDING COUNTY AND MUNICIPAL ZONING; PROVIDING DEFINITIONS.

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

.233318.1AIC February 14, 2026 (8:11am)

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SECTION 1. Section 3-21-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-20-1, as amended) is amended to read:

"3-21-1. ZONING--AUTHORITY OF COUNTY OR MUNICIPALITY--  
EXCEPTIONS.--

A. Except as provided in Section 3-21-1.1 NMSA 1978, for the purpose of promoting health, safety, morals or the general welfare, a county or municipality is a zoning authority and may regulate and restrict within its jurisdiction the:

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

B. The county or municipal zoning authority may:

(1) divide the territory under its jurisdiction into districts of such number, shape, area and form as is necessary to carry out the purposes of Sections 3-21-1 through 3-21-14 NMSA 1978; and

(2) regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each district. All such

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regulations shall be uniform for each class or kind of buildings within each district, but regulation in one district may differ from regulation in another district.

C. All state-licensed or state-operated community residences for persons with a mental or developmental disability and serving ten or fewer persons may be considered a residential use of property for purposes of zoning and may be permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings.

D. A board of county commissioners of the county in which the greatest amount of the territory of the petitioning village, community, neighborhood or district lies may declare by ordinance that a village, community, neighborhood or district is a "traditional historic community" upon petition by twenty-five percent or more of the qualified electors of the territory within the village, community, neighborhood or district requesting the designation. The number of qualified electors shall be based on county records as of the date of the last general election.

E. Any village, community, neighborhood or district that is declared a traditional historic community shall be excluded from the extraterritorial zone and extraterritorial zoning authority of any municipality whose extraterritorial zoning authority extends to include all or a portion of the

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traditional historic community and shall be subject to the zoning jurisdiction of the county in which the greatest portion of the traditional historic community lies.

F. Zoning authorities, including zoning authorities of home rule municipalities, shall accommodate multigenerational housing by creating a mechanism to allow up to two kitchens within a single-family zoning district, such as conditional use permits.

G. For the purpose of this section, "multigenerational" means any number of persons related by blood, common ancestry, marriage, guardianship or adoption."

SECTION 2. A new Section 3-21-1.1 NMSA 1978 is enacted to read:

"3-21-1.1. [NEW MATERIAL] BATTERY-CHARGED FENCES--ALARM SYSTEMS--LIMITS ON RESTRICTION--DEFINITIONS.--

A. As used in this section:

(1) "alarm system" means any electrical, mechanical or electronic device or sensor, including any integrated components, used to prevent, detect or alert law enforcement or occupants of burglary, theft or intrusion; and

(2) "battery-charged fence" means a fence, including any integrated components, that has an energizer driven by a battery and that interfaces with a connected alarm system in a manner that enables the fence to cause the alarm system to transmit a signal intended to notify the business

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that monitors the alarm system or the business that has a battery-charged fence or alarm system installed on the premises in response to an intrusion.

B. Except in an area zoned exclusively for residential use, county and municipal zoning authorities, including zoning authorities for home rule municipalities, shall not through zoning or through the adoption of an ordinance or resolution:

(1) prohibit the installation or use of a battery-charged fence;

(2) impose installation or operational requirements for battery-charged fences or alarm systems inconsistent with international electrotechnical commission standards as most recently published or inconsistent with this section; or

(3) require a permit for the installation or use of a battery-charged fence that is additional to an alarm permit issued by the local government.

C. For purposes of this section, Hf11→**except in an area zoned exclusively for agricultural use,**←Hf11 a battery-charged fence shall:

(1) use a battery that is not more than twelve volts of direct current;

(2) produce an electric charge on contact that does not exceed energizer characteristics set for electric

fence energizers by the international electrotechnical  
commission standards as most recently published;

(3) be enclosed on the outside only by a non-  
electric perimeter fence or wall that is not less than five  
feet in height;

(4) be ten feet in height, or two feet higher  
than the height of the non-electric perimeter fence or wall,  
whichever is higher; and

(5) be marked with conspicuous warning signs  
that are located on the fence at not more than thirty-foot  
intervals and that read: "WARNING: ELECTRIC FENCE".

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