AN ACT

RELATING TO REAL PROPERTY; CHANGING PROVISIONS OF THE DEVELOPMENT FEES ACT TO PERMIT WAIVER OF IMPACT FEE REQUIREMENTS FOR AFFORDABLE HOUSING PROJECTS.

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

Section 1. Section 5-8-3 NMSA 1978 (being Laws 1993, Chapter 122, Section 3) is amended to read:

"5-8-3. AUTHORIZATION OF FEE. --

A. Unless otherwise specifically authorized by the Development Fees Act, no municipality or county may enact or impose an impact fee.

B. If it complies with the Development Fees Act, a municipality or county may enact or impose impact fees on land within its respective corporate boundaries.

C. A municipality and county may enter into a joint powers agreement to provide capital improvements within an area subject to both county and municipal platting and subdivision jurisdiction or extraterritorial jurisdiction and may charge an impact fee under the agreement, but if an impact fee is charged in that area, the municipality and county shall comply with the Development Fees Act.

D. A municipality or county may waive impact fee requirements for affordable housing projects."_____

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