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HOUSE BILL 693

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joe M Stell

AN ACT

RELATING TO MUNICIPALITIES AND COUNTIES; PROVIDING AUTHORITY  
FOR TRANSFERS OF DEVELOPMENT RIGHTS.

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

Section 1. A new section of Chapter 3, Article 18 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] TRANSFERABLE DEVELOPMENT RIGHTS. --

A. A municipality or county may, by ordinance,  
provide for voluntary transfer of development rights from one  
parcel of land to another parcel of land if the parcel from  
which the development rights are transferred may not be further  
developed.

B. The ordinance shall identify on a zoning map  
areas from which development rights may be transferred and  
areas to which development rights may be transferred.

underscored material = new  
[bracketed material] = delete

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C. The ordinance may provide for:

(1) transferring a development right from one parcel of land to increase the intensity of development of another parcel of land;

(2) joint powers agreements for administration of transfers of development rights across jurisdictional boundaries;

(3) the method of transfer of development rights; and

(4) the granting of easements and reasonable rules to effect and control transfers and assure compliance with the provisions of the ordinance.

D. Transference of a development right shall be in writing and executed by the owner of the parcel from which the development right is being transferred and acknowledged by the transferor. A development right shall not be subject to condemnation.

E. As used in this section, "development right" means a right, other than a water or a mineral right, appurtenant to real property that may be severed from one parcel and transferred to another parcel."