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## FISCAL IMPACT REPORT

SPONSOR: HJC DATE TYPED: 03/07/03 HB CS/693/HFI#1

SHORT TITLE: Transfers of Development Rights SB \_\_\_\_\_

ANALYST: Gilbert

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Response Received From

New Mexico Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of HFI#1 Amendment

House Floor amendment #1 to CS/House Bill 693 clarifies in Section 1(A)(3) that rather than "protect," the bill encourages the conservation of ecological, agricultural, and historical land.

This amendment also clarifies that nothing in this section shall be construed to authorize a municipality or county to impair (rather than alter) existing zoning of property.

#### Synopsis of Original Bill

The House Judiciary Committee substitute to House Bill 693 adds a new Section 1, Chapter 3, Article 18 NMSA 1978, to authorize municipalities and counties, by ordinance, to provide a framework for voluntary transfer of development rights whenever useful to achieve community objectives.

The purposes of this bill are to clarify existing authority, provide guidelines for counties and municipalities to regulate transfers of development rights consistent with comprehensive plans, to require transfer ordinances to include proper accounting of the rights transferred, protect eco-

logical, agricultural and historical values of land; and require public notification of transfers of development rights.

This bill also affirms that nothing in this section shall be construed to authorize a municipality or a county to alter existing property zoning.

**OTHER SUBSTANTIVE ISSUES**

According to the New Mexico Attorney General's Office (AGO), NMSA 1978, §§ 3-21-1 through 3-21-26, appears to provide authority for counties and municipalities to adopt transfer of development rights ordinances. Thus, counties and municipalities may currently divide territory under their jurisdiction into districts, regulate and restrict the construction and use of buildings and structures within its districts, regulate the percentage of a lot that may be occupied and the density of population.

RLG/prr:yr