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AN ACT

RELATING TO REGIONAL HOUSING; EXPANDING ELIGIBILITY TO
MODERATE-INCOME PERSONS; CONSOLIDATING REGIONAL HOUSING
AUTHORITIES; REVISING THE GOVERNANCE AND OVERSIGHT OF
REGIONAL HOUSING AUTHORITIES; DECLARING AN EMERGENCY.

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

Section 1. Section 11-3A-2 NMSA 1978 (being Laws 1994,
Chapter 132, Section 2, as amended) is amended to read:

"11-3A-2. FINDING AND DECLARATION OF NECESSITY.--It is
declared that:

A. unsanitary and unsafe dwelling accommodations
exist in the state;

B. low- and moderate-income persons are forced to
reside in unsanitary and unsafe accommodations;

C. within the state:

(1) there is a shortage of safe and
sanitary dwelling accommodations available at rents that
low- and moderate-income persons can afford;

(2) low- and moderate-income persons are
forced to occupy overcrowded, congested dwelling
accommodations; and

(3) these conditions cause an increase in
and spread of disease and crime and constitute a menace to
the health, safety, morals and welfare of the residents of

1 the state and impair economic values;

2 D. excessive and disproportionate expenditures of
3 public funds for crime prevention and punishment, public
4 health and safety, fire and accident protection and other
5 public services and facilities are necessitated;

6 E. private enterprise alone cannot meet the need
7 or resolve the problems inherent in providing appropriate,
8 safe, sanitary and sufficient housing for low- and
9 moderate-income persons, and public participation in
10 construction of low- and moderate-income housing does not
11 compete with private enterprise;

12 F. demolition, replanning, reconstruction or
13 renovation of unsanitary and unsafe housing and acquisition
14 of land to provide safe and sanitary dwellings for low- and
15 moderate-income persons are in the public interest and are
16 essential state and local governmental functions requiring
17 expenditures of public money; and

18 G. it is in the public interest that work on
19 projects for demolition, planning, reconstruction, renovation
20 and land acquisition for provision of safe and sanitary
21 dwellings for low- and moderate-income persons be started
22 immediately in order to relieve the housing shortage that has
23 reached emergency status, and it is a necessity that the
24 Regional Housing Law be continued to relieve that emergency."

25 Section 2. Section 11-3A-3 NMSA 1978 (being Laws 1994,

1 Chapter 132, Section 3, as amended) is amended to read:

2 "11-3A-3. DEFINITIONS.--As used in the Regional Housing
3 Law:

4 A. "affordable housing" means housing that serves
5 the needs of low- and moderate-income persons;

6 B. "affordable housing programs" means an ongoing
7 delivery system of affordable housing services that assists
8 persons of low- and moderate-income;

9 C. "federal government" includes the United States
10 of America, programs of the United States department of
11 housing and urban development, the farmers home
12 administration and rural development administration of the
13 United States department of agriculture or housing programs
14 or any other agency or instrumentality, corporate or
15 otherwise, of the United States of America;

16 D. "housing project" means an undertaking of an
17 authority to:

18 (1) demolish, clear or remove buildings from
19 any slum area. The undertaking may embrace the adaptation of
20 the area to public purposes, including parks or other
21 recreational or community purposes; or

22 (2) provide decent, safe and sanitary
23 dwellings, apartments, single-family dwellings or other
24 affordable living accommodations for low- and moderate-income
25 persons. The undertaking may include buildings, land,

1 equipment, facilities and other real or personal property for
2 necessary, convenient or desirable appurtenances, streets,
3 sewers, water service, parks, site preparation or gardening
4 or administrative, community, health, recreational, welfare
5 or other purposes. "Housing project" also may be applied to
6 the planning of buildings and improvements, acquisition of
7 property or existing structures, demolition of existing
8 structures, construction, reconstruction, alteration and
9 repair of improvements or buildings or any other work
10 performed to complete housing projects;

11 E. "indebtedness" means any note, interim
12 certificate, debenture or other obligation to be issued
13 pursuant to the Regional Housing Law;

14 F. "local housing authority" means any municipal
15 or county housing authority established by a municipality or
16 county;

17 G. "local public body" means any county,
18 municipality, commission, district or other political
19 subdivision of the state;

20 H. "low-income person" means any individual,
21 couple or family whose gross income does not exceed eighty
22 percent of the person's particular area median income and who
23 cannot afford to pay more than thirty-five percent of gross
24 annual income for housing rent or mortgage payments; or a
25 low-income person as defined by the federal government;

1 I. "moderate-income person" means any individual,
2 couple or family whose gross annual income is not less than
3 eighty percent of the person's particular area median income
4 and does not exceed one hundred twenty percent of the area
5 income;

6 J. "obligee" means:

7 (1) a holder of indebtedness issued pursuant
8 to the Regional Housing Law or a trustee for the holder of
9 debt;

10 (2) a lessor leasing to a regional housing
11 authority or a local housing authority property used in
12 connection with a housing project or any assignee of a
13 lessor's interest or partial interest; or

14 (3) the federal government when it is a
15 party to a contract with a regional housing authority or a
16 local housing authority in regard to a housing project;

17 K. "real property" includes all lands, including
18 improvements and fixtures on the land, property of any nature
19 appurtenant to or used in connection with the land and every
20 estate, interest and right, legal or equitable, in the land,
21 including terms for years and liens by way of judgment,
22 mortgage or other instrument and the indebtedness secured by
23 the lien;

24 L. "regional housing authority" means any regional
25 housing authority or a nonprofit housing corporation approved

1 pursuant to Section 11-3A-9 NMSA 1978; and

2 M. "slum" means any area where dwellings
3 predominate, which by reason of dilapidation, overcrowding,
4 lack of ventilation, light or sanitary facilities or any
5 combination of these factors is detrimental to safety, health
6 or morals."

7 Section 3. Section 11-3A-4 NMSA 1978 (being Laws 1994,
8 Chapter 132, Section 4) is amended to read:

9 "11-3A-4. REGIONAL HOUSING AUTHORITIES CREATED.--Three
10 regional housing authorities are created for the state of New
11 Mexico as follows:

12 A. the northern regional housing authority that
13 shall include Cibola, Taos, McKinley, Rio Arriba, San Juan,
14 San Miguel, Mora, Los Alamos, Colfax and Sandoval counties;

15 B. the eastern regional housing authority that
16 shall include Chaves, De Baca, Eddy, Guadalupe, Harding, Lea,
17 Lincoln, Otero, Quay, Roosevelt, Union and Curry counties;
18 and

19 C. the western regional housing authority that
20 shall include Grant, Hidalgo, Luna, Sierra, Socorro, Catron,
21 Torrance and Valencia counties."

22 Section 4. Section 11-3A-5 NMSA 1978 (being Laws 1994,
23 Chapter 132, Section 5, as amended) is amended to read:

24 "11-3A-5. JURISDICTION.--

25 A. The regional housing authorities created

1 pursuant to Section 11-3A-4 NMSA 1978 shall operate within
2 the specified area of their region except for any portion
3 within the territorial boundary of a municipality or county
4 that has established a local housing authority. If the
5 governing body of a municipality or county that has
6 established a local housing authority consents by resolution
7 to have the regional housing authority take action within the
8 territory that would be excluded pursuant to this section,
9 the regional housing authority may enlarge its jurisdiction
10 to include that territory.

11 B. A subsequent withdrawal of consent by
12 resolution of a governing body of a municipality or county
13 that has established a local housing authority shall not
14 prohibit the development and operation of any housing
15 projects initiated within the territorial boundary of that
16 municipality or county by the regional housing authority
17 prior to the date of the resolution withdrawing consent,
18 except upon terms that are mutually agreed upon between the
19 regional housing authority and the governing body of the
20 municipality or county."

21 Section 5. Section 11-3A-6 NMSA 1978 (being Laws 1994,
22 Chapter 132, Section 6, as amended) is amended to read:

23 "11-3A-6. POWERS OF REGIONAL HOUSING AUTHORITY IN BOARD
24 OF COMMISSIONERS--APPOINTMENT OF BOARD OF REGIONAL HOUSING
25 AUTHORITIES--TERMS.--

1 A. The powers of each regional housing authority
2 shall be vested in its board of commissioners as the board
3 may be constituted, from time to time. The board of
4 commissioners of the regional housing authority for each of
5 the three regions shall consist of one person from each
6 county within the designated area of the regional housing
7 authority, which person shall be a resident of that county
8 and shall be appointed by the governor. Appointments shall
9 be for terms of four years and shall be made so that the
10 terms of not more than four commissioners on each board of
11 commissioners expire on July 1 of each year. Vacancies shall
12 be filled for the unexpired term. Commissioners shall serve
13 until their successors have been appointed.

14 B. Members of a board of commissioners of a
15 regional housing authority shall elect an executive committee
16 consisting of a chair, vice chair, treasurer, secretary and
17 one other member of the board to function and meet on a
18 monthly basis as an executive committee. The executive
19 committee shall have the authority to act on behalf of the
20 board of commissioners of the regional housing authority as
21 needed. The executive committee shall submit a report of
22 actions to the full board of commissioners, which shall meet
23 on a quarterly basis.

24 C. The members of the boards of commissioners may
25 receive per diem and mileage as provided in the Per Diem and

1 Mileage Act but shall receive no other compensation,
2 perquisite or allowance. A majority of the appointed
3 commissioners shall constitute a quorum of a board of
4 commissioners for the purpose of conducting its business and
5 exercising its powers and for all other purposes. Action may
6 be taken by a regional housing authority upon a vote of a
7 majority of the commissioners present. Each board of
8 commissioners shall organize itself at its annual meeting
9 each year. A board of commissioners may employ an executive
10 director, subject to approval by the New Mexico mortgage
11 finance authority. With delegated authority from the board
12 of commissioners, the executive director may hire or
13 terminate, according to the procurement and personnel
14 policies and procedures of the regional housing authority,
15 any technical experts, officers, attorneys, agents or
16 employees, permanent or temporary, as the regional housing
17 authority may require.

18 D. The threshold requirements for commissioners of
19 regional housing authorities are that commissioners have
20 expertise and experience in housing construction, real
21 estate, architecture, law, banking, housing finance,
22 business, property management, accounting, residential
23 development, public housing programs, community development,
24 social services or health care. The requirements set forth
25 in this section shall not apply to commissioners serving

1 pursuant to requirements of the federal department of housing
2 and urban development.

3 E. Commissioners are expected to attend all
4 meetings of the board of commissioners of the regional
5 housing authority, and more than three unexcused absences may
6 be grounds for dismissal from the board. All recommendations
7 for appointment as commissioners shall be forwarded to and
8 reviewed by the New Mexico mortgage finance authority prior
9 to recommendation to the governor."

10 Section 6. Section 11-3A-7 NMSA 1978 (being Laws 1994,
11 Chapter 132, Section 7, as amended) is amended to read:

12 "11-3A-7. POWERS.--

13 A. Every regional housing authority may:

14 (1) within its region, prepare, carry out,
15 acquire, purchase, lease, construct, reconstruct, improve,
16 alter, extend or repair any housing project and operate and
17 maintain the housing project or affordable housing program.
18 For any of such purposes, the board of commissioners of the
19 regional housing authority may expend money and authorize the
20 use of any property of the regional housing authority;

21 (2) lease or rent dwellings, houses,
22 accommodations, lands, buildings, structures or facilities
23 embraced in any housing project or affordable housing program
24 and establish and revise the rents or lease charges; own,
25 hold and improve real or personal property; purchase, lease,

1 obtain options upon or acquire by gift, grant, bequest,
2 devise or otherwise any real or personal property or any
3 interest therein; sell, lease, mortgage, exchange, transfer,
4 assign, pledge or dispose of real or personal property or any
5 interest in real or personal property; or procure or agree to
6 the procurement of insurance or guarantees from the federal
7 government of the payment of any bonds or parts thereof,
8 including the power to pay premiums on the insurance;

9 (3) enter on lands, buildings or property
10 for the purpose of making surveys, soundings and examinations
11 in connection with the planning or construction, or both, of
12 a housing project;

13 (4) insure or provide for the insurance of a
14 housing project of the regional housing authority against the
15 risks that the regional housing authority may deem advisable;

16 (5) arrange or contract for the furnishing
17 by any person or agency, public or private, of services,
18 privileges, works or facilities for or in connection with a
19 housing project or the occupants thereof and include in any
20 construction contract let in connection with a housing
21 project stipulations requiring that the contractor and
22 subcontractors comply with employment requirements, including
23 those in the constitution and laws of this state, as to
24 minimum wages and maximum hours of labor and comply with any
25 conditions that the state or federal government may have

1 attached to its financial aid of the project;

2 (6) within its area of operation,
3 investigate the living, dwelling and housing conditions and
4 the means and methods of improving those conditions;
5 determine where slum areas exist or where there is a shortage
6 of decent, safe and sanitary dwelling accommodations for
7 low- and moderate-income persons; make studies and
8 recommendations relating to the problem of clearing,
9 replanning and reconstructing slum areas and the problem of
10 providing dwelling accommodations for low- and
11 moderate-income persons and cooperate with the state or any
12 political subdivision of the state in action taken in
13 connection with the problems identified; and engage in
14 research, studies and experimentation on the subject of
15 housing; and

16 (7) exercise all or any part or combination
17 of powers granted in this subsection.

18 B. To standardize the delivery of affordable
19 housing programs and affordable housing services in New
20 Mexico, regional housing authorities within their
21 jurisdictions may:

22 (1) create partnerships between state,
23 federal, city and county governments, nonprofit entities and
24 the private sector that will provide the necessary resources
25 to carry out the planning, financing, development and

1 delivery of affordable housing and affordable housing
2 programs;

3 (2) assist local housing authorities or
4 housing nonprofit agencies in developing the knowledge,
5 expertise and technical capacity to provide a comprehensive
6 approach to the development and delivery of affordable
7 housing and affordable housing programs; or

8 (3) provide or secure planning, technical
9 assistance and training that city or county governments and
10 nonprofit entities may need in an effort to enhance the local
11 affordable housing delivery system.

12 C. In the event a local housing authority is
13 declared by the federal department of housing and urban
14 development to be in default on its annual contributions
15 contract with that department, the local housing authority
16 may by resolution of its governing body transfer its assets
17 and operations to the regional housing authority or local
18 housing authority within which jurisdiction it lies.

19 D. In the event of a resolution pursuant to
20 Subsection C of this section, the appropriate regional
21 housing authority or local housing authority shall accept by
22 resolution of its board of commissioners a transfer of the
23 assets and operations of a local housing authority that has
24 been declared by the federal department of housing and urban
25 development to be in default on its annual contributions

1 contract with that department."

2 Section 7. Section 11-3A-8 NMSA 1978 (being Laws 1994,
3 Chapter 132, Section 8, as amended) is amended to read:

4 "11-3A-8. REQUIREMENTS RESPECTING LEASE.--

5 A. Prior to the leasing of any housing project,
6 the regional housing authority shall determine and find the
7 following:

8 (1) the amount necessary in each year to pay
9 indebtedness proposed to fund the housing project; and

10 (2) the amount necessary to be paid each
11 year into any reserve funds that the regional housing
12 authority may deem advisable to establish in connection with
13 the retirement of any indebtedness and the maintenance of the
14 housing project and, unless the terms under which the housing
15 project is to be leased provide that the lessee shall
16 maintain the housing project and carry all proper insurance
17 with respect to it, the estimated cost of maintaining the
18 housing project in good repair and keeping it properly
19 insured.

20 B. The determinations and findings of the regional
21 housing authority required to be made in this section shall
22 be set forth in the proceedings under which the proposed
23 indebtedness is to be incurred.

24 C. Prior to the incurrence of any indebtedness,
25 the regional housing authority shall lease or sell the

1 housing project to a lessee or purchaser under an agreement
2 that is conditioned upon completion of the housing project
3 and that provides for payment to the regional housing
4 authority of rentals or payments in an amount that is found,
5 based on the determinations and findings, to:

6 (1) pay the indebtedness incurred to fund
7 the housing project;

8 (2) build up and maintain any reserve deemed
9 by the regional housing authority to be advisable in
10 connection with the housing project; and

11 (3) pay the costs of maintaining the housing
12 project in good repair and keeping it properly insured,
13 unless the agreement of lease obligates the lessee to pay for
14 the maintenance and insurance of the housing project."

15 Section 8. Section 11-3A-9 NMSA 1978 (being Laws 1994,
16 Chapter 132, Section 9, as amended) is amended to read:

17 "11-3A-9. NONPROFIT CORPORATIONS.--Every regional
18 housing authority, in addition to other powers conferred by
19 the Regional Housing Law, shall have, if authorized by
20 resolution of its board of commissioners and approved by the
21 state board of finance, the power to create nonprofit
22 corporations to carry out the powers and duties set forth in
23 Section 11-3A-7 NMSA 1978. The articles of incorporation and
24 bylaws, and any subsequent changes, shall be recommended for
25 approval by the state board of finance and the New Mexico

1 mortgage finance authority. Such nonprofit corporations
2 shall be subject to all of the duties and limitations imposed
3 on the regional housing authority and its board of
4 commissioners."

5 Section 9. Section 11-3A-10 NMSA 1978 (being Laws 1994,
6 Chapter 132, Section 10, as amended) is amended to read:

7 "11-3A-10. PROHIBITED ACTIONS.--Neither the regional
8 housing authority nor any of its contractors or their
9 subcontractors may enter into any contract, subcontract or
10 agreement in connection with a housing project under any
11 contract in which any of the following persons has an
12 interest, direct or indirect, during the person's tenure or
13 for one year thereafter:

14 A. any present or former member of the board of
15 commissioners of the regional housing authority or any member
16 of the member's immediate family. The prohibition
17 established by this subsection shall not apply to any member
18 who has not served on the governing body of a resident
19 management corporation, and who otherwise has not occupied a
20 policymaking position with the resident management
21 corporation or the regional housing authority;

22 B. any employee of the regional housing authority
23 who formulates policy or who influences decisions with
24 respect to a housing project, any member of the employee's
25 immediate family or any partner of the employee; or

1 C. any public official, member of a governing body
2 or state legislator, or any member of such person's immediate
3 family, who exercises functions or responsibilities with
4 respect to the housing project or the regional housing
5 authority."

6 Section 10. Section 11-3A-12 NMSA 1978 (being Laws
7 1994, Chapter 132, Section 12, as amended) is amended to
8 read:

9 "11-3A-12. STATE POLICY--OPERATION NOT FOR PROFIT.--

10 A. It is declared to be the policy of this state
11 that each regional housing authority shall manage and operate
12 its housing projects and affordable housing programs in an
13 efficient manner so as to enable it to fix the rentals for
14 dwelling accommodations at the lowest possible rates
15 consistent with its providing decent, safe and sanitary
16 dwelling accommodations.

17 B. No regional housing authority shall construct
18 or operate a housing project for profit.

19 C. A regional housing authority shall set the
20 rental rates for dwellings in the housing projects it manages
21 and operates at no higher rates than it finds to be necessary
22 in order to produce revenues that, together with any grants
23 or subsidies from the state or federal government or other
24 sources for housing projects, will be sufficient to:

25 (1) pay, as they become due, indebtedness or

1 other obligations of the regional housing authority incurred
2 pursuant to the Regional Housing Law;

3 (2) meet the cost of and provide for
4 maintaining and operating the housing projects, including the
5 cost of any insurance, the administrative expenses of the
6 regional housing authority incurred in connection with the
7 housing projects and the funding of operational reserves the
8 regional housing authority deems appropriate;

9 (3) fund operational reserves to secure the
10 payment of indebtedness as the regional housing authority
11 deems appropriate; and

12 (4) allow private, profit-making entities to
13 enter into agreements with the regional housing authority,
14 without the agreements affecting the nonprofit status of the
15 regional housing authority or conflicting with the intent of
16 the creation of the regional housing authority."

17 Section 11. Section 11-3A-13 NMSA 1978 (being Laws
18 1994, Chapter 132, Section 13, as amended) is amended to
19 read:

20 "11-3A-13. SALES, RENTALS AND TENANT SELECTION.--

21 A. In the operation or management of housing
22 projects or the sale of any property pursuant to the Regional
23 Housing Law, a regional housing authority shall:

24 (1) rent, lease or sell the dwelling
25 accommodations in the housing project only to persons falling

1 within the standards adopted by the regional housing
2 authority, which standards shall comply with state and
3 federal law;

4 (2) rent, lease or sell to a person dwelling
5 accommodations consisting of the number of rooms, but no
6 greater number, that it deems necessary to provide safe and
7 sanitary accommodations to the proposed occupants without
8 overcrowding; and

9 (3) reject any person as a tenant in any
10 federally subsidized housing project if the person has an
11 annual gross income in excess of federally established
12 standards.

13 B. Nothing contained in this section or Section
14 11-3A-12 NMSA 1978 shall be construed as limiting the power
15 of a regional housing authority to vest in an obligee the
16 right, in the event of a default by the regional housing
17 authority, to take possession and operate a housing project
18 or cause the appointment of a receiver for the housing
19 project, free from all the restrictions imposed by this
20 section or Section 11-3A-12 NMSA 1978."

21 Section 12. Section 11-3A-19 NMSA 1978 (being Laws
22 1994, Chapter 132, Section 19, as amended) is amended to
23 read:

24 "11-3A-19. REMEDIES OF AN OBLIGEE.--An obligee of a
25 regional housing authority shall have the right, in addition

1 to all other rights that may be conferred on such obligee,
2 subject only to any contractual restrictions binding upon
3 such obligee, to:

4 A. compel by mandamus, suit, action or proceeding
5 at law or in equity, the regional housing authority and its
6 officers, agents or employees to perform every term,
7 provision and covenant contained in any contract of the
8 regional housing authority with or for the benefit of the
9 obligee and to require the carrying out of all covenants and
10 agreements of the regional housing authority and the
11 fulfillment of all duties imposed upon the regional housing
12 authority by the Regional Housing Law; and

13 B. enjoin by suit, action or proceeding in equity,
14 any acts or things that may be unlawful or in violation of
15 the rights of the obligee of the regional housing authority."

16 Section 13. Section 11-3A-20 NMSA 1978 (being Laws
17 1994, Chapter 132, Section 20, as amended) is amended to
18 read:

19 "11-3A-20. ADDITIONAL REMEDIES CONFERRABLE TO AN
20 OBLIGEE.--A regional housing authority shall have the power
21 by its resolution, trust indenture, lease or other contract
22 to confer upon any obligee holding or representing a
23 specified amount in indebtedness, or holding a lease, the
24 right, in addition to all rights that may otherwise be
25 conferred, upon default as defined in the resolution or

1 instrument, by suit, action or proceeding in any court of
2 competent jurisdiction:

3 A. to cause possession of any housing project or
4 any part of a housing project to be surrendered to the
5 obligee and retained by the holder of debt or trustee so long
6 as the regional housing authority continues in default;

7 B. to obtain the appointment of a receiver of any
8 housing project of the regional housing authority and of the
9 rents and profits from the housing project. If a receiver is
10 appointed, the receiver may enter and take possession of all
11 or a part of the housing project and, so long as the regional
12 housing authority continues in default, operate and maintain
13 the housing project and collect and receive all fees, rents,
14 revenues or other charges arising from the housing project
15 and shall keep the money in a separate account and apply it
16 in accordance with the obligations of the regional housing
17 authority as the court directs; and

18 C. to require the regional housing authority and
19 its officers and agents to account for the money actually
20 received as if it and they were the trustees of an express
21 trust."

22 Section 14. Section 11-3A-21 NMSA 1978 (being Laws
23 1994, Chapter 132, Section 21, as amended) is amended to
24 read:

25 "11-3A-21. EXEMPTION OF PROPERTY FROM EXECUTION

1 SALE.--All real property owned or held by a regional housing
2 authority for the purposes of the Regional Housing Law shall
3 be exempt from levy and sale by virtue of an execution, and
4 no execution or other judicial process shall be issued
5 against property of the regional housing authority or shall
6 any judgment against a regional housing authority be a charge
7 or lien on the regional housing authority's real property;
8 provided, however, that the provisions of this section shall
9 not apply to or limit the right of obligees to pursue any
10 remedies for the enforcement of any pledge or lien given to
11 them on rents, fees or revenues."

12 Section 15. Section 11-3A-22 NMSA 1978 (being Laws
13 1994, Chapter 132, Section 22) is amended to read:

14 "11-3A-22. EXEMPTION OF PROPERTY FROM TAXATION.--The
15 real property of a housing project, as defined in the
16 Regional Housing Law, is declared to be public property used
17 for essential public and governmental purposes and is
18 property of a regional housing authority of this state and is
19 exempt from taxation until a deed conveying that property to
20 a nonexempt entity is executed and delivered by the regional
21 housing authority."

22 Section 16. Section 11-3A-23 NMSA 1978 (being Laws
23 1994, Chapter 132, Section 23, as amended) is amended to
24 read:

25 "11-3A-23. AID FROM STATE OR FEDERAL GOVERNMENT.--In

1 addition to the powers conferred upon a regional housing
2 authority by other provisions of the Regional Housing Law, a
3 regional housing authority is empowered to borrow money or
4 accept contributions, grants or other financial assistance
5 from the state or federal government for or in aid of any
6 housing project or affordable housing program within its area
7 of operation and, to these ends, to comply with conditions,
8 trust indentures, leases or agreements as necessary,
9 convenient or desirable. It is the purpose and intent of the
10 Regional Housing Law to authorize every regional housing
11 authority to do all things necessary, convenient or desirable
12 to secure the financial aid or cooperation of the federal
13 government in the undertaking, acquisition, construction,
14 maintenance or operation of any housing project of a regional
15 housing authority."

16 Section 17. Section 11-3A-24 NMSA 1978 (being Laws
17 1994, Chapter 132, Section 24, as amended) is amended to
18 read:

19 "11-3A-24. COOPERATION IN UNDERTAKING HOUSING PROJECTS
20 AND AFFORDABLE HOUSING PROGRAMS.--For the purpose of aiding
21 and cooperating in the planning, undertaking, construction or
22 operation of housing projects and affordable housing programs
23 located within the area in which it is authorized to act, a
24 local public body may, upon such terms as it may determine,
25 with or without consideration:

1 A. dedicate, sell, convey or lease any of its
2 interest in any property or grant easements, licenses or any
3 other rights or privileges to a regional housing authority;

4 B. cause parks, playgrounds, recreational,
5 community, educational, water, sewer or drainage facilities,
6 or any other works that it is otherwise empowered to
7 undertake, to be furnished adjacent to or in connection with
8 housing projects and affordable housing programs;

9 C. furnish, dedicate, close, pave, install, grade,
10 regrade, plan or replan streets, roads, roadways, alleys,
11 sidewalks or other places that it is otherwise empowered to
12 undertake;

13 D. cause services to be furnished for housing
14 projects and affordable housing programs of the character
15 that the local public body is otherwise empowered to furnish;

16 E. enter into agreements with respect to the
17 exercise by the local public body of its powers relating to
18 the repair, elimination or closing of unsafe, unsanitary or
19 unfit dwellings;

20 F. do any things necessary or convenient to aid
21 and cooperate in the planning, undertaking, construction or
22 operation of housing projects or affordable housing programs;

23 G. incur the entire expense of any public
24 improvements made by the local public body in exercising the
25 powers granted in the Regional Housing Law; and

1 H. enter into agreements, which may extend over
2 any period, notwithstanding any provision or rule of law to
3 the contrary, with a regional authority respecting action to
4 be taken by the local public body pursuant to any of the
5 powers granted by the Regional Housing Law. Any law or
6 statute to the contrary notwithstanding, any sale,
7 conveyance, lease or agreement provided for in this section
8 may be made by a local public body without appraisal, public
9 notice, advertisement or public bidding."

10 Section 18. Section 11-3A-25 NMSA 1978 (being Laws
11 1994, Chapter 132, Section 25, as amended) is amended to
12 read:

13 "11-3A-25. PROCEDURE FOR EXERCISING POWERS.--The
14 exercise by a regional housing authority or other local
15 public body of the powers granted in the Regional Housing Law
16 may be authorized by resolution of the governing body of the
17 regional housing authority or local public body adopted by a
18 majority of the members of its governing body present at a
19 meeting of the governing body. The resolution may be adopted
20 at the meeting at which the resolution is introduced. The
21 resolution shall take effect immediately and need not be laid
22 over or published or posted."

23 Section 19. Section 11-3A-30 NMSA 1978 (being Laws
24 2007, Chapter 50, Section 6) is amended to read:

25 "11-3A-30. FINANCIAL AND OPERATIONAL OVERSIGHT.--

1 A. Without the prior approval of the New Mexico
2 mortgage finance authority, no regional housing authority
3 shall:

4 (1) enter into any contract, memorandum of
5 understanding or other agreement with a value greater than
6 one hundred thousand dollars (\$100,000); or

7 (2) transfer, sell or liquidate any real or
8 personal property with a value greater than one hundred
9 thousand dollars (\$100,000).

10 B. Not less than thirty days prior to the
11 beginning of its fiscal year, each regional housing authority
12 and each nonprofit corporation established pursuant to
13 Section 11-3A-9 NMSA 1978 shall submit a final operating
14 budget for the subsequent fiscal year to the New Mexico
15 mortgage finance authority for review.

16 C. The financial affairs of every regional housing
17 authority and any nonprofit corporation created by a regional
18 housing authority shall be thoroughly examined and audited
19 annually by the state auditor, by personnel of the state
20 auditor's office designated by the state auditor or by
21 auditors approved by the state auditor. The audits shall be
22 conducted in accordance with generally accepted auditing
23 standards. Each regional housing authority shall submit to
24 the state auditor, the department of finance and
25 administration, the New Mexico mortgage finance authority,

1 the Mortgage Finance Authority Act oversight committee and
2 the legislative finance committee, within thirty days
3 following the receipt of the annual audit of the regional
4 housing authority, a copy of that audit.

5 D. Every regional housing authority shall submit
6 an annual report of its financial and operational activities
7 to the New Mexico mortgage finance authority for review and
8 analysis and for dissemination to the department of finance
9 and administration, the Mortgage Finance Authority Act
10 oversight committee and the legislative finance committee.
11 Each report shall set forth a complete operating and
12 financial statement covering its operations since the
13 previous report was presented.

14 E. Failure on the part of a regional housing
15 authority to correct any qualified audit within one year of
16 the release of the audit shall result in the abatement of any
17 state funds until such corrective actions are taken. If a
18 regional housing authority should receive a qualified audit
19 opinion for more than two consecutive years, the oversight
20 agency shall recommend corrective action to be taken."

21 Section 20. A new section of the Regional Housing Law
22 is enacted to read:

23 "TRANSITIONAL PROVISIONS--COMMISSIONERS--CONTRACTS AND
24 AGREEMENTS.--

25 A. Members of boards of commissioners of regional

1 housing authorities appointed prior to the effective date of
2 this 2009 act shall continue to serve as members of boards of
3 commissioners until their terms expire or their successors
4 are appointed and qualified pursuant to the provisions of
5 this 2009 act.

6 B. All contracts and agreements of regional
7 housing authorities in effect on the effective date of this
8 2009 act shall continue in effect."

9 Section 21. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect
11 immediately. _____

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