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FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/10

SPONSOR McCoy LAST UPDATED _____ HJM 38

SHORT TITLE Study Need for Code Enforcement Judges SB _____

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$50.0-\$150.0			Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Finance & Administration (DFA)

SUMMARY

Synopsis of Bill

House Joint Memorial 38 requests the AOC to conduct a study on the need of Class A counties to have a special judge or a special master to hear code enforcement cases.

The AOC must present the results of the study and recommendations to the appropriate interim legislative committee no later than October 1, 2010.

In addition, a copy of this memorial should be transmitted to the director of the administrative office of the courts and the chairs of the boards of county commissioners in all Class A counties.

FISCAL IMPLICATIONS

The AOC indicates they would like an independent contractor to conduct the study, but there is no appropriation.

SIGNIFICANT ISSUES

Every year, Bernalillo County presents approximately three hundred cases to the district and metropolitan courts relating to alleged violations of codes, including the zoning, building, environmental health, animal control, fire marshal and public works codes.

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Code violation cases are often docketed with other types of cases that may be viewed as having a higher priority, such as DWI, traffic violation and domestic violence cases.

In 2009, Bernalillo County filed in metropolitan court several hundred zoning-related cases of which approximately one-half were continued for additional hearings. However, the AOC notes that in calendar year 2009 there were only 184 zoning cases filed in the Bernalillo County Metropolitan Court. There were 112 cases in the city and 72 cases in the county.

Bernalillo County will continue to increase as code compliance becomes more of a priority for the community and enforcement efforts are increased.

Increased emphasis on county code enforcement will increase congestion in an already overburdened court system.

Assigning code enforcement cases to an additional special division of the court system or to a special master outside the traditional court system may ameliorate court congestion resulting from increased enforcement efforts and provide enforcement staff with the support needed to enforce county codes effectively.

ADMINISTRATIVE IMPLICATIONS

The study will also require the time of AOC staff in order to liaison with the contractor chosen to conduct the study.

TECHNICAL ISSUES

The memorial requests a study on the need of Class A counties, but the memorial only refers to the needs of Bernalillo County. Currently Class A counties are Bernalillo, Santa Fe, Dona Ana and San Juan counties.

DW/mew