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AN ACT

RELATING TO HOUSING; AMENDING THE MUNICIPAL HOUSING LAW BY
CLARIFYING PROVISIONS AND DEFINITIONS AND PROVIDING OPTIONS
FOR THE APPOINTMENT OF COMMISSIONERS.

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

SECTION 1. Section 3-45-3 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-46-3, as amended) is amended to read:

"3-45-3. DEFINITIONS.--The following terms, wherever
used or referred to in the Municipal Housing Law, shall have
the following respective meanings:

A. "city" means any municipality and, unless the
context otherwise clearly indicates, any county. "The city"
means the particular city or county for which a particular
housing authority is created. "County" means any county;

B. "governing body" means, in the case of a city,
the council or board of commissioners and, in the case of
other state public bodies, the council, commissioners, board
or other body having charge of the fiscal affairs of the
state public body;

C. "mayor" means the mayor of the city or the
officer charged with the duties customarily imposed on the
mayor or executive head of a city. In the case of a county,
the term "mayor" means the board of county commissioners;

D. "clerk" means the city recorder, the county

1 clerk or the officer charged with the duties customarily
2 imposed on the clerk;

3 E. "area of operation" includes all of the city
4 or, in the case of a county, includes all of the county,
5 except the area shall not include any area that lies within
6 the boundaries of any city that has an established housing
7 authority or housing agency without the consent of the city.
8 Upon approval by the governing bodies of the cities involved,
9 the area of operation of one city pursuant to the Municipal
10 Housing Law may be enlarged to include the area within the
11 boundaries of any other city. Any subsequent withdrawal of
12 consent of a city for operation within its boundaries by
13 another city shall not prohibit the development and operation
14 of any housing projects initiated in the city by another city
15 prior to the date of withdrawal;

16 F. "authority" or "housing authority" means any
17 agency or other instrumentality of a city or a separate
18 public body politic and corporate created pursuant to the
19 Municipal Housing Law;

20 G. "state public body" means any county, municipal
21 corporation, commission, district, authority, including a
22 housing authority that is a separate body politic, other
23 subdivision or public body of the state;

24 H. "federal government" includes the United States
25 of America, the federal department of housing and urban

1 development or any other agency or instrumentality, corporate
2 or otherwise, of the United States of America;

3 I. "slum" means any area where dwellings
4 predominate that by reason of dilapidation, overcrowding,
5 lack of ventilation, light or sanitary facilities or any
6 combination of these factors, are detrimental to the safety,
7 health or well-being of the occupants or to surrounding
8 properties;

9 J. "housing project" means any work or undertaking
10 of the city:

11 (1) to demolish, clear or remove buildings
12 from any slum area. The work or undertaking may embrace the
13 adaptation of the area to public purposes, including parks or
14 other recreational or community purposes;

15 (2) to provide decent, safe and sanitary
16 dwellings, apartments, single-family dwellings or other
17 affordable living accommodations for persons of low and
18 moderate income. The work or undertaking may include
19 buildings, land, equipment, facilities and other real or
20 personal property for necessary convenient or desirable
21 appurtenances, streets, sewers, water service, parks, site
22 preparation, gardening, administrative, community, health,
23 recreational, welfare or other purposes; or

24 (3) to accomplish a combination of the
25 foregoing.

1 The term "housing project" also may be applied to the
2 planning of the buildings and improvements, the acquisition
3 of property or existing structures, the demolition of
4 existing structures, the construction, reconstruction,
5 alteration and repair of the improvements and all other work
6 in connection therewith;

7 K. "low-income person" means any individual,
8 couple or family whose gross income does not exceed eighty
9 percent of that person's particular area median income and
10 who cannot afford to pay more than thirty-five percent of
11 gross annual income for housing rent or mortgage payments or
12 a "low-income person" as defined by the federal government;

13 L. "bonds" means any bonds, notes, interim
14 certificates, debentures or other obligations issued pursuant
15 to the Municipal Housing Law;

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

23 N. "obligee" includes any holder of bonds issued
24 pursuant to the Municipal Housing Law, trustees for any such
25 bondholders, or lessor demising to a city property used in

1 connection with a housing project, or any assignee or
2 assignees of the lessor's interest or any part of the
3 lessor's interest and the federal government when it is a
4 party to any contract with a city in regard to a housing
5 project;

6 O. "affordable housing" means any housing
7 accommodations that serve the needs of low- and
8 moderate-income persons;

9 P. "affordable housing program" means an ongoing
10 delivery system of affordable housing services that assists
11 persons of low and moderate income;

12 Q. "moderate-income person" means any individual,
13 couple or family whose gross annual income is not less than
14 eighty percent of that person's particular area median income
15 and does not exceed one hundred twenty percent of that area
16 median income;

17 R. "multi-jurisdictional housing authority" means
18 two or more housing authorities joined or cooperating for the
19 purposes of consolidating administrative duties and
20 obligations and providing more effective and efficient
21 housing projects and programs within their jurisdictions; and

22 S. "immediate family member" means:

23 (1) a spouse, including a former spouse, a
24 de facto spouse or a former de facto spouse;

25 (2) a child or an adult child, including an

1 adopted child, a step-child or an ex-nuptial child;

2 (3) a parent or a step-parent;

3 (4) a grandparent;

4 (5) a grandchild;

5 (6) a sibling or a step-sibling;

6 (7) a first cousin;

7 (8) an aunt or an uncle;

8 (9) a father-in-law or a mother-in-law;

9 (10) a sister-in-law or a brother-in-law;

10 and

11 (11) any other relative who is financially

12 supported."

13 SECTION 2. Section 3-45-5 NMSA 1978 (being Laws 1965,
14 Chapter 300, Section 14-46-5, as amended) is amended to read:

15 "3-45-5. CREATION OF AUTHORITY.--

16 A. Every city, in addition to other powers
17 conferred by the Municipal Housing Law, shall have power and
18 is authorized, by proper resolution of its governing body, to
19 create an authority to be known as the "housing authority" of
20 the city as a public body politic and corporate separate from
21 the city. The city may delegate to the authority the power
22 to construct, maintain, operate and manage any housing
23 project or affordable housing programs of the city and may
24 delegate to the authority any or all of the powers conferred
25 on the city by the Municipal Housing Law.

1 B. When the governing body of a city adopts a
2 resolution pursuant to Subsection A of this section:

3 (1) the mayor shall appoint three, five or
4 seven persons as commissioners of the authority as follows:

5 (a) at least three commissioners if the
6 municipality is a village, town or county that does not
7 contain a metropolitan statistical area as defined by the
8 United States census; or

9 (b) at least five but no more than
10 seven commissioners if the municipality is a city or a county
11 that contains a metropolitan statistical area as defined by
12 the United States census; and

13 (2) the commissioners who are first
14 appointed shall be designated to serve staggered terms of one
15 to five years from the date of their appointment, depending
16 on the size of the authority. Thereafter, commissioners
17 shall be appointed for a term of office of five years, except
18 that all vacancies shall be filled for the unexpired term. A
19 commissioner of an authority shall not hold any other office
20 or employment of the city for which the authority is created.
21 A commissioner shall hold office until a successor has been
22 appointed and has qualified, unless sooner removed according
23 to law. A commissioner may serve two or more successive
24 terms of office. A certificate of the appointment or
25 reappointment of any commissioner shall be filed with the

1 clerk, and the certificate shall be conclusive evidence of
2 the due and proper appointment of the commissioner. A
3 commissioner shall receive no compensation for services for
4 the authority in any capacity, but shall be entitled to the
5 necessary expenses, including traveling expenses, incurred in
6 the discharge of duties.

7 C. Two or more cities joined together pursuant to
8 Subsection B of Section 3-45-4 NMSA 1978 shall establish
9 their commissioners in accordance with Subsection B of this
10 section, except that each city shall have equitable
11 representation on the commission. The commissioners
12 representing each city shall be appointed by the mayor of the
13 city.

14 D. Any powers delegated by a city to an authority
15 shall be vested in the commissioners of the authority in
16 office from time to time. A majority of commissioners shall
17 constitute a quorum of the authority for the purpose of
18 conducting its business and exercising its powers and for all
19 other purposes. Action may be taken by the authority upon a
20 vote of a majority of the commissioners present. The
21 commission shall organize itself at its annual meeting each
22 even-numbered year. Any city creating a housing authority
23 may authorize the authority to employ a secretary, who shall
24 be executive director and who shall be removable only for
25 cause. With the delegated authority from the commission, the

1 executive director may hire or terminate, according to the
2 procurement and personnel policies and procedures of the
3 authority, technical experts and such other officers,
4 attorneys, agents and employees, permanent and temporary, as
5 the authority may require; determine their qualifications,
6 duties and compensation; and delegate to one or more of them
7 such powers or duties as the authority may deem proper."

8 SECTION 3. Section 3-45-12 NMSA 1978 (being Laws 1965,
9 Chapter 300, Section 14-46-12, as amended) is amended to
10 read:

11 "3-45-12. FORM AND SALE OF BONDS--INTEREST ON CERTAIN
12 OBLIGATIONS.--

13 A. Bonds of a city issued under the Municipal
14 Housing Law shall be authorized by its resolution and may be
15 issued in any one or more series and shall bear such date,
16 mature at such time, bear interest at such rate, be in such
17 denomination, be in such form, either coupon or registered,
18 carry such conversion or registration privileges, have such
19 rank or priority, be executed in such manner, be payable in
20 such medium of payment at such place and be subject to such
21 terms of redemption, with or without premium, as the
22 resolution, its trust indenture or the bond so issued may
23 provide.

24 B. Obligations issued by a city that are true loan
25 obligations made to the farm service agency of the United

1 States department of agriculture or the department of housing
2 and urban development may bear interest at a rate of interest
3 not exceeding par.

4 C. The bonds shall be sold at not less than par at
5 public sale held after notice published once at least five
6 days prior to the sale in a newspaper having a general
7 circulation in the city jurisdiction and in a financial
8 newspaper published in the city of San Francisco, California,
9 or in the city of New York, New York; provided that the bonds
10 may be sold to the federal government at private sale at not
11 less than par, and, in the event less than all of the bonds
12 authorized in connection with any housing project are sold to
13 the federal government, the balance of the bonds may be sold
14 at private sale at not less than par at an interest cost to
15 the city not to exceed the interest cost to the city of the
16 portion of the bonds sold to the federal government.

17 D. In case any of the officers of the city, the
18 authority or any of its instrumentalities whose signatures
19 appear on any bonds or coupons cease to be officers before
20 the delivery of the bonds, the signatures shall,
21 nevertheless, be valid and sufficient for all purposes the
22 same as if the officers had remained in office until
23 delivery. Any provision of any law to the contrary
24 notwithstanding, any bonds issued pursuant to the Municipal
25 Housing Law shall be fully negotiable.

1 E. In any suit, action or proceedings involving
2 the validity or enforceability of any bond of a city or the
3 security for the bond, any such bond reciting in substance
4 that it has been issued by the city to aid in financing a
5 housing project to provide dwelling accommodations for
6 persons of low and moderate income shall be conclusively
7 deemed to have been issued for a housing project of that
8 character, and the housing project shall be conclusively
9 deemed to have been planned, located and constructed in
10 accordance with the purposes and provisions of the Municipal
11 Housing Law."

12 SECTION 4. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2014. _____

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