The ZONING STONE

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NMLZO ANNUAL MEETING / WORKSHOP
SEPTEMBER 18-20, 2019
GRANT COUNTY VETERANS MEMORIAL
BUSINESS & CONFERENCE CENTER
SILVER CITY

THE PUBLICATION OF THE NEW MEXICO LEAGUE OF ZONING OFFICIALS
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NMLZO
ANNUAL MEETING / WORKSHOP

It’s time to make plans to attend the Fall 2019 Annual Meeting/Workshop of the NMLZO. It will be held on September 18-20 in Silver City at the Grant County Veterans Memorial Business & Conference Center, 3031 Highway 180 East, Silver City.

www.meetinthegila.com

You can download the Preliminary Program, Hotel Information, and Registration form at: www.nmml.org/subsections/zoningofficials.

This upcoming Meeting/Workshop will offer an interesting line-up of timely issues.

Hope to see you in Silver City September 18-20!
From the President...

Thank you, thank you, thank you, to everyone who helped make the Land Use Officials (Commissioner’s) Training in May such a great success! The feedback that we received was very positive. As a matter of fact, make sure to check out the article out of Espanola referencing our training. Sometimes we can lose track of just how important these trainings are. This is a good reminder of the need for continuing education and our purpose as an Association.

The New Mexico League of Zoning Officials’ founding purpose is to “identify, foster and promote academic and technical educational programs for zoning officials, and to establish state/regional/national certification in order to provide better governmental response to the needs of all citizens, and to establish and maintain a line of communication and open dialogue among participants at all levels of the planning and zoning process.” The NMLZO has worked very hard to realize this objective. I am continually impressed by, and proud of our membership, and their commitment of supporting the NMLZO and its purpose.

We are gearing up for our Fall Workshop on September 18\textsuperscript{th}-20\textsuperscript{th} in Silver City. We have a lot of great sessions lined up for you including some back to basics Planning & Zoning Overview, Zoning and Code Enforcement regarding Cannabis and Hemp, a Reed vs. Gilbert Sign discussion as well as a presentation and Downtown Tour of our Host City.

The Zoner’s Family is one that I am personally very proud to be a member of through the years. I find our dedication with one another admirable and heartwarming. It is with a great mix of emotions that I have made the decision to pursue a career path that will no longer allow me to serve as President of the New Mexico League of Zoning Officials.

This Association and all of you have helped me flourish and succeed to who I am today and I am eternally grateful for that. The friends that I have made have brought enormous amounts of happiness to my life. My heart hurts with the thought of leaving, but I’m excited to move on to the next chapter in my life. I wish you all the best, and I hope to run into many of you in the future. I’ll be around!

Stella Rael, your President Elect will take things from here. Thank you, Stella, for your dedication and understanding. To the Board, it was my honor serving with you. I loved working with you all and will miss you greatly.

Sincerely,

\textit{Loretta Hatch, CZO, CFM}
SCHOLARSHIPS AVAILABLE FOR NMLZO MEMBERS!!

By: Linda Alire-Naranjo
Program Development & Training Director
New Mexico Municipal League

In conjunction with this year’s NMLZO Annual Meeting/Workshop scheduled in Silver City on September 18-20, scholarships will be offered. There will be full scholarships that cover the registration fee and 2 hotel nights as well as partial scholarships that cover the registration fee only. The recipient(s) will be expected to furnish their own transportation, and meals if not included with the registration fee, and lodging for those who obtain the partial scholarship.

For more details, the scholarship criteria and application is available to all NMLZO Members online at the NMML website at www.nmml.org, click on Subsections then Zoning Officials.

SPECIAL NOTE: In order to be eligible for a scholarship, you must be a Member of the NMLZO.

Please make a note that Scholarships will also be available in conjunction with the NMLZO Semi-Annual Meeting next May 2020.
The city is wrestling with how to regulate short-term rentals, given the effects some say they have on neighborhoods and housing. (Adolphe Pierre-Louis/Albuquerque Journal)

ALBUQUERQUE, N.M. — A Nob Hill-area resident says her neighborhood was “hugely affected” after an Airbnb moved in, although the owner of that property says he has made numerous changes to address concerns.

Across town, Lorraine Gallegos says guests at the short-term rental in her West Side neighborhood torched her 88-year-old mother’s car after a “party that got out of hand.”

These are some of the stories people tell about the growing short-term rental business, particularly when the owner or manager doesn’t live on the property.

But hosts for Airbnb and other platforms in Albuquerque say these kinds of problems are the exception and don’t reflect the care that many owners take when running their operations.

Lacy Pontes, who manages 12 short-term rentals around Albuquerque, inside one of her properties south of Nob. Hill. (Adolphe Pierre-Louis/Albuquerque Journal)

Lacy Pontes has made a successful business of it, managing 12 properties in the far Northeast Heights and Nob Hill and Old Town areas. She said she has received one complaint among the 2,500 reservations she has taken over the past three years for her houses, casitas and condos.

Tawnya Mullen, who rents out a duplex and is on a city task force examining the issue, says short-term rental owners often improve neighborhoods by purchasing vacant or abandoned properties and fixing them up.

Standards must be high, she says, if hosts want to stay in business.

Unlike other cities, Albuquerque does not have specific regulations covering short-term rentals. There is no registration requirement, no permit fee and no density limit other than those already outlined in city zoning and land use rules.

The task force, established by City Councilor Diane Gibson, is wrestling with whether there should be regulation and how much. It’s an extremely contentious issue, as evidenced by a recent task force public meeting that drew a standing-room-only crowd. Continued...
Impact on housing

There are no numbers showing how many absent property owners operate short-term rentals in Albuquerque.

Total numbers from Airbnb show in 2018 there were 366,000 guest arrivals in New Mexico who used the Airbnb platform, and hosts made a total of $48.8 million.

A pond welcomes visitors to the backyard at one of Lacy Pontes’ short-term rentals. Pontes says she has received one complaint among the 2,500 reservations she has taken over the past three years. (Adolphe Pierre-Louis/Albuquerque Journal)

Homewise, a New Mexico nonprofit that helps people purchase homes, has hired a researcher to look at the effect short-term rentals have on the availability of both long-term rentals and affordable housing, said chief executive officer Mike Loftin. The goal is to examine how many units would be available for more permanent residents if they hadn’t been turned into short-term properties.

“Clearly, (short-term rentals) are taking long-term rental housing and home ownership off the market for people who live and work in a community,” Loftin said.

(The town of Taos is taking a crack at that problem by diverting $100 of an annual $400 fee for certain properties and placing it into an affordable housing fund.)

The Albuquerque City Council is also looking to get a better handle on the issue. The 15-member task force is charged with studying registration requirements, possible fees and regulations to address safety and nuisance complaints.

The task force has until June to make recommendations to the City Council.

Gibson said she decided to tackle the issue “because of complaint calls I had been getting in past years – more in the past year – everything from parking issues to a lot of in-and-out traffic.”

“In this industry, there are very few barriers to entry,” she said of Albuquerque’s current situation.

Gibson has emphasized that she thinks short-term rentals are “a beautiful thing for Albuquerque,” but she’s concerned about neighborhood residents as well as guests who are visiting the city.

“I want to make sure our tourists, people who are visiting Albuquerque, have a good experience,” she said. “I want their accommodations to be safe and clean so they don’t go home and have anything bad to say about their experience.”

To regulate or not

Pontes and others maintain there are already enough regulations on the books to handle any problems, through police and fire departments, the city’s noise ordinance and other laws.

Continued...
Also, Pontes points out, her business is regulated by the ability her guests have to comment on her Airbnb listings.

“Given that this is my livelihood, I pay attention,” Pontes said. “If there are issues, you get bad reviews. If you get bad reviews, you don’t get bookings.”

The recent task force hearing was a raucous one, with some property owners shouting at staff who were trying to explain points on which members have reached consensus.

Among those drawing the most vocal dissent was a proposed annual fee – $250 for the first year and an unspecified lower amount in subsequent years. City staff noted that the amount could be changed, based on public comment.

While there is no short-term rental registration fee now, Airbnb has started collecting city lodgers taxes from listed properties.

Elsewhere in New Mexico, Santa Fe and Taos both charge annual fees and require that no more than two people stay in a bedroom. Santa Fe goes further and allows no more than two short-term rental homes in a row in a residential zone “to eliminate the creation of virtual motels,” said Randy Randall, executive director of Tourism Santa Fe, the city’s tourism promotion agency.

However, four Santa Fe city councilors are proposing loosening some restrictions.

Cities elsewhere that have cracked down include Kansas City, Mo., which says off-site owners must get the OK from 55 percent of adjacent property owners or apply for a special-use permit, and Boulder, Colo., which allows short-term rentals only at the owner’s main residence.

Albuquerque task force members have agreed that owners should not be required to live on the property, and that a “Good Neighbor Agreement” should be voluntary, encouraging rental hosts to “notify adjacent neighbors as a courtesy.”

Complaints

Lorraine Gallegos said her mother, who still works, was forced to take some time off after the people staying next door burned her car.

“There’s music until 5 or 6 in the morning, and fighting in my front yard,” said Gallegos, who attended the recent City Council task force meeting with her mother and a neighbor.

Airbnb spokeswoman Laura Rillos says the company, in response to the car-torching incident, “removed this guest from our platform for violating our terms of service.”

She added that Airbnb listings have had more than 400 million guests, and “negative incidents are extremely rare.” The site’s review system allows users to see comments about guests, hosts and homes, she said. It also has started a “Neighbor Tool,” where people can report problems with a property in their area.

Terry Quinn, in front of her Nob Hill-area home, says a short-term rental in her neighborhood has drawn traffic and occasional noise. (Adolphe Pierre-Louis/Albuquerque Journal)

Terry Quinn, a task force member who lives in the Nob Hill area, said the most expensive home on her block was sold and turned in to a short-term rental by an owner who lives off-site.

It has four bedrooms and allows 10 guests – an operation that essentially “set up a business in the middle of our street,” Quinn said.

A week after property owner John Seaver reduced the maximum occupancy from 12 to the current 10 in response to complaints, a catering truck pulled up because an event had been scheduled at the home, neighbors said.

“This could happen to anybody, and it’s just not right,” Quinn said.

She added: “I’m not saying they should be outlawed. I use them myself, to be really honest. But I would like to see a more realistic number of people per house.”

Continued...
Even though guests might not be rowdy, the rental home brings more traffic and noise to the area, Quinn said.

The owner of the rental home, John Seaver, said he has tried to be responsive to complaints, adding to his Airbnb listing that no events were allowed and taking down a basketball hoop that prompted a noise complaint.

Seaver and his company, Just Sprinklers, have purchased two homes for short-term rentals to help fund his and his wife’s retirement.

He noted that his other short-term rental house, located nearby, has won praise from its neighbors because it used to be rundown and a community eyesore.

Seaver said he and his wife did a complete renovation, even hiring an interior decorator.

Gibson is matter-of-fact about the whole thing.

“I think it’s going to take continued conversations,” she said.

POSSIBLE RULES FOR ALBUQUERQUE

Members of the city’s short-term rental task force have reached agreement on the following items, although anything they formally recommend will have to receive City Council approval:

- Owner/operators should register with the city and apply for an annual permit. The cost should be $250 for the first year, but a lesser amount in subsequent years.
- There should be no limit on the number of times a property can be rented, and owner occupancy should not be a requirement.
- Regulations should not differentiate between owner-occupied and non-owner occupied units.
- Hosts currently cannot advertise that units are available for special events. Small, private gatherings should be allowed, but overnight stay for additional guests should not be allowed. There should be no limit on the number of private gatherings at a unit.
- Properties should maintain an outward residential appearance, and advertising should not be allowed on units within residential zones.
- A voluntary “Good Neighbor Agreement” would encourage operators to notify neighbors and provide emergency contact numbers.
- Violation of regulations should result in a civil penalty.

SANTA FE

- $100 one-time application and processing fee; $325 annual permit fee.
- The fine for operating without a permit is $500, and $250 for each day after that.
- Permits may not be issued for more than two properties directly next to each other on a residentially zoned street.
- Ordinance does not address owner occupancy.
- No more than two people per bedroom.
- Property owner is required to notify neighbors by mail within 200 feet of the short term rental and within 10 days of permit issuance.
- A 24-hour contact must be listed on permit application.

TAOS

- Annual $300 fee for owners who rent out a room in their primary residence; annual $400 fee for casitas or for absent property owners. The $100 difference goes into an affordable housing fund.
- No more than two people per bedroom.
- Owner or agent must be available to respond to any and all conflicts.
- Ordinance does not address owner occupancy.

BOULDER, COLO.

- Initial $105 registration fee, plus the same amount every four years for renewal.
- Two local contacts located within 60 minutes of the property must be listed on the permit application.
- Rental property must be the owner’s primary residence, occupied for more than half the year, or an accessory unit on the same parcel.
- An owner may not hold more than one short-term rental license.

COLORADO SPRINGS, COLO.

- Annual $119 fee
- A 24-hour contact person must be available to respond to complaints and emergencies within one hour.
- Neighbor notification is recommended.

Sources: Consensus Planning, Inc., Albuquerque Journal
RENEW YOUR NMLZO MEMBERSHIP

OR

BECOME A NEW NMLZO MEMBER!!

By: Linda Alire-Naranjo, Program Director - New Mexico Municipal League

In order to be eligible to run for the NMLZO Board of Directors, or to serve on any Committee, or to vote on any issue, or to apply for scholarships, or to acquire certification and recertification, etc., you must be a full dues paying member of the NMLZO for Fiscal Year 2019-2020.

The New Mexico Municipal League recently sent out renewal statements for Fiscal Year 2019-2020 NMLZO Membership dues. If you have not received a statement, please consider joining or renewing your membership by filling out the NMLZO membership application form and sending it real soon to the NM Municipal League Office with your check payable to the NMLZO.

If you are unsure whether your Membership Dues Renewal Invoice of July 1, 2019 was paid or whether you are a member or not, refer to the current Membership List to see if your name is on it. Act Fast! Complete the NMLZO membership application form if your name does not appear on the Membership List.

SPECIAL NOTE: If you know someone who may be interested in joining, please feel free to sign them up! Don’t forget, you can accumulate points toward your certification for membership recruitment.

A NMLZO Membership List and a Membership Application form can be obtained on-line at www.nmml.org, click on Subsections then on Zoning Officials.

Should you have any questions, please call me at 800-432-2036, Ext. 513.
Final Design Presented for Tiny Homes Village

By Rick Nathanson / Journal Staff Writer

Thursday, June 20th, 2019 at 8:08pm

This artist rendering from Baker Architects and Design shows an overview of the tiny homes village that is planned for the now-vacant lot behind the Albuquerque Indian Center.

ALBUQUERQUE, N.M. — While some people had questions about security and safety, no one expressed opposition to the construction of a tiny homes village on the site of the Albuquerque Indian Center during a final design presentation at the center made to about 70 people Thursday evening.

Architect Christine Williams from Baker Architecture and Design, and Bernalillo County Commissioner Debbie O’Malley provided answers on an array of subjects related to the village and explained the vision for the project.

The village of 30 tiny homes, each about 120 square feet, will be located on a 1.38 acre vacant lot behind the Albuquerque Indian Center, 105 Texas St. SE. The village will be arranged around a centrally located village house with bathrooms and showers at the far end of the building, a kitchen, pantry, sitting and gathering space and more.

A second satellite bathroom facility will be located at the other end of the village. There will be extensive landscaping, outdoor lighting, a community garden and shady areas for sitting and entertaining.

The tiny homes will ring the perimeter. Each of them will be individualized with paint, stain and a pattern etched into the exposed external side of the insulated structural wood panel walls. The homes will also contain a small front porch, an internal fire sprinkler, electricity, a combination heating and cooling unit, clerestory windows, vinyl plank flooring, a built-in desk and storage space, and be big enough to accommodate a queen-size bed.

Unlike previous designs, the homes will not be mounted to a chassis or contain wheels. Instead, they will be permanently set atop a block and cement foundation.

A 7-foot-tall security fence made from cement block and steel slats will run around the property. There will be one entry point into the village with a guard gate staffed 24 hours.

The Albuquerque Indian Center, which already works with a large homeless population and provides a host of services, will lease the property to the county and will operate the village.

The village is being funded with a $2 million general obligation bond county voters approved in 2016, a $750,000 bond approved in 2018, and $600,000 from the state to provide upgrades to the existing Albuquerque Indian Center building. The estimated per-unit cost of the homes was not available Thursday.

The Bernalillo County Commission on Tuesday is expected to approve a memorandum of understanding between the county and the Indian Center, as well as a lease agreement and an operating agreement, O’Malley said.

Construction is expected to begin by October with completion by next summer.
NM Proposes 1,750 Plant Limit for Marijuana Suppliers

By Dan Boyd / Journal Capitol Bureau

Published: Tuesday, June 11th, 2019 at 10:09am  Updated: Tuesday, June 11th, 2019 at 9:43pm

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SANTA FE – New Mexico’s plant limit for licensed medical marijuana providers would be set at 1,750 plants – less than currently allowed but far higher than in previous years – under a proposal unveiled Tuesday by the state Department of Health.

The agency said the proposal attempts to strike a balance between ensuring adequate supply for those enrolled in the state’s medical cannabis program, while avoiding an excessive surge in pot production.

“Our focus here is to better provide a medical cannabis system that guarantees safe access for patients to safe medicine,” Health Secretary Kathy Kunkel said Tuesday in announcing the proposed rule change.

If approved, the new limits would replace an emergency rule adopted by the department in March that raised the plant count for nonprofit producers from 450 to 2,500 plants.

That was in response to a judge’s order in a 2016 lawsuit filed by a former Bernalillo County resident who argued she couldn’t find sufficient CBD oil – a product derived from cannabis – to treat her daughter’s medical condition in New Mexico and subsequently had to move elsewhere.

As of earlier this year, most of the state’s 35 licensed producers had expressed an interest in upping their plant count under the emergency rule, according to Department of Health officials.

New Mexico launched its medical marijuana program in 2007 – the law is officially called the Lynn and Erin Compassionate Use Act – and the number of people enrolled in the program has skyrocketed in recent years.

There were more than 73,000 active patients around the state as of last month, compared with 48,861 in September 2017.

In addition to the proposed change in plant limits for nonprofit producers, the administration of first-term Democratic Gov. Michelle Lujan Grisham has also enacted other changes to the program.

Just last week, the Department of Health added six new qualifying conditions for enrolling in the program – including opioid addiction, Alzheimer’s disease and autism.

Lujan Grisham also signed a bill in April that will, starting on Friday, allow for the use of medical marijuana in schools, while also extending the length of an approved patient identification card from one year to three years.

Emily Kaltenbach, state director of the Drug Policy Alliance, described the changes as necessary after few changes were enacted during the administration of former Gov. Susana Martinez.

“Patients have expressed their frustration with the shortage in medicine,” Kaltenbach told the Journal. “I think these are really important and timely changes to the program.”

As for the medical cannabis plant limits, marijuana seedlings, or young plants that do not yet have flowers, would be exempt from the proposed rule change unveiled Tuesday.
ARE YOU ELIGIBLE FOR NMLZO BASIC CERTIFICATION?

By: Linda Alire-Naranjo
Program Development & Training Director
New Mexico Municipal League

Every educational program of the NMLZO is not only a valuable learning and networking opportunity but also a step closer to fulfilling your requirements to become an NMLZO Certified Zoning Official (CZO).

If your attendance at the NMLZO Annual Meeting/Workshop on September 18-20 in Silver City will be considered your fourth NMLZO Workshop and you meet all of the other criteria in order to be eligible to receive your Certification then NOW IS THE TIME to fill out the Certification Application. Review the application and if you determine that you meet all of the criteria, fill out the application and make note that you will be completing your fourth workshop in September.

If you would like to become certified during the upcoming September Workshop, please submit your application and back-up documents before or by Friday, August 30th by sending it to my attention. IMPORTANT NOTE that if you do not submit all of the required back-up documents by this deadline, it may delay your certification. You can also apply at any point in time after the September Annual Meeting/Workshop to become certified. However, you will not be recognized in front of your peers until the next NMLZO Meeting in May 2020.

Certification eligibility is based on a 100 point system of which 30 points are for attendance at four NMLZO Workshops. Upon submittal of your application, and after review and approval, you may be able to receive your prestigious Certified Zoning Official (CZO) designation during the September Workshop. Should you have any questions regarding the application and your eligibility, contact me at lalire@nmml.org or at 800-432-2036, extension 513.

The certification application with criteria is on-line at the NMML website at www.nmml.org, click on Subsections then Zoning Officials.

SPECIAL NOTE: In order to be eligible for certification, you must be a Member of the NMLZO. A NMLZO Membership Application form can be obtained on-line at www.nmml.org, click on Subsections then on Zoning Officials.
Proposal would change Santa Fe rules for casita, guesthouse rentals

By T. S. Last / Journal Staff Writer
Tuesday, March 26th, 2019 at 6:53pm

SANTA FE – Four city councilors are proposing city ordinance changes that would allow residential property owners to rent out up to two dwellings on a single lot and not have to live there themselves, essentially permitting two rentals on property zoned for single-family units.

A Santa Fe homeowner currently can rent out an “accessory dwelling” like a casita or guest house, but only if the owner lives in the main house — a provision advocates say protects the single-family character of residential neighborhoods.

There is a caveat in how the proposed changes would allow absentee owners to rent out both a house and an accessory dwelling. The leases for both units would have to be for a minimum of 30 days, discouraging their use as vacation rentals.

Owner-occupants would still be permitted to rent out a casita as a short-term vacation rental.

The proposed changes could impact a long-running dispute between owner-occupants and the absentee owners of a property in the South Capital area who were renting out a main house and a casita. After lobbying by area homeowners, including over parking spaces, the casita renter is facing eviction under a legal ruling from the city.

According to documents prepared by city staff, the intent of the changes is to “open up additional rental housing options without the need for large-scale new developments.” It says rental housing in Santa Fe is at a premium and relaxing the restrictions “would create an immediate supply of additional housing options throughout the City.”

In addition to allowing casita/guesthouse landlords to live off-property, the proposed changes scale back restrictions on dwelling height, setbacks and living space and allow on-street parking to count toward off-street parking requirements.

Not everyone is happy about the proposal.

Karen Heldmeyer, acting president of the Santa Fe Neighborhood Network, said several concerns were raised at the group’s meeting last week, including the lack of opportunities for public input during the process. Other concerns had to do with increased density in already crowded neighborhoods, creating commercial enterprises in residential areas, and another provision of the proposed amendments that allows for second-story additions for accessory dwellings if they don’t “exceed the limits established by the building envelope of the principle structure.”

“The real fear is that it will exacerbate the short-term rental issue,” Heldmeyer said, meaning the proliferation of Airbnbs and other vacation rentals that advocates maintain destroys the residential nature of neighborhoods.

There’s also the issue of enforcement. The track record for the Land Use Department in that regard is “horrible,” she said.

The proposal was on the agenda for Monday’s Public Works Committee meeting but was postponed. Peter Ives, the committee’s chairman and one of the bill’s sponsors, said he wanted to delay the bill to allow for public input. He said plans to schedule two public listening sessions.

Santa Fe City Councilor Peter Ives
Earning Continuing Certification Program (CCP) Points

Congratulations on earning your CZO! We all know the effort and dedication it takes to achieve NMLZO certification. Once you have it, you really want to keep it. The Continuing Certification Program (CCP) allows you to do just that. IMPORTANT: Each Certified Zoning Official (CZO) must renew their Certification status within each four year period.

It’s never too soon to start earning CCP points to use toward certification renewal, and there are LOTS of ways to do so. Refer to point values and activities listed at www.nmml.org/Subsections/ZoningOfficials, Continuing Certification Program.

Things you can do right now to build up your points include finding sponsors, exhibitors, collecting items for raffle or silent auction, or submitting an article for the newsletter.

In the bigger picture, consider serving on the Board or on the District Representative Committee (DRC). You can speak with any Board or Committee Member for more information about the commitment, and the rewards, of serving the NMLZO Membership.
Report: Santa Fe Losing Out on $3.8M in Short-term Rental Taxes

By T. S. Last / Journal Staff Writer

Wednesday, June 12th, 2019 at 7:07pm

SANTA FE – Santa Fe is missing out on about $3.8 million in lodgers and gross receipts taxes annually due to non-compliance issues having to do with short-term rental units, according to a report released Wednesday by Homewise, Inc., a nonprofit that helps low- and middle-income families become homeowners.

The report, titled “Short Term Rentals and Access to Housing in Santa Fe” and conducted by Corrales-based O’Donnell Economics & Strategy, recommends that the city do more to enforce the laws on the books and educate short-term rental (STR) hosts about their obligation to pay both lodgers and gross receipt taxes.

“At minimum, the city should enforce its registration requirements for short-term rentals, should require them to contribute their fair share of taxes, and dedicate the added gross receipt taxes to the city’s Affordable Housing Trust Fund,” Mike Loftin, CEO of Homewise, said in a news release.

The trust fund is a repository for development fees that are used to provide various forms of housing assistance.

The report says that the number of STRs skyrocketed from roughly 300 to 1,444 in four years from 2015 through 2018 — a 380% increase — due largely to the proliferation of platforms like Airbnb. About 40% of the total STR units are managed by hosts who are not registered with the city, as required by ordinance.

Because so many STR hosts are not in compliance with the city’s ordinance, the Santa Fe is missing out on about $2.2 million each year from lodger’s taxes and another $1.6 million in uncollected gross receipt taxes, the report says.

The city’s ordinance covering STRs imposes a fine of $500 on violators and increases to $250 per day if the situation is not corrected within two weeks.

Other highlights from the report, produced with funding from the Thornburg Foundation, indicate: While 80% of hosts rent just one property, more than 100 short-term rental hosts list two or more properties for rent.

* Just 15 hosts account for 381 units, or more than one-quarter of the total supply of short-term rentals.

* The Santa Fe market generated more than $54 million in revenue in 2018, an average of nearly $84,000 per host.

* About 15% of single-family homes listed on Santa Fe County tax rolls are owned by people who live out of state.

In addition, the report notes that out-of-state property owners can take advantage of a state law intended to help low- and moderate-income homeowners by placing a 3% cap on annual home valuation increases for taxation purposes.

The tax savings can be used by out-of-state residents to subsidize the purchase of a second home or short-term rental.

In addition to stepping up enforcement and working to educate landlords about their obligation to pay lodgers and gross receipt taxes, the report recommends that the cap on taxable valuation increases be limited to owner-occupied homes and rescinding property tax breaks for second homes. It also says the city should reduce regulatory barriers to building accessory dwelling units like casitas, including removing the requirement that people who rent out ADUs must live in another home on the same property.

Through a city spokeswoman, Mayor Alan Webber acknowledged the city needs to do a better job with enforcement and educating the public.

He said one thing the city may do is design the short-term rental permit form to help facilitate enforcement. The report suggests that the city can improve compliance for paying GRT by asking short-term rental hosts to supply a tax identification number when they register. It also notes that the applicants are not required to provide their primary address.

Webber said the City Council may also re-examine the penalties for violations and consider what other punitive measures could be introduced.
New Mexico Word Search

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Santa Fe
Pinion
Roadrunner
Yucca
Cactus
Carlsbad Caverns
Cattle
Spanish
Rio Grande
Hot Air Balloon
White Sands
Native Americans
Roswell
Mining
John Denver
Demi Moore
William Hanna
Atomic Bomb
Fossils

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The City of Las Cruces is currently in the process of updating its Comprehensive Plan. The Las Cruces City Council has long recognized the value of long-range planning and has recently provided City staff with the resources to team up with Halff Associates for a complete update to the Comprehensive Plan, which was only partially updated in 2013 and contains policies from 1999. The Comprehensive Plan will assess a variety of community characteristics, including land use, transportation, community infrastructure, economic development, housing, parks, and community design. For each of these elements, the comprehensive plan will answer questions such as: What do we want the future of Las Cruces to look like? What policy changes are needed to achieve the future vision?

Public and stakeholder engagement help to answer these questions and form the overall vision for the plan. A Comprehensive Plan Advisory Committee (CPAC) made up of key Las Cruces stakeholders has been created to serve as a sounding board throughout the plan process. There will also be several opportunities for citizens to be involved, including online surveys, public workshops, and design charrettes. The resulting Comprehensive Plan will include strategies and policies that help the Mayor, City Councilors, City staff, and the Planning & Zoning Commission as they make development decisions over the next 20 years.

More information about the Elevate Las Cruces Comprehensive Plan can be found at www.evatelascrucoses.com.

**Project Timeline**

The comprehensive plan is expected to be completed by December 2019.
Supreme Court Overturns Longstanding Property Takings Precedent

CHICAGO (June 21, 2019) — The American Planning Association (APA) is disappointed with the U.S. Supreme Court’s decision today in Knick v. Township of Scott. The decision upends established precedent for addressing takings challenges and poses potential obstacles for important local land use decisions that benefit communities.

In a 5-4 decision that overturns the precedent set in Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City (1985), the Court found that a property owner can file a takings claim in federal court without first pursuing state litigation. Today’s decision allows people who believe that a final decision constitutes a taking of their property to immediately file suit in either a state court or a federal court.

While the requirement that the challenged decision must be “final” will continue to have the positive effect of preventing certain types of premature takings claims (or causing such claims to be dismissed at an early stage), it will likely increase the number of garden-variety federal court challenges to the outcome of land-use decisions.

Writing for the minority, Justice Kagan stated that the decision to overrule Williamson County “transgresses all usual principles of stare decisis.” In its friend of the court brief, APA also urged the Supreme Court to follow stare decisis.

“APA urged the Supreme Court to ... decide the case based on existing legal principles, while at the same time clarifying those principles so as to curb their abuses,” said John Baker, chair of APA’s Amicus Curiae Committee. “Instead, by a single vote, the Supreme Court took a meat-ax approach, explicitly overturning a 7-1 decision from 1985 and trivializing language in the Court’s own decisions dating back over 125 years.”

Today’s decision introduces a number of practical challenges to land-use decisions for both property owners and governmental defendants. As APA stated in its amicus brief:

“State courts have little reluctance to invalidate the denial of a permit or other land-use application if the evidence demonstrates that the denial was unlawful, without the need to reach any constitutional questions. By contrast, the need for a substantial federal question often causes motion practice in federal court land-use lawsuits to address questions of federal law before questions of state law ...”

The Court’s decision in Knick will potentially draw out the judiciary process by unnecessarily steering takings claims away from the state courts and toward federal courts.

Said Baker, “We are concerned that the Knick decision will slow judicial consideration of both valid and invalid challenges to state and local land-use decisions.”

Paradoxically, today’s decision may make proper adjudication and redress for takings claims less likely and jeopardize thoughtful and fair decision making that implements local plans and visions for future development.

The potential for frivolous takings claims to clog federal courts and push local governments into undermining important protections for health, environment, safety, and quality of life for all residents is a real possibility after today’s decision.

The American Planning Association is an independent, not-for-profit educational organization that provides leadership in the development of vital communities. APA and its professional institute, the American Institute of Certified Planners, are dedicated to advancing the art, science, and profession of good planning — physical, economic, and social — so as to create communities that offer better choices for where and how people work and live. APA has offices in Washington, D.C., and Chicago, with almost 40,000 members worldwide in nearly 100 countries. For more information, visit www.planning.org
LEMON-BERRY TRIFLE
PREP 15 MIN.
TOTAL 1 HOUR 15 MIN (INCLUDING REFRIGERATING)
MAKES 12 SERVINGS

WHAT YOU NEED:

2 PKG. (3.4 OZ EA) JELL-O VANILLA FLAVOR INSTANT PUDDING
3 CUPS OF COLD MILK
1 PKG. (4 OZ) BAKER’S WHITE CHOCOLATE - MELTED
1 TUB (8 OZ) COOL WHIP (ABOUT 3 CUPS THAWED AND DIVIDED)
1 PKG (6 OZ) THIN LEMON COOKIES DIVIDED
1 LB. FRESH STRAWBERRIES SLICED AND DIVIDED
2 TSP. LEMON ZEST

MAKE IT:

BEAT PUDDING MIXES AND MILK IN MEDIUM BOWL WITH WHISK FOR 2 MIN. STIR IN CHOCOLATE AND 1½ CUP OF THE COOL WHIP.

CRUMBLE 3 COOKIES AND RESERVE FOR GARNISH ALONG WITH ¼ CUP OF THE BERRIES

PLACE COOKIES IN THE BOTTOM OF A TRIFLE DISH, OR CASSEROLE DISH THAT WILL ALLOW FOR AT LEAST 3 LAYERS.

TOP EACH LAYER WITH PUDDING MIXTURE, STRAWBERRIES, REPEAT. TOP LAYER IS REMAINING COOL WHIP.

REFRIGERATE 1 HOUR. TOP WITH RESERVED STRAWBERRIES AND CRUMBLED COOKIES. JUST BEFORE SERVING, SPRINKLE WITH LEMON ZEST.
SIX GREAT REASONS TO BE AN NMLZO SPONSOR

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Reason #2 - An opportunity to meet Planning & Zoning Commissioners from throughout the State.

Reason #3 - Statewide Exposure and Name Recognition of your Business/Company.

Reason #4 - Public Relations and Business Development Opportunities in an informal, centralized setting.

Reason #5 - Discuss Development Process and share ideas and industry concerns with local Officials and Planning & Zoning Commissioners.

Reason #6 - Introduce products and services to your local Officials and Planning & Zoning Commissioners.

Of all the partnerships we develop in NMLZO, our sponsors have a significant impact on the success of our association. As members, we derive the benefit of their knowledge and experience. They give us the opportunity to grow our networks and broaden our horizons with their information and products.

Do you have a favorite vendor, contractor or product you’d like to see represented at our next meeting? We can help you show them how sponsoring our event or placing an ad in our newsletter is a great way to share a very specific message to a diverse group of land use officials in every corner (and of course we mean that literally) of the state! Just ask any Board Member or DRC Member, or contact Linda Alire-Naranjo with the New Mexico Municipal League.