

THIS AMENDMENT PASSED ON A 9-0 VOTE.

CITY COUNCIL
of the
CITY OF ALBUQUERQUE

October 5, 2026

FLOOR AMENDMENT TO COUNCIL BILL NO.

M-26-1

☐ Blueline ☐ FS ☐ CS

PROPOSED AMENDMENT

MOVED AMENDMENT NO.

SPONSORED BY Stephanie W. Telles

1. Beginning on page 1, line 1, amend Title as follows:

MEMORIAL

URGING THE STATE LEGISLATURE TO ~~[AMEND STANDING REQUIREMENTS]~~
~~[REMOVE STATUTORY RESTRICTIONS ON MUNICIPAL AUTHORITY TO SET~~
~~STANDING REQUIREMENTS]~~ FOR ZONING APPEALS.

2. Beginning on page 2, line 3, amend Whereas clauses as follows:

~~[WHEREAS, current standing requirements for zoning appeals are~~
~~extraordinarily lax, allowing for any party merely “aggrieved” of a decision of a~~
~~zoning board or zoning authority to proceed to appeal; and~~

~~WHEREAS, the lax standing requirements in state statute allow for the filing and~~
~~litigation of appeals of zoning decisions without requiring sufficient connection or~~
~~impact from the proposed development, which is inconsistent with standing~~
~~requirements in other legal contexts; and]~~

~~[WHEREAS, NMSA 1978, Sections 3-21-8 and 3-21-9 impose a single statewide~~
~~standing standard for zoning appeals on every municipality, regardless of its size,~~
~~charter, or local procedures; and~~

~~WHEREAS, a single statewide standard limits home rule municipalities’ ability~~
~~to tailor appeal procedures to local conditions, contrary to the principle of~~

maximum local self-government in Article X, Section 6 of the New Mexico Constitution; and

WHEREAS, municipal governing bodies are directly accountable to the residents affected by local land use decisions and are best positioned to balance housing needs, neighborhood participation, and environmental justice; and

WHEREAS, this Memorial does not ask the Legislature to change standing in any municipality, but only to allow each municipality to decide for itself, and a municipality that takes no action would operate under the existing standard.]

EXPLANATION: This amendment changes the title of this memorial to make more explicit that the goal is to urge removal of statutory restrictions on municipal authority to set standing requirements. Further, this amendment edits the whereas clauses to make clear the purpose of this bill and align its goals with the new title.

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1. Beginning on Page 2, line 24, amend Section 2 as follows:

B. Any aggrieved person or any officer, department, board or bureau of the zoning authority affected by a decision of an administrative officer, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. The zoning authority may, by ordinance, define the circumstances under which a person is considered “aggrieved” for purposes of an appeal under this section. [A municipality that does not adopt such an ordinance shall apply the standard set forth in this section.] An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the official, commission or committee from whom the appeal is taken and on due cause shown.

2. Beginning on Page 2, line 5, amend Section 2 as follows:

A person aggrieved by a decision of the zoning authority or any officer, department,

board or bureau of the zoning authority may appeal the decision pursuant to the provisions of Section 39-3-1.1 NMSA 1978. [The zoning authority may, by ordinance, define the circumstances under which a person is considered “aggrieved” for purposes of an appeal under this section.] [A municipality that does not adopt such an ordinance shall apply the standard set forth in this section.]

EXPLANATION: This amendment would propose a change in state law that would make explicit that municipalities that do not change their standing requirements follow the standard in this section.

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PROPOSED AMENDMENT **C**

MOVED AMENDMENT NO. **3**

SPONSORED BY Stephanie W. Telles

1. Beginning on Page 3, line 16, amend the existing Section 4 as follows:

SECTION 4. The City Clerk is directed to transmit copies of the Memorial to the City of Albuquerque State Legislative Delegation, the New Mexico Legislature, the Governor of New Mexico, [the New Mexico Municipal League,] and other appropriate state agencies.

EXPLANATION: This amendment requires transmission of a copy of this memorial to the New Mexico Municipal League.