

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-26-2

☐ Blueline ☐ FS ☐ CS

PROPOSED AMENDMENT

MOVED AMENDMENT NO.

SPONSORED BY Stephanie W. Telles

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

MEMORIAL

URGING THE STATE LEGISLATURE TO ~~[AMEND STATE STATUTE TO PERMIT]~~
~~[AUTHORIZE]~~ MUNICIPALITIES ~~[, AT THEIR OPTION,]~~ TO DIRECT CERTAIN
ZONING ~~[APPEALS FOR]~~ ~~[DECISIONS TO BE DIRECTLY APPEALED TO]~~
DISTRICT COURT ~~[REVIEW]~~.

2. Beginning on page 1, line 24, amend the Whereas clauses as follows:

~~[WHEREAS, the current appeal process may result in additional time and expense for applicants, appellants, local governments, and other interested parties, potentially causing significant delay in the final resolution of development applications; and~~

~~WHEREAS, an efficient and predictable land use approval process supports housing production, economic development, infrastructure investment, and responsible growth by reducing unnecessary delays; and~~

~~WHEREAS, improving the efficiency of the zoning appeal process can provide greater predictability and timelier resolution of development while allowing district courts to review qualifying appeals in the first instance; and~~

~~WHEREAS, authorizing municipalities to designate specified categories of~~

~~zoning and development decisions for direct appeal to district court, rather than requiring an intermediate appeal to the local zoning authority, would reduce duplicative proceedings and promote the efficient administration of land use decisions; and~~

~~WHEREAS, allowing local zoning authorities to designate certain types of development types to be appealed directly to the district court; and]~~

~~[WHEREAS, NMSA 1978, Section 3-21-8(B) requires zoning appeals in every municipality to be heard by the local governing body, regardless of whether that step serves local needs; and~~

~~WHEREAS, an efficient and predictable land use process supports housing production, economic development, and responsible growth; and~~

~~WHEREAS, home rule municipalities should be able to decide which of their own appeal procedures best serve their residents, applicants, and neighborhoods; and~~

~~WHEREAS, the authority requested in this Memorial is optional, and a municipality that takes no action would continue to hear all appeals as it does today; and]~~

WHEREAS, because zoning appeal standards are established by state statute, the State Legislature is the only body that can make the changes to state statute by subsequent legislation.

EXPLANATION: This amendment changes the title and whereas clauses of this memorial to make more explicit that the goal of this memorial is to encourage efficiency and a local option for land use appeals.

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1. Beginning on page 2, line 27, amend bill section 2 as follows:

3-21-8. Appeals to zoning authority; grounds; stay of proceedings.

A. The zoning authority shall provide by resolution the procedure to be followed in considering appeals allowed by this section. [A zoning authority may, by ordinance, ~~[direct certain classes or kinds of]~~ [designate, in advance and by class or kind of application,] appeals allowed by this section to be appealed directly pursuant to NMSA 1978, Section 3-21-9 and Section 39-3-1.1.]

2. Beginning on page 2, line 27, amend bill section 2 as follows:

3-21-8. Appeals to zoning authority; grounds; stay of proceedings.

A. The zoning authority shall provide by resolution the procedure to be followed in considering appeals allowed by this section. [A zoning authority may, by ordinance, ~~[direct certain classes or kinds of]~~ [designate, in advance and by class or kind of application,] appeals allowed by this section to be appealed directly pursuant to NMSA 1978, Section 3-21-9 and Section 39-3-1.1.] [A designation applies only to applications accepted as complete after the ordinance takes effect. A municipality that does not adopt such an ordinance shall hear appeals pursuant to the provisions of this section.]

3. Beginning on page 3, line 14, to page 4, line 4, amend bill section 2 as follows:

C. When an appeal alleges that there is error in any order, requirement, decision or determination by an administrative official, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or any ordinance, resolution, rule or regulation adopted pursuant to these sections, the zoning authority by a majority vote of all its members may:

(1) authorize, in appropriate cases and subject to appropriate conditions and safeguards, variances or special exceptions from the terms of the zoning ordinance or resolution:

(a) that are not contrary to the public interest;

(b) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship;

(c) so that the spirit of the zoning ordinance is observed and substantial justice done; and

(d) so that the goals and policies of the comprehensive plan are implemented; or

(2) in conformity with Sections 3-21-1 through 3-21-14 NMSA 1978:

(a) reverse any order, requirement, decision or determination of an administrative official, commission or committee;

(b) decide in favor of the appellant;

(c) make any change in any order, requirement, decision or determination of an administrative official, commission or committee~~;~~

or

(3) delegate such appeal as a direct appeal pursuant to subsection (A), above].

EXPLANATION: This amendment clarifies that any land use appeals that a municipality subjects to direct appeal to district court would have to be designated in advance.

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PROPOSED AMENDMENT **C**

MOVED AMENDMENT NO. **3**

SPONSORED BY **Stephanie W. Telles**

1. Beginning on Page 4, line 5, amend the existing Section 3 as follows:

SECTION 3. 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.