

THIS AMENDMENT PASSED ON A 8-0 VOTE.
For: Baca, Bassan, Fiebelkorn, Grout, Lewis, Peña, Rogers, Telles
Against: Champine

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 5, 2026

FLOOR AMENDMENT NO. 1 TO O-25-102

AMENDMENT SPONSORED BY: Nichole Rogers

1. On page 1, lines 9 through 15, strike the Whereas clauses as follows:

~~**[WHEREAS, the Unfair Practices Act, NMSA 1978 §§ 57-12-1 et seq., prohibits deceptive or unfair trade practices in consumer transactions, including the leasing of residential property; and]**~~

WHEREAS, the New Mexico Legislature, through Senate Bill 267 (2025), amended UORRA ~~[and the Unfair Practices Act]~~ to require owners to disclose rental-related fees, cap applicant screening fees, reduce allowable late fees, and expand private remedies; and

Explanation: This amendment removes language relating to the Unfair Practices Act to clarify that the standards adopted by this bill are from UORRA and not from the Unfair Practices Act.

THIS AMENDMENT PASSED ON AN 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 5, 2026

FLOOR AMENDMENT NO. 2 TO O-25-102

AMENDMENT SPONSORED BY: Nichole Rogers

1. Beginning on page 6, line 15, strike §14-27-8 ENFORCEMENT in its entirety and insert the following:

§14-27-8 ENFORCEMENT.

(A) *Notice of Violation.* If the City identifies conduct by an owner that violates this Ordinance, the City shall promptly notify the owner and/or owner's agent of the violation with a notice of violation.

- (1) *Contents.*** The notice of violation shall contain the name of the owner, the address of the dwelling unit, the effective date of the notice of violation, the type of violation, the amount of any penalty imposed, any corrective actions required to cure the violation, and the deadline to do so. The notice of violation shall inform the owner of the options to request mediation and/or a hearing and shall clearly explain the process to request mediation or a hearing, provide the deadlines to do so, and identify where the request shall be submitted.
- (2) *Delivery.*** The notice of violation shall be in writing, sent via certified mail to the owner's address as registered with Bernalillo County, and/or the address indicated in the Rental Agreement.
- (3) *Response.*** The owner shall pay any penalty imposed and cure any violation (as applicable), request mediation, or request a hearing by

the response due date as indicated in the notice of violation.

(B) ***Penalty.*** A violation of this ordinance constitutes a civil infraction punishable by a fine of \$250.

(C) ***Cure.*** A violation shall be deemed cured upon cessation of the prohibited conduct and, where applicable, the return or reimbursement of any improperly charged fees, correction of lease terms, or provision of required disclosures.

(D) ***Mediation.*** The owner may request mediation to attempt to resolve the issues contained in a notice of violation. In the event of such a request, the City's Alternative Dispute Resolution office shall facilitate the mediation. If the mediation is unsuccessful, the owner shall have 10 business days to either pay the penalty or request a hearing.

(E) ***Hearing.*** An owner may request a hearing to contest a notice of violation. In the event of such a request, the City's Independent Office of Hearings shall hold a hearing pursuant to the procedures outlined in the Independent Office of Hearings "IHO" Ordinance, ROA 1994, §§ 2-7-8-1 et seq.

- (1) The City has the burden to prove the violation by a preponderance of the evidence. The owner has the burden to prove any defenses by a preponderance of the evidence.
- (2) Documentary evidence, sworn statements, electronic records, and other reliable information reasonably necessary to determine compliance with this Ordinance may include rental listings, rental agreements, addenda, receipts, payment records, screening reports, fee schedules, and proof of refunds.
- (3) If the City prevails, the owner shall pay the penalty and complete any corrective actions required to cure the violation within 30 consecutive days of the decision.
- (4) Following a hearing, the owner may appeal the decision of the Hearing Officer to the Second Judicial District Court within 30 consecutive days of the decision.

Explanation: This amendment replaces the Enforcement section of the Ordinance. The amendment was drafted based on feedback received from landlord groups, tenant advocates, and Code Enforcement. The amended section explains how the City enforces the Ordinance when it believes a property owner has violated it. If a violation is identified, the City sends a written notice explaining what the violation is, what penalty applies, how to fix it, and the deadlines to respond. The owner must either fix the issue and pay any fine, request mediation, or request a hearing by the stated deadline. Each violation carries a \$250 civil fine, but it can be cured by stopping the prohibited conduct and correcting any related harm, such as refunding improper fees or fixing lease terms.

The owner has the option to try mediation first, facilitated by the City, and if that fails, they still have time to pay the fine or request a hearing. If a hearing is requested, it is handled by the City's Independent Office of Hearings, where the City must prove the violation and the owner must prove any defenses. If the City wins, the owner must pay the fine and fix the violation within 30 days, and the owner may appeal the decision to district court within 30 days.

In this amendment, a specific department is not identified to enforce, allowing the City to determine the appropriate department to handle the violation, or allowing collaborations between departments for enforcement.