

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-30 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca

1 **ORDINANCE**

2 **AMENDING THE “DOWNTOWN VACANT PREMISES ORDINANCE” (ROA 1994,**
3 **CHAPTER 14, ARTICLE 24).**

4 **WHEREAS, vacant premises are a public nuisance and a major cause and**
5 **source of blight in both residential and nonresidential areas of the City,**
6 **especially when the owner fails to actively maintain and manage the premises;**
7 **and**

8 **WHEREAS, vacant premises as a public nuisance tend to hasten further**
9 **vacancies, abandonment, and dilapidation in the area if left unchecked by the**
10 **City; and**

11 **WHEREAS, Goal 11.2 Historic Assets states “Preserve and enhance**
12 **significant historic districts and buildings to reflect our past as we move into**
13 **the future and to strengthen our sense of identity;” and**

14 **WHEREAS, on April 27th, 2026 Lindy’s Diner, located at 5th and central**
15 **Ave. in the heart of the Downtown Core, had a portion of it’s eastern wall**
16 **collapse from a lack of structural integrity, compromising one of the City’s**
17 **historic gems; and**

18 **WHEREAS, this ordinance looks to create parameters to avoid this**
19 **instance in the future by having the City be more proactive when it comes to**
20 **structures in one of it’s culturally significant districts.**

21 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
22 **ALBUQUERQUE:**

23 **SECTION 1. The “Downtown Vacant Premises Ordinance,” Chapter 14,**
24 **Article 24 of the Revised Ordinances of Albuquerque, 1994, is hereby amended**
25 **as follows:**

26 **§ 14-24-3 DEFINITIONS.**

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

VACANT PREMISES. Any building or property which no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building or structure as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s), or otherwise claiming possession through the owner, on a permanent, non-transient basis.

a. A building is deemed vacant when 30 percent or more of the ground floor[, second floor, or combination of the their] UFA is vacant.

b. An empty parcel or lot is deemed vacant.

§ 14-24-5 REGISTRY

(A) By June 30th of each year, all Responsible Parties must register their Downtown Core premises, if the premises was vacant for at least nine months during the prior City fiscal year. As defined above:

a. A building is deemed vacant when 30 percent or more of the ground floor[, second floor, or combination of the their] UFA is vacant.

b. An empty parcel or lot is deemed vacant.

§ 14-24-6 ANNUAL REGISTRATION FEE

The fee to register a vacant premises pursuant to Section 14-24-5 above shall be assessed using area and time. The City shall use the equation and table below to determine vacancy registration fees:

(Years Vacant)*(SQFT base cost) = Vacancy Registration Fee

Total [Ground Floor] [Applicable] Vacant UFA	SQFT Base Cost
< 1,000 sqft	\$1,000.00
1,001 - 5,000 sqft	\$2,000.00
5,001 – 10,000 sqft	\$3,000.00
10,001 – 15,000 sqft	\$4,000.00
> 15,001 sqft	\$5,000.00

§ 14-24-7 EXEMPTIONS FOR CERTAIN BUILDINGS AND PROPERTIES.

~~[(B) Exemptions do not apply if a building is deemed structurally deficient. The building permit exemption in § 14-24-7(A)(1) shall only be applicable if the active building permit addresses the structural concerns in a timely manner, as determined by the Chief Building Official. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting~~

any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code as determined by the Chief Building Official.]

SECTION 2. DOWNTOWN CORE VACANCY REPORT AND PUBLIC DATA.

[§ 14-24-12 Downtown Core Vacancy Report and Public Data.

The Mayor or the Mayor's designee shall provide an annual report to the City Council at the first City Council meeting in August, via Executive Communication, which shall include, but not limited to:

(a) A list of all buildings and properties within the Downtown Core;

(b) Condition of dilapidation and/or vacancy;

(c) Dilapidation remediation status;

(d) Calculation of Downtown Core vacancy rate based on number of vacant premises and ground floor area;

(e) Any building that has been deemed structurally deficient shall be highlighted individually and detail of the remediation or closure shall be included; and

(f) A list of all vacancy registration exemptions and any plans pursuant to ROA 1992, Section 14-24-7(A)(1)]

SECTION 3. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 4. COMPILATION. SECTION 1 of this Ordinance amends Article 24, Chapter 14, is incorporated in, and is to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994. SECTION 2 of this ordinance creates § 14-24-12 titled "Downtown Core Vacancy Report and Public Data", is

1 incorporated in, and is to be compiled as part of the Revised Ordinances of
2 Albuquerque, New Mexico, 1994.

3 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five (5)
4 days after publication by title and general summary.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion