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1 WHEREAS, immigration enforcement activity, through federal agents, have  
2 used City property for staging areas, processing locations, and operations  
3 bases; and

4 WHEREAS, the use of these properties is inconsistent with the City's  
5 support of immigrant communities and its residents, interferes with the City's  
6 authority over its own resources, property, and personnel, and infringes on  
7 the City's exercise of home rule authority to safeguard its residents' health,  
8 welfare, and safety; and

9 WHEREAS, allowing the use of City property for immigration enforcement  
10 further erodes trust between residents and law enforcement, weakening the  
11 relationships that are essential to ensuring public safety and effective  
12 community policing; and

13 WHEREAS, the Bernalillo County Commission passed a "Safer Public  
14 Places" Ordinance in November 2025.

15 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
16 ALBUQUERQUE:

17 SECTION 1. A new Section 5 of Chapter 5, Article 1 of the Revised  
18 Ordinances of Albuquerque, 1994 is hereby created as follows:

19 § 5-1-5 PROHIBITING USE OF CITY PROPERTY FOR IMMIGRATION  
20 ENFORCEMENT PURPOSES.

21 (A) No City-owned and operated structure or venue, including but not  
22 limited to parking lots, vacant lots, garages, parks, or similar structures or  
23 venues, shall be used for immigration enforcement purposes, including as a  
24 staging area, processing location, or operations base. For the purposes of this  
25 section, "staging area" means an area that is used to assemble, mobilize, and  
26 deploy vehicles, equipment, or materials, and related personnel, for the  
27 purpose of carrying out immigration enforcement.

28 (B) Implementation and Enforcement.

29 (1) City Departments shall collaborate to identify City-owned and  
30 controlled structure or venue, including but not limited to parking lots, vacant  
31 lots, garages, parks, and similar structures or venues that either have been  
32 used, or are likely to be used in the future, as a staging area, processing  
33 location, or operations base for the purpose of immigration enforcement.

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1 Where appropriate, City Departments shall ensure that all such properties  
2 have clear signage stating:

3 This property is owned and controlled by the City of Albuquerque.

4 It may not be used for immigration enforcement as a:

5 Staging Area,

6 Processing Location, or

7 Operations Base.

8 ROA 1994, § 5-1-5.

9 (2) City Departments shall, whenever appropriate and consistent with  
10 this section, secure access to City-owned and controlled structures or venues,  
11 including but not limited to parking lots, vacant lots, garages, or parks by  
12 means including, but not limited to, locked gates or barriers.

13 (3) City Departments shall develop the procedures necessary to  
14 implement this section. These implementing procedures shall provide that any  
15 City employee who becomes aware of the attempted or actual use of a City-  
16 owned and controlled parking lot, vacant lot, or garage as a staging area,  
17 processing location, or operations base for immigration enforcement shall  
18 immediately report to their supervisor, who will communicate with the Mayor  
19 and the City Attorney.

20 (4) In accordance with C/S R-18-7 (Enactment No. R-2018-018), the  
21 Immigrant Friendly City Policy, and this section, the City, its employees,  
22 contractors, or agents acting under the City's authority shall not approve any  
23 permit, contract or other agreement for use of City owned or controlled  
24 property or resources if the City, its employees, contractors, or agents have a  
25 reasonable belief the property or resources will be used for the purposes of  
26 facilitating immigration enforcement.

27 (5) In accordance with C/S R-18-7 (Enactment No. R-2018-018), the  
28 Immigrant Friendly City Policy, and this section, the City shall not use any City  
29 resources, including, but not limited to, moneys, equipment, personnel,  
30 vehicles, or facilities, nor permit any such resources to be used to transport  
31 individuals for immigration enforcement purposes, nor shall City property or  
32 resources be used to facilitate custody transfer or transport to federal  
33 immigration authorities absent a valid judicial warrant or court order.

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1           (6) In accordance with C/S R-18-7 (Enactment No. R-2018-018), the  
2 Immigrant Friendly City Policy, and this section, the City shall not use any City  
3 resources, including, but not limited to, moneys, equipment, personnel,  
4 vehicles, or facilities, nor permit any such resources to be used for  
5 immigration enforcement in spaces covered under the Safer Community  
6 Places Ordinance, ROA 1994, §§ 13-17-1 et seq.

7           **SECTION 2. A new Article 17 of Chapter 13 of the Revised Ordinances of**  
8 **Albuquerque, 1994 is hereby created as follows:**

9           **§ 13-17-1 SHORT TITLE.** This Chapter 13, Article 17 shall be known and cited  
10 as the “Safer Community Places Ordinance.”

11           **§ 13-17-2 DEFINITIONS.** For the purpose of this article the following definitions  
12 shall apply unless the context clearly indicates or requires a different  
13 meaning:

14           ***AFFECTED EMPLOYEE*** is an employee identified by the immigration agency  
15 to be an individual who may lack work authorization, or an individual whose  
16 work authorization documents have been identified by the immigration agency  
17 inspection to have deficiencies.

18           ***EMPLOYEE’S AUTHORIZED REPRESENTATIVE*** is an exclusive collective  
19 bargaining representative.

20           ***SAFETY PLAN*** is a plan to protect workers, customers, and other individuals  
21 present at the place of business from unwanted intrusion by law enforcement  
22 into the private spaces of a place of business.

23           **§ 13-17-3 SAFER COMMUNITY PLACES.** Under the City’s authority to ensure  
24 its inhabitants may access the resources and spaces necessary to promote  
25 their health, safety, and welfare in a manner free from discrimination, the City  
26 shall designate at least the following facilities as Safer Community Places:

- 27           (1) Hospitals and other healthcare facilities;
- 28           (2) Schools;
- 29           (3) Places where children routinely gather, including schools and  
30 daycares;
- 31           (4) Designated disaster and emergency response sites;
- 32           (5) City owned or operated facilities;

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- 1           (6) Community resource centers and direct service providers including
- 2 legal service providers, homeless shelters, sexual and domestic violence
- 3 providers, family justice centers, and human trafficking service providers;
- 4           (7) Work zones and construction sites on City property and within City
- 5 rights of way;
- 6           (8) Courthouses and judicial facilities;
- 7           (9) Libraries, community centers, and cultural centers;
- 8           (10) Public transportation facilities and transit centers;
- 9           (11) Any location where City services are delivered to the public; or
- 10          (12) Other similar locations, as determined by the City.

11 **§ 13-17-4 ENTRY INTO A SAFER COMMUNITY PLACE.**

12          (A) The City shall develop the necessary policies within 30 days of the

13 effective date of this Ordinance to prohibit a Safer Community Place from

14 providing voluntary consent to law enforcement agents engaged in or

15 supporting immigration enforcement from:

- 16           (1) Entering non-public areas; or
- 17           (2) Accessing, reviewing or obtaining student or patient records.

18           (a) This section does not prevent a Safer Community Place from

19 complying with a valid judicial warrant authorizing a search of such records or

20 a valid judicial subpoena or judicial order compelling production of such

21 records; or

22           (b) This section does not prevent a Safer Community Place from

23 providing consent to enter a Safer Community Place under exigent

24 circumstances (involving an imminent threat to bodily harm or where law

25 enforcement are in immediate pursuit of a suspect who has imminently fled

26 into a private area).

27          (B) The City shall develop and implement a policy to ensure staff training

28 and the posting of clear signage marking non-public spaces within City

29 buildings and City funded facilities.

30          (C) For other facilities the City shall conduct outreach and request to work

31 with building and location administrators to develop policy and training

32 around private spaces and fourth amendment protections. The City shall offer

33 signage and model policy language as part of this outreach.

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1 § 13-17-5 DELINEATING PUBLIC AND PRIVATE SPACES.

2 (A) Within 90 days of the effective date of this Ordinance, the City shall:

3 (1) Develop a policy requiring all businesses applying for or renewing a  
4 City Business License to display signage delineating public and private  
5 spaces.

6 (2) Develop a policy of requiring businesses with five or more  
7 employees seeking to apply for or renew a City Business License to adopt a  
8 safety plan that meets minimum standards for compliance, along with  
9 template policies and informational resources, to be made available by the  
10 City and on the City's website.

11 (3) Develop a policy to request additional information or documentation  
12 as necessary to make a determination about the compliance with the minimum  
13 standards.

14 § 13-17-6 WORKER NOTIFICATION.

15 (A) Notifying Employees of I-9 Inspection.

16 (1) An employer shall provide written notice to all current employees of  
17 an inspection by an immigration agency of I-9 Employment Eligibility  
18 Verification forms or other employment records, except as otherwise required  
19 by federal law.

20 (2) An employer must provide this notice no later than 24 hours after  
21 receiving a notice of inspection by an immigration agency by posting a notice  
22 in a conspicuous and accessible location and by making reasonable attempts  
23 to individually distribute notification to employees in the language the  
24 employer normally uses to communicate employment-related information to  
25 the employee.

26 (3) The notice to employees shall include:

27 (a) The name of the immigration agency conducting the inspection;

28 (b) The date the employer received the notice of inspection;

29 (c) the scope of the federal agency's notice of inspection, to the  
30 extent the employer knows;

31 (d) A website address, prescribed by the City, for a website that  
32 provides information provided by community organizations related to  
33 immigrant and refugee rights or workers' rights;

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- 1 (e) A copy of the notice of inspection; and
- 2 (f) Written notice shall also be given within 24 hours to the
- 3 employee’s authorized representative, if any.

4 (4) The City shall, within 90 days of the enactment of this Ordinance,  
5 make a template notice available on the City website so that it is accessible to  
6 any employer.

7 (B) Notice After I-9 Inspection.

8 (1) Except as otherwise required by federal law, if during an inspection  
9 of the employer’s I-9 Employment Eligibility Verification forms by a  
10 government agency, the government agency makes a determination that an  
11 employee’s work authorization documents do not establish that the employee  
12 is authorized to work in the United States and provides the employer with  
13 notice of that determination, the employer shall provide written notice to each  
14 affected employee, and to their authorized representative, if any:

15 (a) Written notice containing a description of any and all deficiencies  
16 or other terms identified in the written immigration inspection notice related to  
17 the affected employee;

18 (b) The time period for correcting any potential deficiencies identified  
19 by the immigration agency;

20 (c) The time and date of any meeting with the employer and  
21 employee to correct any identified deficiencies; and

22 (d) Notice that the employee has the right to representation during  
23 any meeting scheduled with the employer.

24 (2) The notice shall relate to the affected employee only and shall be  
25 delivered by hand at the workplace if possible and, if hand delivery is not  
26 possible, by mail and email, if the email address of the employee is known,  
27 and to the employee’s authorized representative.

28 (C) Notifying Workers of Immigration Enforcement.

29 (1) If a law enforcement agent engaging in or supporting immigration  
30 enforcement is present at a place of work other than as part of an I-9  
31 inspection, the business shall provide notice to all current employees,  
32 contractors, and others performing work for the employer for remuneration.  
33 The business must provide this notice within 24 hours of a law enforcement

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1 agent engaging in or supporting immigration enforcement being present at a  
2 place of work. The notice to employees, contractors, and others performing  
3 work for the employer for remuneration shall include:

- 4 (a) The name of the agency;
- 5 (b) The date the law enforcement agent actor was present at the  
6 place of work; and
- 7 (c) The nature of the law enforcement agent’s actions.

8 (2) These notices shall be provided by the business in the language  
9 normally used by the employer to communicate work-related information to  
10 employees, contractors, or others acting on behalf of the business, and may  
11 be provided by electronic means such as email.

12 (3) The City shall, within 90 days of the enactment of this Ordinance,  
13 make a template notice available on the City website so that it is accessible to  
14 any employer.

15 § 13-17-7 INTERPRETATION WITH OTHER PROVISIONS. This Ordinance is to  
16 be read in conjunction with the C/S R-18-7 (Enactment No. R-2018-018), the  
17 “Immigrant Friendly City Policy” and § 5-1-5 “Prohibiting Use Of City Property  
18 For Immigration Enforcement Purposes.”

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

26 SECTION 4. COMPILATION. SECTION 1 of this Ordinance is to be compiled  
27 as a new Section 5 of Chapter 5, Article 1 of the Revised Ordinances of  
28 Albuquerque, New Mexico, 1994. SECTION 2 of this Ordinance is to be  
29 compiled as a new Article 17 of Chapter 13 of the Revised Ordinances of  
30 Albuquerque, New Mexico, 1994, titled “Safer Community Places Ordinance.”

31 SECTION 5. EFFECTIVE DATE. This Ordinance takes effect five days after  
32 publication by title and general summary.

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