

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-5 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca, Tammy Fiebelkorn, Nichole Rogers, Stephanie Telles

1 **ORDINANCE**

2 **AMENDING THE SHORT TERM RENTAL ORDINANCE TO ADD A SEPARATION**
3 **REQUIREMENT FOR SHORT TERM RENTAL PERMITS.**

4 **WHEREAS, the City acknowledges that many residents purchase their**
5 **homes with a reasonable expectation that the character of their neighborhood**
6 **will remain consistent and that short-term rental properties can negatively**
7 **impact neighborhoods, including increasing noise, disturbances, and**
8 **impacting neighborhood character; and**

9 **WHEREAS, the City of Albuquerque Short Term Rental Ordinance was**
10 **adopted in October 2020, and went into effect in May 2021; and**

11 **WHEREAS, while shelter is a basic necessity, nearly half of Albuquerque**
12 **renters are housing cost-burdened, meaning they spend more than 30% of**
13 **their income on housing, placing significant stress on middle-income**
14 **households and creating real risk for lower-income households; and**

15 **WHEREAS, adequate housing is necessary to the safety and prosperity of**
16 **Albuquerque residents and is integral to the City's equity, public safety,**
17 **workforce, and economic development strategies; and**

18 **WHEREAS, the City is intent on utilizing any and all tools at its disposal in**
19 **order to mitigate the effects of the housing crisis; and**

20 **WHEREAS, the City has appropriated millions to provide more affordable**
21 **housing and housing resources throughout the City, but the City recognizes**
22 **that it will take years for its investments in affordable and other housing to**
23 **impact the housing shortage; and**

24 **WHEREAS, the City seeks to encourage the repurposing of existing**
25 **properties into more long-term housing, in addition to the support of new**
26 **development; and**

Committee Amendment
Council Amendment

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1 WHEREAS, the City also seeks to mitigate the excessive utilization of
2 dwelling units as short-term rentals in order to limit the effects of the housing
3 shortage and increase the utilization of existing properties as long-term
4 residential dwellings; and

5 WHEREAS, reasonable limitations on short-term rental properties aim to
6 address housing shortage issues as well as protect local residents and their
7 neighborhoods; and

8 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
9 ALBUQUERQUE:

10 SECTION 1. Section 13-19-6 of the Short Term Rental Ordinance is hereby
11 amended as follows:

12 § 13-19-6 STR PERMITS.

13 [(D) Separation requirement.

14 (1) The separation requirements contained in this Section 13-19-6(D)
15 shall apply within the municipal boundaries of the city.

16 (2) An STR permit shall not be approved if it is located within 330 feet in
17 all directions of another approved STR permit.

18 (3) This separation requirement between STR permits does not apply to:

19 (a) STR permits for single rooms within an owner-occupied
20 dwelling unit.

21 (b) STR permits for accessory dwelling units (ADUs) when the
22 property owner occupies the primary residence on the property.

23 [(4) All new STR permits shall be subject to the requirements and
24 limitations of this Ordinance as of its effective date. However, any active STR
25 permit closer than 330 feet in all directions of another active STR permit, prior
26 to the effective date of this Ordinance, may continue to renew its permit,
27 subject to all other provisions of this Ordinance in effect at the time of the
28 renewal. If any such nonconforming permit lapses, the STRO will not be
29 eligible to renew that permit, unless it is in full compliance with this
30 Ordinance, including the distance separation requirement.]

31 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
32 clause, word or phrase of this Ordinance is for any reason held to be invalid or
33 unenforceable by any court of competent jurisdiction, such decision shall not

1 affect the validity of the remaining provisions of this Ordinance. The Council
2 hereby declares that it would have passed this Ordinance and each section,
3 paragraph, sentence, clause, word or phrase thereof irrespective of any
4 provision being declared unconstitutional or otherwise invalid.

5 SECTION 3. COMPILATION. SECTION 1 of this Ordinance shall amend, be
6 incorporated in, and made part of the Revised Ordinances of Albuquerque,
7 New Mexico, 1994.

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

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