

# **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        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. COMPILED.** 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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