

0.2026.020

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Isaac Padilla, Director of Council Services

mm / For
IEP

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-26-30 Amending The "Downtown Vacant Premises Ordinance" (ROA 1994, Chapter 14, Article 24) (Baca), which was passed at the Council meeting of June 1, 2026, by a vote of 5 FOR AND 4 AGAINST.

For: Baca, Fiebelkorn, Peña, Rogers, Telles

Against: Bassan, Champine, Grout, Lewis

In accordance with the provisions of the City Charter, your action is respectfully requested.

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-30 ENACTMENT NO. 0.2022.020

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 27, 2026, Lindy’s Diner, located at 5th and Central Ave.**
15 **in the heart of the Downtown Core, had a portion of it’s eastern wall collapse**
16 **from a lack of structural integrity, compromising one of the City’s historic**
17 **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 Ordianance,” Chapter 14,**
24 **Article 24 of the Revised Ordinances of Albuquerque, 1994, is hereby amended**
25 **as follows:**

26 **§ 14-24-3 DEFINITIONS.**

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

7 a. A building is deemed vacant when 30 percent or more of the
8 ground floor, second floor, or combination of their useable floor area (UFA) is
9 vacant.

10 b. An empty parcel or lot is deemed vacant.

11 **§ 14-24-5 REGISTRY.**

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

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

17 b. An empty parcel or lot is deemed vacant.

18 **§ 14-24-6 ANNUAL REGISTRATION FEE.**

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

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

Total 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

23 **§ 14-24-7 EXEMPTIONS FOR CERTAIN BUILDINGS AND PROPERTIES.**

24 **(B)** Exemptions do not apply if a building is deemed structurally
25 deficient. The building permit exemption in § 14-24-7(A)(1) shall only be
26 applicable if the active building permit addresses the structural concerns in a
27 timely manner, as determined by the Chief Building Official. Buildings of every
28 permitted type of construction shall comply with the applicable requirements
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1 of the Building Code as determined by the Chief Building Official. If a
2 Responsible Party fails or refuses to consent to and arrange for a structural
3 inspection during reasonable hours, their premises shall be deemed vacant
4 and assessed the maximum registration fee from the table in Section 14-24-6,
5 regardless of the structural quality of the premises.

6 **SECTION 2. DOWNTOWN CORE VACANCY REPORT AND PUBLIC DATA.**

7 **§ 14-24-12 Downtown Core Vacancy Report and Public Data.** The Mayor or the
8 Mayor's designee shall provide an annual report to the City Council at the first
9 City Council meeting in August, via Executive Communication, which shall
10 include, but not limited to:

- 11 (a) A list of all buildings and properties within the Downtown Core;
- 12 (b) Condition of dilapidation and/or vacancy;
- 13 (c) Dilapidation remediation status;
- 14 (d) Calculation of Downtown Core vacancy rate based on number of
15 vacant premises and ground floor area;
- 16 (e) Any building that has been deemed structurally deficient shall be
17 highlighted individually and detail of the remediation or closure shall be
18 included; and
- 19 (f) A list of all vacancy registration exemptions and any plans pursuant
20 to ROA 1992, Section 14-24-7(A)(1).

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

28 **SECTION 4. COMPILATION.** SECTION 1 of this Ordinance amends Article
29 24, Chapter 14, is incorporated in, and is to be compiled as part of the Revised
30 Ordinances of Albuquerque, New Mexico, 1994. SECTION 2 of this Ordinance
31 creates § 14-24-12 titled "Downtown Core Vacancy Report and Public Data", is
32 incorporated in, and is to be compiled as part of the Revised Ordinances of
33 Albuquerque, New Mexico, 1994.

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

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1 PASSED AND ADOPTED THIS 1st DAY OF June, 2026
2 BY A VOTE OF: 5 FOR 4 AGAINST.

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4 For: Baca, Fiebelkorn, Peña, Rogers, Telles

5 Against: Bassan, Champine, Grout, Lewis
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10 Klarissa J. Peña, President
11 City Council
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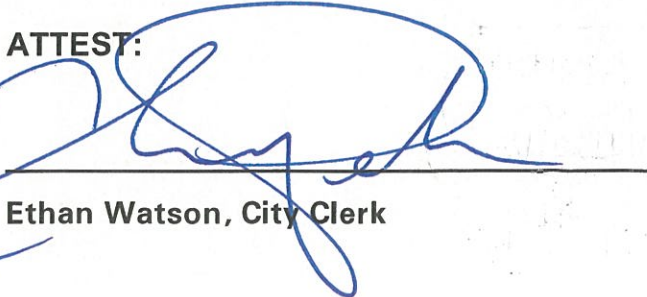
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15 APPROVED THIS 17 DAY OF June, 2026
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18 Bill No. O-26-30
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22 Timothy M. Keller, Mayor
23 City of Albuquerque
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26 ATTEST:
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29 Ethan Watson, City Clerk
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