

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

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

SPONSORED BY: Joaquìn Baca

ORDINANCE

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

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

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

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

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

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

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

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

§ 14-24-3 DEFINITIONS.

BlueLine Version

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

1 **VACANT PREMISES.** Any building or property which no person or
2 persons actually, currently conducts a lawfully licensed business, or lawfully
3 resides 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 the their] UFA is vacant.

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

10 **§ 14-24-5 REGISTRY**

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

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

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

17 **§ 14-24-6 ANNUAL REGISTRATION FEE**

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

21 $(\text{Years Vacant}) * (\text{SQFT base cost}) = \text{Vacancy Registration Fee}$

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

22 **§ 14-24-7 EXEMPTIONS FOR CERTAIN BUILDINGS AND PROPERTIES.**

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

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

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

1 any and all forces and loads to which they may be subjected. All
2 structural elements shall be proportioned and joined in accordance with the
3 stress limitations and design criteria as specified in the appropriate sections
4 of the Building Code. Buildings of every permitted type of construction shall
5 comply with the applicable requirements of the Building Code as determined
6 by the Chief Building Official.] [If a Responsible Party fails or refuses to
7 consent to and arrange for a structural inspection during reasonable hours,
8 their premises shall be deemed vacant and assessed the maximum
9 registration fee from the table in Section 14-24-6, regardless of the structural
10 quality of the premises.]

11 SECTION 2. DOWNTOWN CORE VACANCY REPORT AND PUBLIC DATA.

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

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

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

17 (b) Condition of dilapidation and/or vacancy;

18 (c) Dilapidation remediation status;

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

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

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

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

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

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

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