

CITY of ALBUQUERQUE TWENTIETH COUNCIL

SPONSORED BY: Trudy E. Jones and Brad Winter

7 SECTION 1. In September of 2009 the City Council acted to reduce impact
8 fees to encourage the construction industry within the City of Albuquerque.
9 That reduction in impact has since been extended. The reduction is currently
10 scheduled to end for building permits issued after March 23, 2012.

11 The City has retained an outside firm to fully review and revise the impact
12 fee ordinances. This bill provides for the continuation of the present reduction
13 in impact fees while the process to review and revise the current ordinances
14 proceeds.

15 It is intended that following the current review process that all impact fee
16 ordinances will be revised and a determination will be made as to whether to
17 continue the reductions adopted in 2009 or end those reductions.

18 SECTION 2. Subsections 14-19-3-12 (J),(K) and (L) ROA 1994, are amended
19 to read as follows:

20 "(J) For building permits deemed complete subsequent to [but within
21 ~~thirty months of~~] September 23, 2009, impact fees collected for green path
22 developments pursuant to § 14-19-3-1 et seq. shall be calculated at 0% if (1) a
23 certificate of occupancy for the development is issued by the city within one
24 year of the date of the building permit being deemed complete, and (2) prior to
25 the issuance of the city's certificate of occupancy, a New Mexico registered
26 architect shall certify that the development has been constructed in

1 accordance with the city approved building permit in order to qualify as a
2 green path development.

3 (K) For building permits deemed complete subsequent to [but within
4 ~~thirty months of~~] September 23, 2009, impact fees collected on all
5 developments pursuant to § 14-19-3-1 et seq., other than those listed in
6 division (J), shall be calculated at 50% if a certificate of occupancy for the
7 development is issued by the city within one year of the date of the building
8 permit being deemed complete.

9 (L) The provisions of divisions (J) and (K) shall not apply if at any time
10 between April 1, 2009 and the effective date of those divisions a building
11 permit was actually completed, issued and in effect for a building on the same
12 parcel of land and intended to serve the same function as a building permit
13 deemed complete subsequent to [but within ~~thirty months of~~] September 23,
14 2009."

15 SECTION 2. Subsection 14-19-3-13(K) ROA 1994 is amended to read as
16 follows:

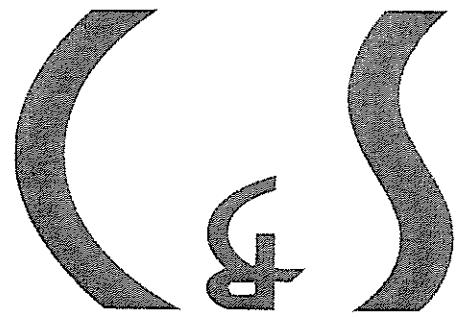
17 "(K) For [~~thirty months from~~]building permits deemed complete
18 subsequent to] September 23, 2009, the impact fees shall be due and payable
19 at the time of issuance of the certificate of occupancy by the city or within one
20 year of the date of the building permit being deemed complete, whichever
21 occurs first. The applicability of the reduction will be determined at the time of
22 collection. Impact fees for mobile homes shall be collected at the time of
23 issuance of a building permit or issuance of a certificate of occupancy. After
24 [~~thirty months from September 23, 2009,~~]the termination of the reduction in
25 impact fees provided for in Subsections 14-19-3-12 (J),(K) and (L) ROA 1994,]
26 the impact fees for developments other than mobile homes shall be due and
27 payable at the time of issuance of a building permit."

28 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, clause
29 or provision of this Ordinance shall for any reason be held to be invalid or
30 unenforceable, the invalidity or unenforceability of such section, paragraph,
31 clause or provision shall not affect any of the remaining provisions of this
32 Ordinance.

1 **SECTION 4. COMPILED.** Section 2 of this Ordinance shall be
2 incorporated in and made part of the Revised Ordinances of Albuquerque,
3 New Mexico, 1994.

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

[Bracketed/Uncrossed Material] - New
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Cauwels & Stuve
Realty & Development Advisors, L.L.C.

January 11, 2012

Re: Impact Fee Advisory Committee action

Dear President Jones:

The Impact Fee advisory committee has instructed me to report to the City Council that at our December Meeting our committee voted to support the extension of the impact fee reductions currently in place until such time as the ordinance is revised pursuant to the work currently underway by Duncan and Associates (the consultant team retained by the City of Albuquerque), this Committee, and the City Council.

Please feel free to contact me if you need any other information.

Respectfully submitted,

Paul S. Cauwels
Chairman
Impact Fee Advisory Committee

505-266-5711 Ext 221
pcauwels@cauwels-stuve.com

8814 Horizon Blvd NE
Ste 400

Albuquerque, NM 87113
505.266.5711 phone
505.255.9922 facsimile
www.cauwels-stuve.com



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