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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     |

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28 **§ 14-24-7 EXEMPTIONS FOR CERTAIN BUILDINGS AND PROPERTIES.**

29 (B) Exemptions do not apply if a building is deemed structurally  
30 deficient. The building permit exemption in § 14-24-7(A)(1) shall only be  
31 applicable if the active building permit addresses the structural concerns in a  
32 timely manner, as determined by the Chief Building Official. Buildings of every  
33 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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