

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-23-178 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

1 RESOLUTION
2 SUSPENDING ADMINISTRATIVE APPEALS TO SAFE OUTDOOR SPACE
3 APPLICATIONS IN RESPONSE TO COURT INJUNCTION RESTRICTING
4 REMOVING ENCAMPMENTS FROM PUBLIC LAND.

5 WHEREAS, the City is experiencing a housing crises; and

6 WHEREAS, as one means to address the crises, the City Council amended
7 the Integrated Development Ordinance to authorize “Safe Outdoor Spaces”
8 within the City; and

9 WHEREAS, the Planning Department thereafter approved several
10 applications for Safe Outdoor Spaces; and

11 WHEREAS, the Land Use Hearing Officer on multiple occasions reversed
12 the decision of the Planning Department, requiring the applicant to submit
13 additional materials on order to obtain the required permit for a Safe Outdoor
14 Space; and

15 WHEREAS, as a result of these administrative burdens, several applicants
16 abandoned efforts to develop Safe Outdoor Spaces; and

17 WHEREAS, only two Safe Outdoor Spaces have been developed within the
18 City, and both are accessible only to individuals with vehicles; and

19 WHEREAS, the City of Albuquerque has been enjoined from enforcing
20 restrictions on camping, including camping in parks and open space, until it
21 provides sufficient beds for the unhoused population; and

22 WHEREAS, the City must act urgently to provide more beds as quickly as
23 possible, both to ensure that it provides shelter for the unhoused population
24 and to ensure that it can protect its open space; and

25 WHEREAS, some unhoused individuals prefer outdoor areas, including
26 Safe Outdoor Spaces, to indoor shelter space, and as a result any effort to

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1 expand the number of available beds should include outdoor areas such as
2 Safe Outdoor Spaces; and

3 WHEREAS, it is the responsibility of the entire City to address the housing
4 crises, and the burden of addressing that crisis should not fall more heavily
5 on certain areas within the City.

6 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
7 ALBUQUERQUE:

8 SECTION 1. The requirements of Table 6-1-1 of the Integrated
9 Development Ordinance, as applied to Safe Outdoor Spaces, are hereby
10 suspended. Until further action is taken by the Council, the decisions of the
11 Planning Department with regard to applications for Safe Outdoor Spaces will
12 be deemed final administrative decisions, and those decisions will not be
13 subject to appeal to the Land Use Hearing Officer or the City Council.

14 SECTION 2. The Planning Department shall only approve two Safe
15 Outdoor Spaces per Council district.

16 SECTION 3. The Department of Health, Housing and Homelessness
17 shall identify potential locations for Safe Outdoor Spaces operated by the City
18 and shall, within 45 days, submit applications for at least three Safe Outdoor
19 Spaces. In addition, the Department shall identify current resources available
20 for the operating costs of those Safe Outdoor Spaces. The Department shall,
21 within 60 days, submit a report to City Council that describes the status of
22 those applications, identifies any additional locations for Safe Outdoor Spaces
23 to be operated by the City, and identifies any additional resources needed for
24 the City to operate Safe Outdoor Spaces.

25 SECTION 4. In addition, the Department shall, within 60 days, prepare
26 a report to City Council that identifies the number of beds needed to provide
27 shelter to the unhoused population within the City of Albuquerque, identifies
28 the resources needed to provide those beds, and sets forth a plan to provide
29 those beds in the shortest possible time frame.

30 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph,
31 sentence, clause, word, or phrase of this Resolution is for any reason held to
32 be invalid or unenforceable by any court of competent jurisdiction, such
33 decision shall not affect the validity of the remaining provisions of this

1 Resolution. The Council hereby declares that it would have passed this
2 Resolution and each section, paragraph, sentence, clause, word, or phrase
3 thereof irrespective of any provision being declared unconstitutional or
4 otherwise invalid.

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