

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-25-120 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

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RESOLUTION

DIRECTING THE CITY ADMINISTRATION TO ENHANCE ENFORCEMENT EFFORTS RELATED TO EXISTING RENTAL UNIT HABITABILITY STANDARDS.

WHEREAS, the health, safety, and well-being of residents are paramount concerns for the City of Albuquerque; and

WHEREAS, everyone deserves a living situation that includes the basic functions of a home, including properly functioning electricity, heating, cooling, plumbing, water, and doors that lock; and

WHEREAS, numerous constituents have reported unsafe living conditions in rental housing, including lack of properly functioning heating or cooling, electrical and plumbing issues, pest infestations, and structural hazards; and

WHEREAS, at the State level, the New Mexico Uniform Owner-Resident Relations Act (UORRA) requires property owners to provide and maintain necessary utilities and facilities, make repairs and do whatever is necessary to put and keep the premises in a safe condition, and comply with housing codes; and

WHEREAS, UORRA states that property owners shall “maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, if any, supplied or required to be supplied by him;” and

WHEREAS, UORRA also requires that property owners complete repairs of their rental units within seven days of being notified of a problem; and

WHEREAS, Albuquerque’s Uniform Housing Code (UHC) likewise requires that all residential properties be equipped with essential facilities such as kitchens, bathrooms, heating, cooling, and plumbing, and further requires that

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1 these facilities be maintained in a safe, sanitary, and operational condition to
2 protect residents' health and safety; and
3 WHEREAS, property owners bear the ultimate responsibility to maintain
4 their properties in compliance with all applicable standards, and rental units
5 that do not meet habitability requirements can pose a significant risk to both
6 tenants and the general public; and
7 WHEREAS, when a property owner does not complete timely repairs,
8 UORRA allows a tenant to hold their landlord accountable by abating their rent
9 or through the judicial process, which can be timely, expensive, and
10 complicated to navigate; and
11 WHEREAS, rental housing that does not meet habitability requirements
12 disproportionately affects low-income families, seniors, and individuals with
13 disabilities, further exacerbating existing social and economic inequities; and
14 WHEREAS, the City of Albuquerque must ensure that all housing meets
15 minimum health, safety, and building code standards, especially in rental units
16 that house vulnerable populations; and
17 WHEREAS, timely and effective code enforcement is critical to maintaining
18 housing quality, and unresolved complaints related to habitability
19 requirements can lead to increased healthcare costs, displacement, and
20 homelessness, all of which place additional burdens on City resources; and
21 WHEREAS, the current enforcement of existing rental housing codes does
22 not adequately prioritize complaints related to housing that does not meet
23 habitability requirements, leading to delays in addressing serious health and
24 safety violations; and
25 WHEREAS, prioritizing complaints regarding rental units that do not meet
26 habitability requirements will improve the quality of housing, reduce health
27 risks, and ensure a more equitable enforcement of housing standards; and
28 WHEREAS, additional resources and training for the Code Enforcement
29 Division will increase the capacity of staff to handle complex cases, such as
30 those involving large multi-unit properties or absentee landlords.
31 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
32 ALBUQUERQUE:
33 SECTION 1. PRIORITIZATION OF RENTAL HOUSING COMPLAINTS

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1 **A. The City Administration shall prioritize providing timely responses to**
2 **tenant complaints related to rental housing habitability issues.**

3 **B. To facilitate this prioritization, the Administration shall:**

4 **1. Establish a full-time, permanent Code Enforcement Officer position**
5 **within the Planning Department’s Code Enforcement Program. This position**
6 **shall specialize in housing codes and be dedicated to addressing tenant**
7 **complaints related to rental units that are unsafe and/or do not meet**
8 **habitability requirements.**

9 **2. Establish clear criteria for categorizing and addressing complaints**
10 **based on the severity of potential risks to tenant health, safety, and wellbeing.**

11 **3. Ensure timely response to complaints, with an emphasis on**
12 **addressing urgent issues within an accelerated timeline.**

13 **4. Provide ongoing training to code enforcement officers on identifying**
14 **and prioritizing health and safety violations in rental units.**

15 **5. Create and advertise a streamlined process for tenants to file**
16 **complaints, including the ability to submit complaints online, by phone with a**
17 **dedicated phone number, or in person.**

18 **6. Track and report on the progress and outcomes of rental unit**
19 **complaint investigations, ensuring transparency and accountability in the**
20 **enforcement process. By the end of each Fiscal Year, the Administration shall**
21 **submit an Executive Communication to the Council that reports on its**
22 **compliance with each provision of this Resolution, and provides data on**
23 **tenant complaints, including but not limited to: the number and types of tenant**
24 **complaints received, response timelines, investigation procedures, outcomes,**
25 **and citations issued.**

26 **SECTION 2. The City Administration is directed to include the permanent,**
27 **recurring, full-time Code Enforcement Officer position required by this**
28 **Resolution in its upcoming FY26 Budget proposal to City Council, designated**
29 **from the Planning Department’s Code Enforcement program. Until the Council**
30 **removes the requirement to maintain the permanent, recurring, full-time Code**
31 **Enforcement Officer position established by this Resolution, the City**
32 **Administration shall continue to include this position in all future annual**

1 Budget proposals to the City Council, designated from the Planning
2 Department's Code Enforcement program.

3 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
4 clause, word, or phrase of this Resolution is for any reason held to be invalid
5 or unenforceable by any court of competent jurisdiction, such decision shall
6 not affect the validity of the remaining provisions of this Resolution. The
7 Council hereby declares that it would have passed this Resolution and each
8 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
9 any provision being declared unconstitutional or otherwise invalid.

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