CITY of ALBUQUERQUE
TWENTIETH COUNCIL

COUNCIL BILL NO. O-12-8 ENACTMENT NO. _____

SPONSORED BY: Trudy E. Jones and Brad Winter

ORDINANCE

AMENDING SUBSECTIONS 14-19-2-12 (J), (K) AND (L) ROA 1994 AND SUBSECTION 14-19-2-13(K) ROA 1994 TO EXTEND THE TIME PERIOD FOR THE REDUCTION ON ROADWAY FACILITIES IMPACT FEES.

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

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

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

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

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

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

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

(K) For building permits deemed complete subsequent to [~~but within thirty months of~~] September 23, 2009, impact fees collected on all developments pursuant to § 14-19-2-1 et seq., other than those listed in division (J), shall be calculated at 50% if a certificate of occupancy for the development is issued by the city within one year of the date of the building permit being deemed complete.

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

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

"(K) For [~~thirty months from~~][building permits deemed complete subsequent to] September 23, 2009, the impact fees shall be due and payable at the time of issuance of the certificate of occupancy by the city or within one year of the date of the building permit being deemed complete, whichever occurs first. The applicability of the reduction will be determined at the time of collection. Impact fees for mobile homes shall be collected at the time of issuance of a building permit or issuance of a certificate of occupancy. After [~~thirty months from September 23, 2009,~~][the termination of the reduction in impact fees provided for in Subsections 14-19-2-12 (J),(K) and (L) ROA 1994,] the impact fees for developments other than mobile homes shall be due and payable at the time of issuance of a building permit."

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

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

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

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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