



1 unit's construction. For the purposes of this Ordinance, this definition does  
2 not include Hotels, Motels, or Bed and Breakfast establishments.

3 SHORT TERM RENTAL ("STR"): A rental in a dwelling unit of 29 days or  
4 less.

5 SHORT TERM RENTAL OPERATOR ("STRO"): The owner or party  
6 otherwise responsible for a Short Term Rental property or properties.

7 SHORT TERM RENTAL UNIT ("STRU"): The dwelling unit or portion thereof  
8 that is rented for 29 days or less. Each unit within a multifamily apartment  
9 building that is rented for 29 days or less is considered a STRU.

10 § 13-19-5 GENERAL PROVISIONS. Each STRO shall:

11 A. Maintain a valid City Business Registration for purposes of operating  
12 any one or more STR within the City of Albuquerque;

13 B. Pay all applicable local, state, and federal taxes, including Lodgers'  
14 Tax, Hospitality Fee, Gross Receipts Tax and Income Taxes associated with  
15 the operation of each STRU;

16 C. Maintain short term rental insurance coverage for each STRU in the  
17 minimum amount of Two Hundred Fifty Thousand Dollars (\$250,000) per STRU  
18 to insure against damages to quest(s) caused by the STRO, and to insure  
19 against damages caused by STRO quest(s) or the STRO when such damages  
20 are incurred by other persons including, but not limited to, neighbors;

21 D. Clearly display inside each STRU a copy of the applicable STR  
22 permit issued pursuant to this Article;

23 E. Include the STR permit number issued by the City on all marketing  
24 materials for each respective STRU;

25 F. Display inside each STRU a current "Good Neighbor Agreement".  
26 The Good Neighbor Agreement will be provided by the Planning Department  
27 on an annual basis and shall inform the occupants of the maximum overnight  
28 occupancy, maximum gathering occupancy and relevant city ordinances, and  
29 explain that occupants of any STRU are required to comply with all relevant  
30 City ordinances.

31 § 13-19-6 STR PERMITS.

32 A. Permit Required. No STRO shall operate any STR without a valid STR  
33 Permit from the Planning Department for each STR unit proposed to be

1 operated. In addition to any other necessary information, the Planning  
2 Department shall require submission of the following for each STR Permit  
3 application:  
4 1. A physical address of the STRU; and  
5 2. The name, phone number, email, and business address of the STRO  
6 or agent(s) who will be available twenty-four hours per day, seven days a week  
7 to respond to complaints regarding the operation or occupancy of the STR;  
8 and  
9 3. A scaled floor plan showing the layout and square footage of the  
10 STR unit(s); and  
11 4. A statement signed by the STRO that the STR will be operated in  
12 compliance with this Article and all other applicable city codes, including but  
13 not limited to the Integrated Development Ordinance, the Uniform Housing  
14 Code, the Fire Code, any relevant Public Health Orders, and the Noise  
15 Ordinance; and  
16 5. Proof of insurance as required by subsection 13-19-5(C), above.  
17 B. Permit Duration; Inspection. Any STR permit issued pursuant to this  
18 Article is valid for 12 consecutive months unless sooner terminated by the  
19 STRO, or cancelled by the City. The Planning Department shall have the right  
20 to inspect each STR, without prior notice, to determine compliance with this  
21 Ordinance and all other applicable City codes.  
22 C. Permit Fee. The Planning Department shall collect a STR Permit fee  
23 of \$120.00 for each initial permit, and \$90.00 for the renewals thereafter.  
24 Revenue from fees imposed pursuant to this paragraph shall be used only to  
25 administer, manage, and enforce this section. Upon the transfer of ownership  
26 of a STRU, the STR permit shall terminate. If the new owner wishes to use the  
27 property or unit as a STR, a new application shall be submitted.  
28 §13-19-7 STR OCCUPANCY.  
29 A. The maximum overnight occupancy of an STRU is limited to a  
30 maximum of two adults per bedroom. For the purposes of this subsection, an  
31 adult is any person over 12 years of age.  
32 B. Gatherings of Persons in excess of the maximum overnight  
33 occupancy prescribed by subsection 'A', above, shall not exceed two times

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 the maximum overnight occupancy or 20 persons, whichever is less. All such  
2 gatherings shall conclude and attendees disburse by 10:00 p.m. local time.

3 § 13-19-8 ENFORCEMENT AND PENALTIES.

4 The Zoning Enforcement Officer has the duty and authority to enforce the  
5 Ordinance consistent with the Integrated Development Ordinance, Part 14-16-  
6 6: Administration and Enforcement: 6-9 (C)

7 A. Notice. The Zoning Enforcement Officer shall send a written notice  
8 by First Class Mail to the agent designated for such purposes pursuant to  
9 Section 13-19-6(A)(2), or if no such person has been identified then to the  
10 owner of record as listed in the real property records of the County Clerk. At a  
11 minimum, the notice must include:

- 12 1. A statement that a violation of this Section has been observed  
13 or otherwise determined to exist;
- 14 2. A brief description of the nature of the violation;
- 15 3. Advisement of a 30-day grace period (or longer if appropriate  
16 in the reasonable determination of the Zoning Enforcement Officer) within  
17 which to come into compliance; and
- 18 4. A reference to the penalty provisions of this Section.

19 B. Penalty. If the property has not been brought into compliance within  
20 the grace period set forth by the notice prescribed under subsection 'A' above  
21 or any period of extension granted by the Zoning Enforcement Officer, the  
22 owner or responsible party is subject to:

- 23 1. The penalty provisions set forth in § 1-1-99 of this code of  
24 ordinances, with each day of violation is considered a separate offense; and
- 25 2. Instead of or in addition to the penalty provision set forth in §  
26 1-1-99, the City acting through the City Attorney, is hereby authorized to file an  
27 action in a court of competent jurisdiction as a means of compelling  
28 compliance to:

29 a. Enjoin any person from violating or threatening to  
30 violate the terms, conditions and restrictions of this ordinance;

31 b. Collect civil assessments against the property of \$500  
32 per day for every day the property remains or remained in violation of this  
33 Section after the expiration of the grace period or any extensions granted by

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 the Zoning Enforcement Officer identified in the notice by the Zoning  
2 Enforcement Officer and;

3 c. Recover damages from the owner of a STR in an amount  
4 of money adequate for the City to undertake or reimburse expenditures for any  
5 construction remediation, cleanup, or other activity necessary to bring about  
6 compliance with this Section ordinance.

7 3. In addition to judicial remedies, any expenditure by the City to  
8 bring the property into compliance, or any damages or assessments are  
9 recoverable through the imposition of a municipal lien on the parcel under  
10 NMSA 1978, § § 3-36-1 to 3-36-5. To the extent that monetary penalties are  
11 recovered as a result of enforcement under this Section, any funds so  
12 recovered shall be used exclusively for the purpose of funding enforcement  
13 activities under this Section.

14 4. If the STR commits three (3) or more instances of violations of  
15 City Ordinances or State statutes within a 12 month period the STR Permit  
16 shall be revoked for a period of two years and the STR shall cease to  
17 operate.]”

18 SECTION 2. INITIAL COMPLIANCE. Each STRO is required to come into  
19 compliance with respect to every STR being operated at the time of the  
20 Effective Date prescribed by ‘SECTION 6’, below, within six months of the  
21 Effective Date.

22 SECTION 3. Amend Lodgers Tax Advisory Board Section 4-4-13(A) to read  
23 as follows:

24 “There is created the Lodgers' Tax Advisory Board, which shall consist of  
25 seven members all of whom shall be residents of the city; two of whom shall  
26 represent the lodging industry, two of whom are directly involved in tourist-  
27 related industries and three members at large who shall represent the public [;  
28 of the seven members, at least one representative shall represent the Short  
29 Term Rental industry]. The members of the Lodgers' Tax Advisory Board shall  
30 be appointed by the Mayor with the advice and consent of the City Council.”

31 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
32 clause, word or phrase of this Ordinance is for any reason held to be invalid or  
33 unenforceable by any court of competent jurisdiction, such decision shall not

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

5 SECTION 5. COMPILATION. SECTION 1 and SECTION 3 of this Ordinance  
6 shall amend, be incorporated in, and made part of the Revised Ordinances of  
7 Albuquerque, New Mexico, 1994.

8 SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect six  
9 months after publication by title and general summary.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion