

1 **CITY OF SANTA FE, NEW MEXICO**

2 **ORDINANCE NO. 2023-21**

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4  
5 **AN ORDINANCE**

6 **RELATING TO METROPOLITAN REDEVELOPMENT; DELETING THE CONTENT**  
7 **OF SECTION 7-2 REGARDING “URBAN RENEWAL”, REPEALED BY STATE LAW**  
8 **IN 2008, AND REPLACING IT WITH THE CITY’S METROPOLITAN**  
9 **REDEVELOPMENT CODE, SECTIONS 6-13 AND 6-14, AMENDED TO BE**  
10 **CONSISTENT WITH STATE LAW, DELETE LANGUAGE SPECIFIC TO A BUSINESS**  
11 **CAPITOL DISTRICT, LIMIT METROPOLITAN REDEVELOPMENT COMMISSION**  
12 **LEASING AUTHORITY TO THAT SPECIFIED IN A PARTICULAR METROPOLITAN**  
13 **DEVELOPMENT PLAN, AND SPECIFY QUALIFICATIONS FOR METROPOLITAN**  
14 **REDEVELOPMENT COMMISSIONERS.**

15  
16 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

17 **Section 1. Section 7-2, “URBAN RENEWAL AGENCY.” (being Ord. No. 1963-**  
18 **7, § 1 as amended; and Ord. #1963-7, § 2; as amended), is hereby deleted in its entirety.**

19 **Section 2. Sections 6-13 of SFCC 1987 (being Ord. #2000-31, § 1, § 1) is moved**  
20 **to Chapter 7, Section 2, renumbered as such, and its title is amended to read:**

21 **7.2 METROPOLITAN REDEVELOPMENT CODE.**

22 **Section 3. METROPOLITAN REDEVELOPMENT CODE. -- a new section 7-**  
23 **2.1 is hereby ordained to read as follows:**

24 **7-2.1 Metropolitan redevelopment code.**

25 Section 7-2 shall be known as the City of Santa Fe metropolitan redevelopment code.

1           **Section 4.       Section 6-13.1 of SFCC 1987 (being Ord. No. 1987-33, § 1) is moved**  
2 **to Chapter 7, Section 2, and is amended to read as follows:**

3 **7-2.2   Governing body; delegation of authority.**

4           The governing body hereby delegates certain authorities under the redevelopment law to a  
5 metropolitan redevelopment agency pursuant to sections 3-60A-16 and 3-60A-18 NMSA 1978, to  
6 the extent described in the Santa Fe metropolitan redevelopment code.

7           **Section 5.       DEFINITIONS. -- a new section 7-1.3 is hereby ordained to read:**

8 **7-2.3   Definitions.**

9           A.       *Blighted area* means an area other than a slum area that substantially impairs or  
10 arrests the sound growth and economic health and well-being within the city because of the  
11 presence of a substantial number of deteriorated or deteriorating structures; a predominance of  
12 defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility  
13 or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements;  
14 diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land;  
15 defective or unusual conditions of title; improper subdivision; lack of adequate housing facilities  
16 in the area; or obsolete or impractical planning and platting or an area where a significant number  
17 of commercial or mercantile businesses have closed or significantly reduced their operations due  
18 to the economic losses or loss of profit due to operating in the area, low levels of commercial or  
19 industrial activity or redevelopment or any combination of such factors; or an area that retards the  
20 provisions of housing accommodations or constitutes an economic or social burden and is a  
21 menace to the public health, safety, morals or welfare in its present condition and use.

22           B.       *City* means the city of Santa Fe.

23           C.       *Commission* means the city's metropolitan redevelopment commission.

24           D.       *Fair value* means the negotiated price or value of an asset or liability agreed upon  
25 by the city and a private entity.

1 E. *Metropolitan redevelopment area* means an area the city declares and designates  
2 as appropriate for a metropolitan redevelopment project.

3 F. *Metropolitan redevelopment plan* means a plan, as it exists from time to time, for  
4 one or more metropolitan redevelopment areas or for a metropolitan redevelopment project, that

5 (1) seeks to eliminate the problems created by a slum area or blighted area;

6 (2) conforms to the general plan for the city as a whole; and

7 (3) indicates the proposed activities to be carried out in the area, including any  
8 proposals for land acquisition; proposals for demolition and removal of structures;  
9 redevelopment; proposals for improvements, rehabilitation, and conservation; zoning and  
10 planning changes; land uses, maximum densities, building restrictions and requirements;  
11 and the plan's relationship to definite local objectives respecting land uses, improved traffic  
12 patterns and controls, public transportation, public utilities, recreational and community  
13 facilities, housing facilities, commercial activities or enterprises, industrial or  
14 manufacturing use and other public improvements.

15 G. *Metropolitan redevelopment project or project* means an activity, undertaking, or  
16 series of activities or undertakings designed to eliminate slums or blighted areas in areas designated  
17 as metropolitan redevelopment areas that conforms to a metropolitan redevelopment plan.

18 H. *Person* means an individual, firm, partnership, corporation, company, association,  
19 joint stock association or body politic, or the state or any political subdivision thereof and shall  
20 further include any trustee, receiver, assignee, or other person acting in a similar representative  
21 capacity.

22 I. *Real property* includes all lands, including improvements and fixtures thereon, and  
23 property of any nature appurtenant thereto or used in connection therewith and every estate,  
24 interest, right and use, legal or equitable, therein, including terms for years and liens by way of  
25 judgment, mortgage, or otherwise.

1 J. *Redevelopment law* means Sections 3-60A-5 to 3-60A-18 NMSA 1978 of the New  
2 Mexico metropolitan redevelopment code.

3 K. *Rehabilitation or conservation* means the restoration and renewal of a slum or  
4 blighted area or portion thereof in accordance with a metropolitan redevelopment plan.

5 L. *Slum area* means an area in which there are numerous residential or nonresidential  
6 buildings, improvements, and structures that are dilapidated, deteriorated, aged or obsolete; that  
7 has inadequate provision for ventilation, light, air, or sanitation; that lacks open spaces or has a  
8 high density of population or overcrowding; or where there exist conditions that endanger life or  
9 property by fire or other causes, and the area is conducive to ill health, transmission of disease,  
10 infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety,  
11 morals, or welfare.

12 **Section 6. Section 6-13.2 of SFCC 1987 (being Ord. No. 1987-33, § 2) is relocated**  
13 **to Chapter 7, Section 2, and is amended to read as follows:**

14 **7-2.4 – Metropolitan redevelopment agency, creation; purpose.**

15 The governing body hereby creates a metropolitan redevelopment agency which shall be comprised  
16 of a metropolitan redevelopment commission and its staff and shall be the official body for making  
17 advisory recommendations to the governing body regarding the planning, preservation,  
18 rehabilitation, redevelopment, development, or management of properties designated by the  
19 governing body and consistent with all applicable federal, state and local laws and for taking actions  
20 that are authorized in the metropolitan development code and applicable metropolitan development  
21 plan.

22 **Section 7. Section 6-13.4 of SFCC 1987 (being Ord. No. 1987-33, § 4, as**  
23 **amended) and Section 6-14.1 of SFCC 1987 (being Ord. No. 1987-33, § 2, as amended) are**  
24 **combined, moved to Chapter 7, Section 2, and amended to read as follows:**

25 **7-2.5 Metropolitan redevelopment commission.**

1           A.       The mayor, with the advice and consent of the governing body, shall appoint a  
2 board of commissioners, which shall be known as the metropolitan redevelopment commission,  
3 and designate a chair and vice-chair from among the commissioners.

4           B.       The metropolitan redevelopment commission shall consist of five (5)  
5 commissioners, initially appointed to serve staggered terms as follows from the date of their  
6 appointment:

- 7                   (1)     Two (2) members for three-year (3) terms;
- 8                   (2)     Two (2) members for two-year (2) terms; and
- 9                   (3)     One (1) member for a one-year (1) term.

10           Thereafter, commissioners shall be appointed for terms of five (5) years each.

11           C.       A commissioner shall receive no compensation for the commissioner's services  
12 but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge  
13 of the commissioner's duties.

14           D.       Each commissioner shall hold office until the commissioner's successor has been  
15 appointed and qualified. The mayor may remove a commissioner from office at any time.

16           E.       The powers of the metropolitan redevelopment agency shall be exercised by the  
17 commissioners. A majority of the appointed commissioners shall constitute a quorum for the  
18 purpose of conducting business and exercising the powers of the agency and for all other purposes.  
19 Action may be taken by the agency upon a vote of a majority of the commissioners present at a  
20 lawful meeting, unless the bylaws shall require a larger number.

21           F.       Any person may be appointed as commissioner if the person resides within the  
22 city is otherwise eligible for such appointment under the redevelopment law. The commission's  
23 membership should include persons with expertise or experience, including but not limited to, the  
24 following areas:

- 25                   (1)     Commercial property development;

- 1 (2) Affordable housing development;
- 2 (3) Community planning;
- 3 (4) Banking or financial services; or
- 4 (5) Representing marginalized communities.

5 Members shall be selected to reflect the diversity of the Santa Fe community and shall include a  
6 diversity of perspectives.

7 **Section 8. Section 6-13.3 of SFCC 1987 (being Ord. No. 1987-33, § 3, as**  
8 **amended) is moved to Chapter 7-2, after sections 6-13.3 and 6-14.1 and is amended to read:**  
9 **7-2.6 Powers and duties.**

10 A. All meetings of the commission shall be open to the public, and public comment  
11 shall be encouraged.

12 B. The commission shall follow rules of order adopted by the governing body.

13 C. The metropolitan redevelopment commission shall review and recommend to  
14 the governing body metropolitan redevelopment plans and amendments to redevelopment plans.

15 D. The metropolitan redevelopment commission, as it deems appropriate and  
16 consistent with its budget and direction from the governing body, shall carry out studies and  
17 analyses of financial and structuring options for the planning, preservation, rehabilitation,  
18 redevelopment, development or management of the properties under its purview and may  
19 recommend to the governing body proposals for creation of or contracting with public-private  
20 partnerships, public or private agencies to carry out metropolitan redevelopment plans or portions  
21 thereof.

22 E. The metropolitan redevelopment commission may approve leases within a  
23 designated metropolitan redevelopment area consistent with the plan adopted by the governing  
24 body.

25 **Section 9.**

1           **Four new sections, 7-2.7, 7-2.8, 7-2.9, and 7-2.10 of SFCC 1987, are hereby ordained**  
2 **to read as follows:**

3 **7-2.7 Conflict of interest; misconduct.**

4           No public official or employee of the city or member of any board or commission of the  
5 city and no commissioner or employee of a metropolitan redevelopment agency that has been  
6 vested by the city with metropolitan redevelopment project powers by the redevelopment law shall  
7 voluntarily acquire any interest, direct or indirect, in any metropolitan redevelopment project of the  
8 city or in any contract or proposed contract in connection with the project. If an acquisition occurs  
9 that is not voluntary, the public official or employee acquiring the interest acquired shall  
10 immediately disclose the interest in writing to the commission, and the commission shall enter the  
11 disclosure in its minutes. If any such official, commissioner, or employee currently owns or controls  
12 or owned or controlled within the preceding two years any interest, direct or indirect, in any  
13 property that the official, commissioner or employee knows is included or planned to be included  
14 in a metropolitan redevelopment project, the official, commissioner or employee shall immediately  
15 disclose this fact in writing to the commission, and the commission shall enter this disclosure upon  
16 the minutes of the metropolitan planning commission or governing body, whichever body is  
17 involved, and the official, commissioner or employee shall not participate in any action by the city  
18 affecting the property.

19 **7-2.8 Finding of necessity; designation of a metropolitan redevelopment area.**

20           A.       After the governing body adopts a resolution concluding that the following criteria  
21 have been met in relation to a particular area of the city, with the notice and public hearing about  
22 the resolution that are described below, then the city may exercise the powers conferred by the  
23 redevelopment law:

- 24                   (1)       One or more slum areas or blighted areas exist in the city; and  
25                   (2)       The rehabilitation, conservation, slum clearance, redevelopment or

1 development, or a combination thereof, and in such area, is necessary in the interest  
2 of the public health, safety, morals, or welfare of the residents of the city.

3 B. The governing body shall publish notice of a public hearing about the resolution at least  
4 twice in a newspaper of general circulation within the area of operation of the city, with the last  
5 publication not less than twenty days before the hearing. The notice shall contain the following  
6 information:

7 (1) A general description of the area and the date, time, and place where the  
8 governing body will hold a public hearing to consider the resolution; and

9 (2) A notice that any interested party may appear and speak to the issue of the  
10 adoption of the resolution.

11 **7-2.9 Metropolitan redevelopment plans.**

12 A. After the governing body adopts a resolution designating a metropolitan  
13 redevelopment area, the metropolitan redevelopment commission shall develop a proposed  
14 redevelopment plan that addresses the following criteria for the designated area:

15 (1) proposed activities that will aid in the elimination or prevention of blight  
16 or the conditions that lead to the development of blight;

17 (2) a feasible method to provide individuals and families who occupy  
18 residential dwellings in the metropolitan redevelopment area and who may be displaced by  
19 the proposed activities with decent, safe, and sanitary dwelling accommodations within  
20 their means and without undue hardship to such individuals and families;

21 (3) conforms to the general plan for the city; and

22 (4) affords maximum opportunity consistent with the needs of the community  
23 for the rehabilitation or redevelopment of the area by private enterprise or persons and the  
24 objectives of the plan justify the proposed activities as public purposes and needs.

25 B. The commission shall hold at least one public hearing about its proposed plan, at



1 which time the commission shall gather and consider comments from the public. After the public  
2 hearing(s), the Commission shall update its proposed plan and vote to recommend a plan to the  
3 governing body.

4 C. After the commission votes to recommend a proposed redevelopment plan to the  
5 governing body, the city shall provide notice about a public hearing about the proposal, identifying  
6 the time, date, place, and purpose of the hearing; the general area covered by the recommended  
7 plan; and an outline the general scope of the recommended metropolitan redevelopment plan as  
8 follows:

9 (1) In the newspaper of general circulation within the area of operation of the  
10 city; and

11 (2) By first class mail to the owners of real property in the metropolitan  
12 redevelopment area, using the addresses shown on the records of the county treasurer. If  
13 the notice by first class mail to the owner is returned undelivered, the city shall attempt to  
14 discover the owner's most recent address and shall resend the notice by certified mail,  
15 return receipt requested, to the address.


16 D. Following the public hearing regarding the recommended plan, the governing body  
17 may approve a metropolitan redevelopment plan by resolution, if it finds that the criteria required  
18 by Section 3-60A-9 NMSA 1978 and listed above in part A of this section have been met.

19 **7-2.10 Real property acquisition for metropolitan redevelopment projects.**

20 Section 3-60A-8 NMSA 1978 requires that the city have an approved metropolitan redevelopment  
21 plan relating to a metropolitan redevelopment area in which real property is located before  
22 acquiring real property for a metropolitan redevelopment project.

23 PASSED, APPROVED, and ADOPTED this 9<sup>TH</sup> day of August, 2023.  
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ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELIC, CITY CLERK

APPROVED AS TO FORM:

  
[Erin McSherry \(Aug 15, 2023 10:44 MDT\)](#)

ERIN K. McSHERRY, CITY ATTORNEY

*Bill No. 2023-20*

*Legislation/2023/Ordinances/2023-21 (O) Metropolitan Redevelopment*