CITY of ALBUQUERQUE TWENTY SIXTH COUNCIL

COUNCIL BILL NO. 0-24-40 ENACTMENT NO.

| 1 | ORDINANCE |
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| 2 | AMENDING THE SHORT TERM RENTAL ORDINANCE TO ADD A SEPARATION |
| 3 | REQUIREMENT FOR SHORT TERM RENTAL PERMITS IN CERTAIN AREAS IN |
| 4 | THE CITY. |
| 5 | WHEREAS, the City acknowledges that many residents purchase their |
| 6 | homes with a reasonable expectation that the character of their neighborhood |
| 7 | will remain consistent and that short-term rental properties can negatively |
| 8 | impact neighborhoods, including increasing noise, disturbances, and |
| 9 | impacting neighborhood character; and |
| 10 | WHEREAS, the City of Albuquerque Short Term Rental Ordinance was |
| 11 | adopted in October 2020, and went into effect in May 2021; and |
| 12 | WHEREAS, while shelter is a basic necessity, nearly half of Albuquerque |
| 13 | renters are housing cost-burdened, meaning they spend more than 30% of |
| 14 | their income on housing, placing significant stress on middle-income |
| 15 | households and creating real risk for lower-income households; and |
| 16 | WHEREAS, adequate housing is necessary to the safety and prosperity of |
| 17 | Albuquerque residents and is integral to the City's equity, public safety, |
| 18 | workforce, and economic development strategies; and |
| 19 | WHEREAS, the City is intent on utilizing any and all tools at its disposal in |
| 20 | order to mitigate the effects of the housing crisis; and |
| 21 | WHEREAS, the City has appropriated millions to provide more affordable |
| 22 | housing and housing resources throughout the City, but the City recognizes |
| 23 | that it will take years for its investments in affordable and other housing to |
| 24 | impact the housing shortage; and |

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| [Bracketed/Underscored Material] | <u> </u> |

| 1 | WHEREAS, the City seeks to encourage the repurposing of existing |
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| 2 | properties into more long-term housing, in addition to the support of new |
| 3 | development; and |
| 4 | WHEREAS, the City also seeks to mitigate the excessive utilization of |
| 5 | dwelling units as short-term rentals in order to limit the effects of the housing |
| 6 | shortage and increase the utilization of existing properties as long-term |
| 7 | residential dwellings; and |
| 8 | WHEREAS, the majority of the City's existing short-term rentals are |
| 9 | concentrated in areas such as Old Town, Downtown, and Nob Hill; and |
| 10 | WHEREAS, reasonable limitations on short-term rental properties aim to |
| 11 | address housing shortage issues as well as protect local residents and their |
| 12 | neighborhoods; and |
| 13 | BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF |
| 14 | ALBUQUERQUE: |
| 15 | SECTION 1. Section 13-9-6 of the Short Term Rental Ordinance is hereby |
| 16 | amended as follows: |
| 17 | § 13-19-6 STR PERMITS. |
| 18 | [(D) Separation requirement. |
| 19 | (1) The separation requirements contained in this Section 13-9-6(D) shall |
| 20 | apply only in the following areas in City Council Districts 2 and 6: |
| 21 | (a) Beginning at the intersection of Interstate 40 and Interstate 25, |
| 22 | south on I-25 to its intersection with Lomas, east on Lomas to its |
| 23 | intersection with San Mateo, south on San Mateo to its |
| 24 | intersection with Gibson, west on Gibson to its intersection with I- |
| 25 | 25, north on I-25 to its intersection with ACC/ADH, west on |
| 26 | ACC/ADH to its intersection with the Rio Grande, north along the |
| 27 | Rio Grande to its intersection with I-40, and east along I-40 to its |
| 28 | intersection with I-25. |
| 29 | A map depicting these boundaries is attached as Exhibit A. |
| 30 | (2) An STR permit shall not be approved if it is located within 330 feet in |
| 31 | all directions of another approved STR permit. |
| 32 | (3) This separation requirement between STR permits does not apply to: |

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| 1 | (a) STR permits for single rooms within an owner-occupied dwelling |
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| 2 | <u>unit.</u> |
| 3 | (b) STR permits for accessory dwelling units (ADUs) when the |
| 4 | property owner occupies the primary residence on the property. |
| 5 | [(4) All new STR permits shall be subject to the requirements and limitations |
| 6 | of this Ordinance as of its effective date. However, any active STR permit |
| 7 | closer than 330 feet in all directions of another active STR permit, prior to |
| 8 | the effective date of this Ordinance, may continue to renew its permit, |
| 9 | subject to all other provisions of this Ordinance in effect at the time of the |
| 10 | renewal. If any such nonconforming permit lapses, the STRO will not be |
| 11 | eligible to renew that permit, unless it is in full compliance with this |
| 12 | Ordinance, including the distance separation requirement.] |
| 13 | SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, |
| 14 | clause, word or phrase of this Ordinance is for any reason held to be invalid or |
| 15 | unenforceable by any court of competent jurisdiction, such decision shall not |
| 16 | affect the validity of the remaining provisions of this Ordinance. The Council |
| 17 | hereby declares that it would have passed this Ordinance and each section, |
| 18 | paragraph, sentence, clause, word or phrase thereof irrespective of any |
| 19 | provision being declared unconstitutional or otherwise invalid. |

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

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five (5) days after publication by title and general summary.