



Photo: Mt. Cristo Rey and Sunland Park, Adobe Stock

# NEW MEXICO LEGAL UPDATE

Rocky Mountain Land Use  
Institute

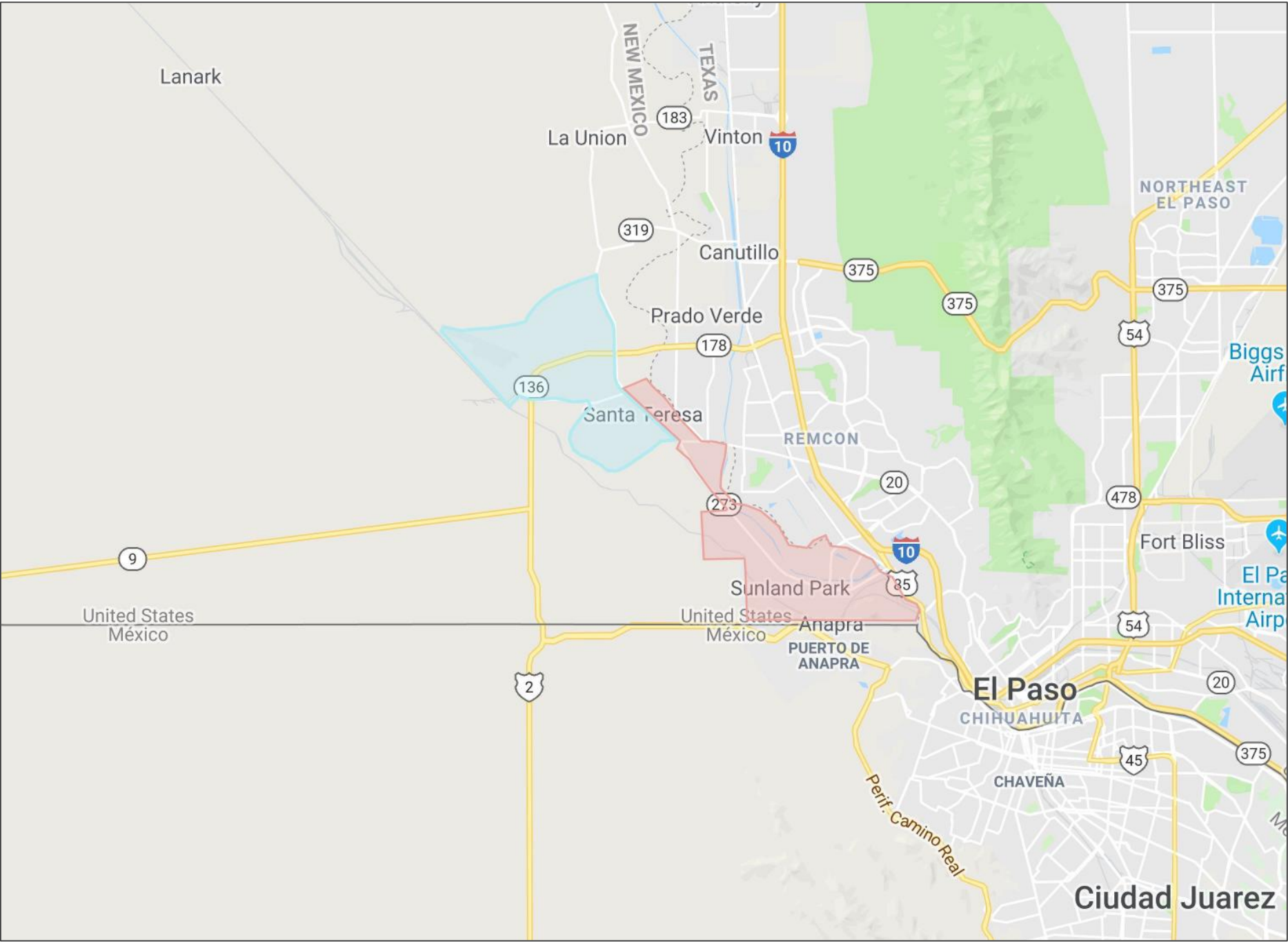
2019

# PROVISIONAL GOVERNMENT OF SANTA TERESA V. DOÑA ANA CO. BOARD OF COUNTY COMMISSIONERS

Opinion Number: 2018-NMCA-070

Appellate decision filed August 22, 2018.

Certiorari granted October 19, 2018.





# 3 METHODS FOR ANNEXATION IN NM

Arbitration method

Municipal Boundary Commission method

Petition method

# NMSA 3-2-3: INCORPORATION LIMITED WITHIN URBANIZED TERRITORY

B. No territory within an urbanized territory shall be incorporated as a municipality unless the:

- (1) Municipality or municipalities causing the urbanized territory approve, by resolution, the incorporation of the territory as a municipality;
- (2) Residents of the territory proposed to be incorporated have filed with the municipality a valid petition to annex the territory proposed to be incorporated and the municipality fails, within one hundred twenty days after the filing of the annexation petition, to annex the territory proposed to be incorporated; or
- (3) Residents of the territory proposed to be annexed conclusively prove that the municipality is unable to provide municipal services within the territory proposed to be incorporated within the same period of time that the proposed municipality could provide municipal service.

# OTHER 2018 NM LAND USE CASES

Filippi v. Board of County Commissioners of Torrance County, 424 P.3d 658 (2018), 2018-NMCA-50: Regarding whether growing medical cannabis was a permissive use or a conditional use under the county zoning ordinance.

City of Albuquerque v. SMP Properties LLC, 2019-NMCA-4: Regarding whether lease payments may be considered in computing just compensation when pre-condemnation actions caused the tenant not to renew the lease.

# NM STATE LEGISLATIVE UPDATE — PASSED AND SIGNED 2019 LEGISLATION AS OF 3/1/19

**SB 18:** Appropriating funds for evaluation and planning for infrastructure projects, water projects, master plans, economic development plans, and energy audits

**HB 216:** Removing the requirement that county subdivision ordinances be filed with the state records administrator

**SB 150:** Amending disclosure requirements for homeowner associations, allowing ADR to resolve certain disagreements, and broadening the applicability of the HOA act

**SB 244:** The “Community Governance Attorney Act,” increasing legal services for acequias, land grants, and low-income residents of colonias