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AN ACT

RELATING TO HOUSING; AMENDING THE MUNICIPAL HOUSING LAW BY
CLARIFYING PROVISIONS AND DEFINITIONS AND PROVIDING OPTIONS
FOR THE APPOINTMENT OF COMMISSIONERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 3-45-3 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-46-3, as amended) is amended to read:

"3-45-3. DEFINITIONS.--The following terms, wherever
used or referred to in the Municipal Housing Law, shall have
the following respective meanings:

A. "city" means any municipality and, unless the
context otherwise clearly indicates, any county. "The city"
means the particular city or county for which a particular
housing authority is created. "County" means any county;

B. "governing body" means, in the case of a city,
the council or board of commissioners and, in the case of
other state public bodies, the council, commissioners, board
or other body having charge of the fiscal affairs of the
state public body;

C. "mayor" means the mayor of the city or the
officer charged with the duties customarily imposed on the
mayor or executive head of a city. In the case of a county,
the term "mayor" means the board of county commissioners;

D. "clerk" means the city recorder, the county
clerk or the officer charged with the duties customarily
imposed on the clerk;

E. "area of operation" includes all of the city
or, in the case of a county, includes all of the county,
except the area shall not include any area that lies within

1 the boundaries of any city that has an established housing
2 authority or housing agency without the consent of the city.
3 Upon approval by the governing bodies of the cities involved,
4 the area of operation of one city pursuant to the Municipal
5 Housing Law may be enlarged to include the area within the
6 boundaries of any other city. Any subsequent withdrawal of
7 consent of a city for operation within its boundaries by
8 another city shall not prohibit the development and operation
9 of any housing projects initiated in the city by another city
10 prior to the date of withdrawal;

11 F. "authority" or "housing authority" means any
12 agency or other instrumentality of a city or a separate
13 public body politic and corporate created pursuant to the
14 Municipal Housing Law;

15 G. "state public body" means any county, municipal
16 corporation, commission, district, authority, including a
17 housing authority that is a separate body politic, other
18 subdivision or public body of the state;

19 H. "federal government" includes the United States
20 of America, the federal department of housing and urban
21 development or any other agency or instrumentality, corporate
22 or otherwise, of the United States of America;

23 I. "slum" means any area where dwellings
24 predominate that by reason of dilapidation, overcrowding,
25 lack of ventilation, light or sanitary facilities or any
combination of these factors, are detrimental to the safety,
health or well-being of the occupants or to surrounding
properties;

J. "housing project" means any work or undertaking
of the city:

1 (1) to demolish, clear or remove buildings
2 from any slum area. The work or undertaking may embrace the
3 adaptation of the area to public purposes, including parks or
4 other recreational or community purposes;

5 (2) to provide decent, safe and sanitary
6 dwellings, apartments, single-family dwellings or other
7 affordable living accommodations for persons of low and
8 moderate income. The work or undertaking may include
9 buildings, land, equipment, facilities and other real or
10 personal property for necessary convenient or desirable
11 appurtenances, streets, sewers, water service, parks, site
12 preparation, gardening, administrative, community, health,
13 recreational, welfare or other purposes; or

14 (3) to accomplish a combination of the
15 foregoing.

16 The term "housing project" also may be applied to the
17 planning of the buildings and improvements, the acquisition
18 of property or existing structures, the demolition of
19 existing structures, the construction, reconstruction,
20 alteration and repair of the improvements and all other work
21 in connection therewith;

22 K. "low-income person" means any individual,
23 couple or family whose gross income does not exceed eighty
24 percent of that person's particular area median income and
25 who cannot afford to pay more than thirty-five percent of
gross annual income for housing rent or mortgage payments or
a "low-income person" as defined by the federal government;

L. "bonds" means any bonds, notes, interim
certificates, debentures or other obligations issued pursuant
to the Municipal Housing Law;

1 M. "real property" includes all lands, including
2 improvements and fixtures on the lands and property of any
3 nature appurtenant to the lands or used in connection with
4 the lands, and every estate, interest and right, legal or
5 equitable, therein, including terms for years and liens by
6 way of judgment, mortgage or otherwise and the indebtedness
7 secured by such liens;

8 N. "obligee" includes any holder of bonds issued
9 pursuant to the Municipal Housing Law, trustees for any such
10 bondholders, or lessor demising to a city property used in
11 connection with a housing project, or any assignee or
12 assignees of the lessor's interest or any part of the
13 lessor's interest and the federal government when it is a
14 party to any contract with a city in regard to a housing
project;

15 O. "affordable housing" means any housing
16 accommodations that serve the needs of low- and
17 moderate-income persons;

18 P. "affordable housing program" means an ongoing
19 delivery system of affordable housing services that assists
20 persons of low and moderate income;

21 Q. "moderate-income person" means any individual,
22 couple or family whose gross annual income is not less than
23 eighty percent of that person's particular area median income
24 and does not exceed one hundred twenty percent of that area
25 median income;

R. "multi-jurisdictional housing authority" means
two or more housing authorities joined or cooperating for the
purposes of consolidating administrative duties and
obligations and providing more effective and efficient

1 housing projects and programs within their jurisdictions; and

2 S. "immediate family member" means:

3 (1) a spouse, including a former spouse, a
4 de facto spouse or a former de facto spouse;

5 (2) a child or an adult child, including an
6 adopted child, a step-child or an ex-nuptial child;

7 (3) a parent or a step-parent;

8 (4) a grandparent;

9 (5) a grandchild;

10 (6) a sibling or a step-sibling;

11 (7) a first cousin;

12 (8) an aunt or an uncle;

13 (9) a father-in-law or a mother-in-law;

14 (10) a sister-in-law or a brother-in-law;

15 and

16 (11) any other relative who is financially
17 supported."

18 SECTION 2. Section 3-45-5 NMSA 1978 (being Laws 1965,
19 Chapter 300, Section 14-46-5, as amended) is amended to read:

20 "3-45-5. CREATION OF AUTHORITY.--

21 A. Every city, in addition to other powers
22 conferred by the Municipal Housing Law, shall have power and
23 is authorized, by proper resolution of its governing body, to
24 create an authority to be known as the "housing authority" of
25 the city as a public body politic and corporate separate from
the city. The city may delegate to the authority the power
to construct, maintain, operate and manage any housing
project or affordable housing programs of the city and may
delegate to the authority any or all of the powers conferred
on the city by the Municipal Housing Law.

1 B. When the governing body of a city adopts a
2 resolution pursuant to Subsection A of this section:

3 (1) the mayor shall appoint three, five or
4 seven persons as commissioners of the authority as follows:

5 (a) at least three commissioners if the
6 municipality is a village, town or county that does not
7 contain a metropolitan statistical area as defined by the
8 United States census; or

9 (b) at least five but no more than
10 seven commissioners if the municipality is a city or a county
11 that contains a metropolitan statistical area as defined by
12 the United States census; and

13 (2) the commissioners who are first
14 appointed shall be designated to serve staggered terms of one
15 to five years from the date of their appointment, depending
16 on the size of the authority. Thereafter, commissioners
17 shall be appointed for a term of office of five years, except
18 that all vacancies shall be filled for the unexpired term. A
19 commissioner of an authority shall not hold any other office
20 or employment of the city for which the authority is created.
21 A commissioner shall hold office until a successor has been
22 appointed and has qualified, unless sooner removed according
23 to law. A commissioner may serve two or more successive
24 terms of office. A certificate of the appointment or
25 reappointment of any commissioner shall be filed with the
clerk, and the certificate shall be conclusive evidence of
the due and proper appointment of the commissioner. A
commissioner shall receive no compensation for services for
the authority in any capacity, but shall be entitled to the
necessary expenses, including traveling expenses, incurred in

1 the discharge of duties.

2 C. Two or more cities joined together pursuant to
3 Subsection B of Section 3-45-4 NMSA 1978 shall establish
4 their commissioners in accordance with Subsection B of this
5 section, except that each city shall have equitable
6 representation on the commission. The commissioners
7 representing each city shall be appointed by the mayor of the
8 city.

9 D. Any powers delegated by a city to an authority
10 shall be vested in the commissioners of the authority in
11 office from time to time. A majority of commissioners shall
12 constitute a quorum of the authority for the purpose of
13 conducting its business and exercising its powers and for all
14 other purposes. Action may be taken by the authority upon a
15 vote of a majority of the commissioners present. The
16 commission shall organize itself at its annual meeting each
17 even-numbered year. Any city creating a housing authority
18 may authorize the authority to employ a secretary, who shall
19 be executive director and who shall be removable only for
20 cause. With the delegated authority from the commission, the
21 executive director may hire or terminate, according to the
22 procurement and personnel policies and procedures of the
23 authority, technical experts and such other officers,
24 attorneys, agents and employees, permanent and temporary, as
25 the authority may require; determine their qualifications,
duties and compensation; and delegate to one or more of them
such powers or duties as the authority may deem proper."

SECTION 3. Section 3-45-12 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-46-12, as amended) is amended to
read:

1 "3-45-12. FORM AND SALE OF BONDS--INTEREST ON CERTAIN
2 OBLIGATIONS.--

3 A. Bonds of a city issued under the Municipal
4 Housing Law shall be authorized by its resolution and may be
5 issued in any one or more series and shall bear such date,
6 mature at such time, bear interest at such rate, be in such
7 denomination, be in such form, either coupon or registered,
8 carry such conversion or registration privileges, have such
9 rank or priority, be executed in such manner, be payable in
10 such medium of payment at such place and be subject to such
11 terms of redemption, with or without premium, as the
12 resolution, its trust indenture or the bond so issued may
13 provide.

14 B. Obligations issued by a city that are true loan
15 obligations made to the farm service agency of the United
16 States department of agriculture or the department of housing
17 and urban development may bear interest at a rate of interest
18 not exceeding par.

19 C. The bonds shall be sold at not less than par at
20 public sale held after notice published once at least five
21 days prior to the sale in a newspaper having a general
22 circulation in the city jurisdiction and in a financial
23 newspaper published in the city of San Francisco, California,
24 or in the city of New York, New York; provided that the bonds
25 may be sold to the federal government at private sale at not
less than par, and, in the event less than all of the bonds
authorized in connection with any housing project are sold to
the federal government, the balance of the bonds may be sold
at private sale at not less than par at an interest cost to
the city not to exceed the interest cost to the city of the

1 portion of the bonds sold to the federal government.

2 D. In case any of the officers of the city, the
3 authority or any of its instrumentalities whose signatures
4 appear on any bonds or coupons cease to be officers before
5 the delivery of the bonds, the signatures shall,
6 nevertheless, be valid and sufficient for all purposes the
7 same as if the officers had remained in office until
8 delivery. Any provision of any law to the contrary
9 notwithstanding, any bonds issued pursuant to the Municipal
10 Housing Law shall be fully negotiable.

11 E. In any suit, action or proceedings involving
12 the validity or enforceability of any bond of a city or the
13 security for the bond, any such bond reciting in substance
14 that it has been issued by the city to aid in financing a
15 housing project to provide dwelling accommodations for
16 persons of low and moderate income shall be conclusively
17 deemed to have been issued for a housing project of that
18 character, and the housing project shall be conclusively
19 deemed to have been planned, located and constructed in
20 accordance with the purposes and provisions of the Municipal
Housing Law."

21 SECTION 4. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2014. _____

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