

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2023- 01

AN EMERGENCY ORDINANCE
AMENDING ORDINANCE NO. 2022-07, THE SHORT-TERM RENTAL
REGULATION, REGISTRATION AND LICENSING ORDINANCE, AND
ORDINANCE NO. 1992-3, THE BUSINESS REGISTRATION AND
LICENSING ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA
FE COUNTY:

Section 1. Section 4 of Ordinance No. 2022-07 (Subsection 9.H.1 of Ordinance No. 1992-3) is hereby amended to add the following as a new Subsection 1.11:

“1.11 To prevent immediate danger to the public health, peace, safety, and welfare of the County, the Board determines that it is necessary to extend the deadlines for registering and licensing STRs to June 1, 2023. Additional time is needed for the orderly submission and processing of STR applications and to address instances where existing STRs do not comply with one or both requirements that STRs are only allowed: (a) on property that is a Legal Lot of Record; and (b) within a Dwelling legally recognized under the SLDC.”

Section 2. Section 4 of Ordinance No. 2022-07 (Subsection H.5.1.1 of Ordinance No. 1992-3) is hereby amended to read as follows: "Beginning on June 1, 2023, no person may operate an Owner Occupied STR without a Business Registration issued and renewed pursuant to Section 3(A) and Section 5.”

Section 3. Section 4 of Ordinance No. 2022-07 (Subsection H.6.1.1 of Ordinance No. 1992-3) is hereby amended to read as follows: "Beginning on June 1, 2023, no person may operate a Non-Owner Occupied STR without a Business License.”

Section 4. Section 4 of Ordinance No. 2022-07 (Subsection 9.H of Ordinance No. 1992-3) is hereby amended to add the following as a new Subsection 8:

“8. Temporary Registrations and Licenses

8.1 Upon the request of a STR applicant, the Land Use Administrator shall issue a temporary Business Registration or License to an applicant who was operating a STR prior to June 1, 2023, on property that is not a Legal Lot of Record or within a Dwelling that is

not legally recognized under the SLDC, provided that the applicant has made the application(s) necessary to remedy the noncompliance prior to June 1, 2023.

8.2 A temporary Business Registration or Business License will expire upon completion of the application process at the administrative level, when all appeals to County decision-making bodies have been exhausted.”

Section 5. Notwithstanding Section 5 of Ordinance No. 2022-07, and for the avoidance of doubt, the deadline to submit a renewal application for a Non-Owner Occupied STR Business License shall be thirty days (30) prior to the expiration of the Business License.

Section 6. Declaration of Emergency; Immediate Effective Date. In accordance with NMSA 1978, Section 4-37-9(C), the Board of County Commissioners hereby declares that is necessary for the public peace, health, and safety that this Ordinance take effect immediately upon adoption by the Board of County Commissioners and recordation by the County Clerk. Should a court of competent jurisdiction determine that it has the authority to question the Board’s declaration of emergency and that emergency conditions did not exist justifying the immediate efficacy of this Ordinance, the Ordinance shall take effect on the first date otherwise allowed by law.

Section 7. Severability. If a provision of this Ordinance or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are severable.

PASSED, APPROVED, AND ADOPTED this 14th day of March 2023, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By:

Anna C. Hansen
Anna C. Hansen, Chair

ATTEST:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk



