

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. 2023- 08

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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, TO EXTEND  
THE MORATORIUM ON NON-OWNER-OCCUPIED SHORT-  
TERM RENTALS

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

**Section 1.** Section 4 of Ordinance No. 2022-07 (Section 9 of Ordinance No. 1992-3) is hereby amended to add the following as a new Subsection 1.12:

“1.12 The Board recently received a third-party consultant’s report on impacts related to Short-Term Rentals in Santa Fe County. Additional time is needed to study the results of the report and appropriately consider the potential impacts identified in Section 1.10 above, as well as determine whether the moratorium should be discontinued or further extended or whether further or different regulations on Non-Owner-Occupied Short-Term Rentals are necessary. Accordingly, the Board determines that it is necessary to extend the moratorium on Non-Owner-Occupied Short-Term Rentals to February 26, 2024.”

**Section 2.** Section 6.1.4 of Ordinance No. 2022-07 (Section 9 of Ordinance No. 1992-3) is hereby amended and replaced with the following:

“6.1.4 The Owner of the Non-Owner Occupied STR shall be the record title owner of the property or **Dwelling**; provided, however, that, for a period from November 25, 2022, to February 26, 2024, no application for Business License for a Non-Owner Occupied STR shall be submitted, accepted, processed, or approved for a **Dwelling** or property acquired by the Owner after November 25, 2022. This temporary moratorium on newly acquired property being developed as an STR is necessary to allow time for the Board to study and analyze relevant issues related to Non-Owner Occupied STRs, including, but not limited to the impact of STRs on affordable housing supply, areas where STRs conflict with primary residential uses

established in traditional and historic communities, and non-compliance and enforcement issues, and develop any appropriate regulations related thereto.”

**Section 3. 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 4. 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 17 day of November, 2023, by the Board of County Commissioners of Santa Fe County.

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

By: Anna Hansen  
Anna Hansen, Chair

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
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I Hereby Certify That This Instrument Was Filed for  
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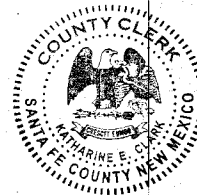
ATTEST:

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

Witness My Hand And Seal Of Office  
Katharine E. Clark  
County Clerk, Santa Fe,  
Deputy Dusty Romero

**APPROVED AS TO FORM:**

Jeff Young  
Jeff Young  
Santa Fe County Attorney



SFC CLERK RECORDED 11/21/2023