

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

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING ORDINANCE NO. 2022-07, AS AMENDED BY ORDINANCE NOS. 2023-01 AND 2023-08, THE SHORT-TERM RENTAL ORDINANCE, TO REMOVE THE REQUIREMENT FOR ENFORCEMENT OF PRIVATE COVENANTS; TO LIMIT THE TOTAL NUMBER OF SHORT-TERM RENTAL (STR) LICENSES A SINGLE LICENSEE, REGISTRANT, OR OWNER CAN HOLD; TO LIMIT THE NUMBER OF NON-OWNER OCCUPIED STRS ALLOWED IN CERTAIN CENSUS DESIGNATED PLACES TO A PERCENTAGE OF TOTAL HOUSING STOCK; TO LIMIT TOTAL OCCUPANCY IN ANY STR TO TEN (10) PERSONS; AND TO REQUIRE REGISTRATION OF TIMESHARES RENTED AS STRS.

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

Section 1. A new Section 1.13 is added to Ordinance No. 2022-07, as amended by Ordinance Nos. 2023-01 and 2023-08, to state:

1.13 On November 30, 2023, the Board held a work session to discuss potential revisions to the Ordinance and recommended limitations on numbers of STRs that can be licensed, registered, or owned, in whole or in part, as well as limits on the number of Non-Owner Occupied STRs that can be operated in certain areas of the County, and recommended that the moratorium not be extended past February 26, 2024. In keeping with the County's goal of preserving historic and traditional character while maintaining livability, the County desires to minimize the negative impacts of short-term rentals on the County's neighborhoods, housing supply, economy, and environment.

Section 2. A new Section 3.14 is added to Section 3 of Ordinance No. 2022-07 to state:

3.6 "Time share" is a right to occupy a unit or any of several units during five or more separated time periods over a period of at least five years, including renewal options, whether or not coupled with a freehold estate or an estate for years in a timeshare project or a specified portion thereof. A "time share project" means any real property that is subject to a time share program. A "time share program" means any arrangement for time shares whereby real property has been made subject to a time share. An owner of a time share program or project shall obtain one Business Registration for such program or project. A person or business who has purchased a time share within a time share program or project will be required to obtain a License or Registration under this Ordinance, whichever is applicable, prior to renting the time share as a STR.

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Section 3. Section 4.3 of Ordinance No. 2022-07 is deleted.

Section 4. A new Section 6.1.5 is added to Ordinance No. 2022-07, as amended by Ordinance No. 2023-08, to state:

6.1.5 Non-Owner Occupied STRs shall be limited in number as follows:

6.1.5.1 In the following Census Designated Places (CDPs), the number of Non-Owner Occupied STRs shall be limited to 3% of total housing stock:

6.1.5.1.1 Agua Fria CDP, Arroyo Hondo CDP, Cañada de los Alamos CDP, Cañoncito CDP, Conejo CDP, Eldorado at Santa Fe CDP, Galisteo CDP, Glorieta CDP, La Cienega CDP, La Cueva CDP, La Tierra CDP, Lamy CDP, Las Campanas CDP, Los Cerrillos CDP, Madrid CDP, Santa Fe Foothills CDP, Sunlit Hills CDP, and Tres Arroyos CDP.

6.1.5.2 In the following CDPs, the number of Non-Owner Occupied STRs shall be limited to 7% of total housing stock:

6.1.5.2.1 Chimayo CDP, Chupadero CDP (excluding Rancho Encantado condominium area), Cuyamungue CDP, El Rancho CDP, El Valle de Arroyo Seco CDP, Encantado CDP, Hyde Park CDP, Jacona CDP, Jaconita CDP, Nambe CDP, Pojoaque CDP, Rio en Medio CDP, San Ildefonso Pueblo CDP, Seton Village CDP, Tano Road CDP, Tesuque CDP (excluding Bishop's Lodge condominium area), and Valencia CDP.

6.1.5.3 Non-Owner Occupied STRs licensed prior to the effective date of this Ordinance may obtain a renewal, notwithstanding the limitations in subsections 6.1.5.1, 6.1.5.2, and 7.12, so long as there is no change in ownership.

6.1.5.4

6.1.5.4.1 As used in this section, "total housing stock" means the number of dwelling units within the CDP or Community Planning Area with addresses assigned by the County pursuant to the County's rural addressing system established by Ordinance No. 1990-05, as amended.

6.1.5.4.2 On or before January 31 of each year, the Growth Management Department Director shall calculate the total housing stock as of January 1 of that year and the number of Non-Owner Occupied STRs allowed in accordance with this section. The number of allowable Non-Owner Occupied STRs shall be posted on the County's website and shall be valid until updated in accordance with this section the following January.

6.1.5.4.3 The Growth Management Department will process applications in the order of receipt and will issue new permits in the order that complete applications are received. If the number of permits reaches the above limitations in Subsection 6.1.5, then the Growth Management Department will stop processing applications and will add applicants to a waiting list until a permit becomes available. If an applicant waits on the list for a year or longer, the Growth Management Director may require the applicant to indicate a continued interest in remaining on the list and remove those applicants that do not express interest in remaining on the list.

Section 5. Section 6.3.1.2 of Ordinance No. 2022-07 is deleted.

Section 6. Section 7.3.1 of Ordinance No. 2022-07 is amended to read as follows:

7.3.1 The Occupancy limit for a STR shall be two (2) people per approved bedroom, up to a total of ten (10) people. Existing Licenses and Registrations issued by the effective date of this Ordinance that exceed the 10-person maximum occupancy may continue while the STR remains in the ownership of the owner as identified in the initial STR application. Any change of ownership of STR shall meet the maximum occupancy limit as stated in this Subsection.

Section 7. A new Section 7.12 of Ordinance No. 2022-07 is added to state:

7.12. No person or entity, whether directly or indirectly, in whole or in part, may have an ownership interest or revenue-sharing interest in more than two (2) STR licenses within Santa Fe County.

Section 8. 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.

Section 9. Effective Date. The effective date of this Ordinance shall be thirty (30) days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF January, 2024.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: Anna Hansen
Anna Hansen, Chairperson



SFC CLERK RECORDED 01/10/2024

ATTEST:

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

APPROVED AS TO FORM:

Jeff Young
Jeff Young
Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of January, 2024 at 04:08:43 PM And Was Duly Recorded as Instrument # 2026286 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy M. R. Zell County Clerk, Santa Fe, NM