

O-2016-020

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: Richard J. Berry, Mayor**

**FROM: Jon K. Zaman, Director of Council Services**

*Jon 10/12/16*

**SUBJECT: Transmittal of Legislation**

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Transmitted herewith is Bill No. O-16-21 Establishing Reasonable Charges For Homeowners And Condominium Associations For The Preparation Of Disclosure Certificates, Disclosure Statements, Or Resale Certificates As Required By The New Mexico Homeowner Association Act And The New Mexico Condominium Act (Harris), which was passed at the Council meeting of October 5, 2016, by a vote of 7 FOR AND 2 AGAINST.

**Against: Gibson, Lewis**

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh

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1       **WHEREAS, because time is often of the essence in residential real estate**  
2 **transactions to meet lender requirements, buyer needs, or other requirements,**  
3 **without a fixed maximum charge, individual home buyers and sellers may**  
4 **have little power to hold associations accountable to the requirement that**  
5 **charges be reasonable; and**

6       **WHEREAS, establishment of a fixed and uniform reasonable charge for**  
7 **provision of records that should be readily available to the association, and**  
8 **need only be duplicated and provided, could help ensure greater equity and**  
9 **predictability for home buyers and sellers.**

10 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
11 **ALBUQUERQUE:**

12       **SECTION 1. A new Article, Article 16, titled “HOMEOWNER AND**  
13 **CONDOMINIUM ASSOCIATIONS” is added to Chapter 13 of the Revised**  
14 **Ordinances of Albuquerque as follows:**

15       **“§ 13-16-1 Reasonable Charges for Disclosure Certificates, Disclosure**  
16 **Statements, or Resale Certificates. Homeowner and Condominium**  
17 **Associations may impose a reasonable charge not to exceed \$200 payable at**  
18 **the time of closing for preparation of a Disclosure Certificate as required by**  
19 **the New Mexico Homeowner Association Act, or for a Disclosure Statement or**  
20 **Resale Certificate as required by the New Mexico Condominium Association**  
21 **Act.”**

22       **SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph,**  
23 **sentence, clause, word or phrase of this ordinance is for any reason held to be**  
24 **invalid or unenforceable by any court of competent jurisdiction, such decision**  
25 **shall not affect the validity of the remaining provisions of this ordinance. The**  
26 **Council hereby declares that it would have passed this ordinance and each**  
27 **section, paragraph, sentence, clause, word or phrase thereof irrespective of**  
28 **any provisions being declared unconstitutional or otherwise invalid.**

29       **SECTION 3. COMPILATION. Section 1 shall amend, be incorporated in**  
30 **and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.**

31       **SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days**  
32 **after publication by title and general summary.**

33       X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\22 Council\O-21final.doc

1 PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF October, 2016  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

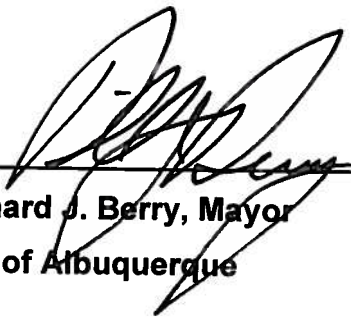
3  
4 Against: Gibson, Lewis

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9 Dan Lewis, President  
10 City Council

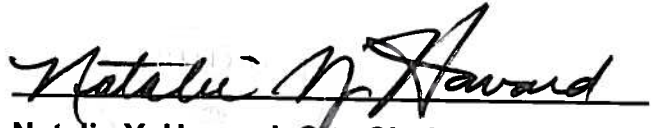
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14 APPROVED THIS 20<sup>th</sup> DAY OF October, 2016

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18 Bill No. O-16-21

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23 Richard J. Berry, Mayor  
24 City of Albuquerque

25  
26 ATTEST:

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29 Natalie Y. Howard, City Clerk

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