WORK SESSION AGENDA

Monday, June 8, 2026 at 1:00 PM

Mayor
Eric Enriquez

Mayor Pro Tem
John Munoz

Councilors
Cassie McClure
William Mattiace
Michael Harris
Johana Bencomo
Becky Corran

Council Chambers

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CITY OF LAS CRUCES

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Council Work Session Summary

Meeting: Work Session - Jun 08 2026

TITLE: CITY STRATEGIC PLAN UPDATE.

PURPOSE(S) OF DISCUSSION: **☒ Inform/Update** **☒ Direction/Guidance** **☒ Legislative Development/Policy**

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces (CLC) is in the process of updating the City Strategic Plan. This session will include a presentation of the Needs Assessment Report and a facilitated discussion with the Mayor and City Council about CLC's priorities for the next two to five years.

COMMITTEE/BOARD REVIEW:

None

Agenda Item #1.2.

Council Work Session Summary

Meeting: Work Session - Jun 08 2026

TITLE: VACANT & ABANDONED PROPERTY ORDINANCE.

PURPOSE(S) OF DISCUSSION: ☒ **Inform/Update** ☐ **Direction/Guidance** ☐ **Legislative Development/Policy**

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

An update on the City of Las Cruces' approach to long-term vacant and underused properties, which can affect neighborhood stability, aesthetics, redevelopment opportunities, and property values. While some vacant properties may also become nuisance properties, the primary focus of this effort is to identify properties that have remained unused or underutilized for extended periods and create a clearer path toward maintenance, reinvestment, and productive use.

As part of this effort, the proposed Vacant and Abandoned Property Maintenance Ordinance would establish a formal process for identifying, registering, and monitoring long-term vacant properties. The ordinance is intended to create accountability for properties that remain vacant for two or more years, while recognizing that some properties may be actively moving toward occupancy, rehabilitation, sale, lease, or redevelopment. The proposed ordinance would also provide exemptions for qualifying properties, including those with active permits, properties involved in foreclosure, probate, or litigation, actively marketed properties, and certain historic properties moving through the appropriate review process.

The goal is to encourage responsible ownership, improve visibility into long-term vacancy, support redevelopment, and help return underused properties to productive use throughout Las Cruces. This ordinance would run alongside the City's existing nuisance abatement efforts, but it is primarily intended as a vacancy and redevelopment tool rather than a traditional nuisance enforcement program.

SUPPORT INFORMATION:

VACANT PROPERTY ORDINANCE

PLAN(S):

Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

None

ARTICLE IV. VACANT AND ABANDONED PROPERTY MAINTENANCE

Sec. 18-52. Intent and Purposes.

The intent of this article is to support revitalization efforts within the City of Las Cruces by activating vacant premises, encouraging property owners to make productive use of their properties, and preventing structures from becoming a public or private nuisance or otherwise contributing to property deterioration and negatively impacting surrounding property values, redevelopment, or economic development efforts.

Sec. 18-53. Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Fair Market Value (FMV) means the estimated sale price a property would achieve under typical market conditions, as supported by comparable property sales in the same general market area. FMV may be established through a third-party appraisal or broker opinion based on comparable sales and/or income-based valuation methods, as applicable.

Fiscal Year means the fiscal year of the City of Las Cruces from July 1 to June 30.

Gross Leasable Area (GLA) means the total floor area of a nonresidential building intended for lease or occupancy by tenants, excluding common areas not leased to tenants (such as shared corridors, shared restrooms, mechanical rooms, and similar areas), as determined by the City based on reasonably available information.

Lawfully Occupied or In Operation means a building or structure is used or occupied in a manner consistent with applicable codes and approvals, and is not posted, condemned, or otherwise prohibited from occupancy or use by the City of Las Cruces or other public authorities.

Multi-tenant Nonresidential Property means a nonresidential building or development designed or operated with two (2) or more tenant spaces intended to be leased or occupied by separate businesses or occupants.

Multi-tenant Residential Property means a residential building or development designed or operated with two (2) or more tenant spaces intended to be leased or occupied as separate dwelling units or spaces for residential dwellings. Spaces for residential dwellings may include spaces for manufactured or mobile homes.

Responsible Party means the owner(s) of any building or property subject to this article, or the owner's property manager or other designee responsible for managing the property, or any other party responsible for such building or property by way of management, agency, delegation, assignment, or agreement. For purposes of requirements under this article applicable against a Responsible Party, such requirements shall apply against all persons or entities qualifying as Responsible Parties for a single property, regardless of any agreement or understanding to shift responsibilities between Responsible Parties for the management of the property.

Vacant Leasable Area means the portion of Gross Leasable Area that is not Lawfully Occupied or In Operation.

Vacant or Vacant Property means any building, structure, or portion thereof, and the lot or parcel on which it is located, whether residential or commercial in character, that is not Lawfully Occupied or In Operation for its intended use and has remained in that condition for a continuous period of two (2) or more years, as determined by the City based on available information. Intermittent or occasional presence that is not consistent with ongoing lawful business operations shall not be considered occupancy for purposes of this article. A property or portion of a property, as appropriate, shall not be considered vacant within the meaning of this article during the period of twenty-four (24) months following issuance of a certificate of occupancy.

For Multi-tenant Nonresidential Properties, a property shall be considered Vacant only if fifty percent (50%) or more of the Gross Leasable Area (GLA) is Vacant Leasable Area for a continuous period of two (2) or more years. For Multi-tenant Residential Properties, a property shall be considered Vacant only if 50% or more of the available dwelling units or spaces are not lawfully occupied or in operation for a continuous period of two (2) or more years. The vacancy of an individual dwelling unit, tenant space, or storefront, by itself, shall not constitute a Vacant Property under this article.

The term Vacant or Vacant Property shall not include:

(a) Property owned by the City of Las Cruces or any other local, state, tribal, or federal governmental entity;

(b) A lawfully established and maintained parking lot or parking area;

(c) Property or land used primarily for utility, drainage, stormwater, or flood control purposes;

(d) Property or land used for landscaping, open space, park, trail, or recreation purposes; or

(e) Property or land actively used for agricultural purposes.

Sec. 18-54. Standards for Property Assessment.

(a) The provisions of this article shall be liberally construed to allow all evidence relevant to assess a property as Vacant Property. Proof of occupancy or use may include, but is not limited to, a signed lease agreement, utility records, mail, property inspections, business license or registration, and any information relevant to the standards for assessment of property as Vacant Property.

(b) The Community Development Director or designee shall develop standards for the assessment of a Vacant Property and shall make the standards available to the public online through the City's website.

(c) Standards developed by the Community Development Director or designee shall be nonexclusive to other evidence relevant to an assessment of property as a Vacant Property on a case-by-case basis. The purpose of the standards is not to exhaustively enumerate possible evidence but to give notice to the public of significant or common traits that would allow an assessment of property as Vacant Property. An assessment's reliance on evidence not described in the standards shall not be grounds for objection to the assessment.

(d) An assessment of property as a Vacant Property may be based on currently available information, including information concerning the physical condition and use of the property at the time of assessment.

(e) The Community Development Director or designee may make an assessment based on evidence available without an inspection of the premises, evidence derived from an inspection of the premises, or both.

(f) An assessment that property qualifies as a Vacant Property under this section may include that the property qualifies as Vacant Property in its entirety, that a building, structure, parcel, lot, or portion of the property independently qualifies as Vacant Property, or that the property or any such qualifying building, structure, parcel, lot, or portion is exempted under the terms of this article.

Sec. 18-55. Application for Registration of Vacant Property.

(a) An owner of property may apply to register the property as a Vacant Property through the City's website.

(b) The Community Development Director or designee shall develop forms for applications for registration of property as Vacant Property and shall make the forms available to the public through the City's website.

(c) A Responsible Party may submit an application to register the property as Vacant Property through the provisions of this subsection.

(d) An application may be treated as sufficient information to register the property as Vacant Property; provided, however, that the Community Development Director or designee may, at their discretion, conduct an independent assessment of the property by inspection or otherwise.

(e) The application shall disclose all measures taken to ensure that the vacant premises will be kept in compliance with the standards established in the International Property Maintenance Code. The form shall include and be updated with the following information:

(1) Name, address, telephone number, and email of the property owner, local agent, property manager, or Responsible Party.

(2) Street address, parcel number, and legal description of the property.

(3) Any known fines or liabilities being assessed against the property, including, without limitation, liens, actions for foreclosure, tax judgments, or pending litigation.

(4) A 24-hour emergency telephone number for the owner, agent, property manager, or other Responsible Party, who is required to respond to City calls within two (2) hours.

(f) For a Multi-tenant Nonresidential Property, the application shall include reasonably available information sufficient for the City to evaluate whether the property meets the Gross Leasable Area threshold for vacancy, which may include a description of tenant spaces, approximate leased versus vacant areas, and the approximate duration of vacancy for vacant spaces.

(g) Within forty-five (45) days of the date of a Responsible Party's application for registration, the Community Development Director or designee shall make a written assessment of whether the property qualifies as Vacant Property. The assessment shall qualify as a final assessment.

(h) The Community Development Director or designee shall promptly provide its final assessment to the Responsible Party applicant, and in addition, to the property owner, if different from the applicant.

Sec. 18-56. Registry.

(a) The Community Development Department shall keep a current registry of all properties assessed as Vacant Property.

(b) The registry shall contain the final assessment, and if they exist, any prior assessment and any objections to an assessment.

(c) For each registered Vacant Property that is a Multi-tenant Nonresidential Property, the registry entry shall include the total GLA and the estimated Vacant Leasable Area used for the assessment, to the extent such information is reasonably available.

(d) The registry developed by the Community Development Department shall further include the standards developed by the Community Development Director or designee for an assessment of property as Vacant Property.

(e) The registry shall further include all properties granted an exemption as provided within this article, including the written determination of exemption and all information applicable to the property that is available from the records of the Doña Ana County Clerk's Office.

(f) The Community Development Department shall make the registry available to the public online through the City's website.

(g) For By June 30 of each year, a Responsible Party for a Vacant Property, including a Vacant Property qualifying for an exemption, must register their properties as such for the following fiscal year beginning July 1.

Sec. 18-57. Inspections.

(a) To ensure compliance with this article, the Community Development Director or their designee may conduct inspections of buildings and properties to determine if any property qualifies as Vacant Property.

(b) Whenever the Community Development Director or designee makes an assessment of a property as a Vacant Property pursuant to an inspection under this subsection, the Community Development Director or designee shall provide the written assessment to a Responsible Party, if known, who shall have thirty (30) days from the date of assessment to object in writing. If the objections would materially alter the assessment, the Community Development Director or designee shall re-assess the property to account for the objections.

(c) Any re-assessment shall qualify as a final assessment. Any assessment that does not receive objections within the period prescribed shall qualify as a final assessment.

(d) If the Community Development Director or designee makes a final assessment of a property as Vacant Property, the Community Development Director or designee shall provide the final assessment to the Responsible Party, if known.

(e) The Community Development Director or their designee can request proof of occupancy or use of a property from a Responsible Party, to assess if the property qualifies as Vacant Property or for an exemption.

Sec. 18-58. Annual Registration Fee.

(a) A Responsible Party shall be required to pay a fee to register a property as a Vacant Property according to the following schedule.

(b) *Fee year definitions*. For purposes of this Section, “Year 1,” “Year 2,” and “Year 3+” refer to the number of fiscal years the property has been registered in the City’s vacant property registry, beginning with the first fiscal year in which a property is registered following a final assessment or the expiration of an exemption.

(1) Residential

(i) Year 1: $500

(ii) Year 2: $1,000

(iii) Year 3+: $2,000 annually

(2) Commercial

(i) Year 1: $2,000

(ii) Year 2: $4,000

(iii) Year 3+: $8,000 annually

(3) Multi-Tenant

(i) If a Multi-tenant Property qualifies as Vacant Property under this article, the applicable commercial registration fee shall be assessed using the flat fee schedule for commercial buildings in this Section.

(c) The registration fee shall be due within thirty (30) days of the earlier of:

(1) When a property is first registered;

(2) When an exemption ceases to apply; or

(3) May 31 of the current fiscal year.

(d) Notwithstanding anything to the contrary, no fee shall be due for the first full fiscal year of registration if the property is registered or an exemption ends within four (4) months of the start of the first full fiscal year on July 1.

(e) The registration fee shall be paid by any Responsible Party as necessary to pay the fee.

Sec. 18-59. Exemptions for Certain Buildings and Properties.

(a) On application by a Responsible Party, a property qualifying as a Vacant Property may be exempted from a registration fee in the following circumstances, as determined by the Community Development Director or their designee. An exemption shall expire after twelve (12) months. The applicant may apply no more than once for a renewal period of twelve (12) months prior to an exemption's expiration.

(1) A City of Las Cruces active building permit or permit application showing how the premises will undergo construction, rehabilitation, or renovation that is proceeding without unreasonable delay caused by the Responsible Party. The Responsible Party shall provide a written plan describing how the active building permit is expected to achieve occupancy of the property, including a reasonable timeline, necessary improvements, milestones for completion, and anticipated occupancy date.

(2) The property was purchased through a foreclosure action and the statutory redemption period has not expired. The Responsible Party shall provide a written plan describing how occupancy of the property will be achieved once the period has expired.

(3) The property is physically secured and subject to probate or litigation over ownership or control.

(4) The property is listed with a licensed real estate broker or marketed on three commercially recognized platforms, the sale or lease price is no greater than one hundred thirty percent (130%) of Fair Market Value or competitive market rent, and evidence of supplementary marketing activities, such as signage or promotional materials, is provided. Evidence of additional marketing activities shall be required to renew exemption.

(5) The property is designated as historic at the federal, state, or local level, or meets established criteria and is eligible for designation as a cultural property under Section 35-2.D of the City of Las Cruces Development Code. In addition, the property owner must be actively working with the City's Historic Preservation Specialist and participating in applicable design review under the City of Las Cruces Historic Preservation Ordinance, including but not limited to those outlined in Section 35-3 of this Code. The exemption may be denied or terminated if the property owner fails to submit required materials, respond to City requests, or make reasonable progress toward review, approval, stabilization, rehabilitation, or other corrective action.

(b) Any exemption granted under this section shall be supported by a written determination issued by the Community Development Director or designee, which shall include the reasons for the exemption. The Community Development Director or designee shall provide the written determination to the applicant, if the assessment was performed pursuant to an application for assessment of the property as Vacant Property, to the property owner, if known, and to any different Responsible Party registered with the property.

(c) The Community Development Department shall develop forms for applications for exemption, which forms shall be made available online on the City's website.

(d) An exemption granted under this section does not limit the authority of the City to pursue action against a property as a nuisance or danger to health or safety, pursuant to Chapter 18 of the Las Cruces Municipal Code, Chapter 3 of the New Mexico Statues Annotated, or other applicable law.

Sec. 18-60. Appeals

(a) A Responsible Party may dispute a final assessment of a Vacant Property or determination of exemption by submitting a written appeal to the Community Development Director within thirty (30) days of the final assessment or determination of exemption. The Community Development Director shall review any evidence provided by the Responsible Party with its appeal and considered in connection with the assessment decision or determination of exemption. The Community Development Director shall issue a decision on the appeal within thirty (30) days of submission of the appeal.

(b) The Community Development Department shall prepare forms for appeals to the Community Development Director, which forms shall be made available online on the City's website.

(c) A Responsible Party may appeal from a decision by the Community Development Director by further appeal to the district court, pursuant to Rule 1-074 NMRA.