



Zoning Pre-Emption for Shelter

The Problem: Local zoning and building codes, especially in larger cities like Albuquerque, are too restrictive to allow improvised shelter solutions for housing people living and at risk on the streets. Rural areas are also struggling with the negative health impacts of people living outside, a community most vulnerable to exposure. New Mexico needs some fast, cheap, safe, and healthy shelter solutions when people are at risk from exposure to the elements.

The Solution: An objective threshold for exposure to the elements should be established (e.g., an extended period of extreme heat or cold) that once reached would allow the declaration of an emergency. Once declared, communities would be allowed the use of structures compliant with the International Building Code (IBC) on private land for shelter. These declarations would have no appeal and would be irreversible for the course of the emergency.

Legislative Proposal: A bill that allows the state to preempt local zoning codes during extreme weather times in order to shelter their unhoused population would allow minimally compliant, improvised shelters to be placed on vacant land. Various parcels would be pre-selected, and the shelters could be deployed and removed as needed. A board would be established that would review threshold data and vote to declare the emergency and when the emergency is ended.

Potential Partners: Partners on this legislation would include the Albuquerque Coalition to End Homelessness and similar organizations, Albuquerque Healthcare for the Homeless and similar organizations, cities, and counties

Potential Opposition: Neighborhoods that would see these as “homeless camps,” and others that would be concerned about the safety of a densely populated community of vulnerable people.

How will we pay for it? Create a fund of \$500,000 that would match a private foundation’s contribution for implementation and evaluation of the project.