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1 WHEREAS, protecting residents from arbitrary or unfair practices during  
2 the sale, lease, or transfer of manufactured home communities is in the public  
3 interest.

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
5 ALBUQUERQUE:

6 SECTION 1. The "MANUFACTURED HOME COMMUNITY STABILITY AND  
7 EMPOWERMENT ORDINANCE", a new Article 26 in Chapter 14 of the Revised  
8 Ordinances of Albuquerque, is hereby enacted as follows:

9 § 14-26-1. SHORT TITLE.

10 This article shall be known and may be cited as the "Manufactured Home  
11 Community Stability and Empowerment Ordinance."

12 § 14-26-2. INTENT.

13 The purpose of this Ordinance is to promote stability within Manufactured  
14 Housing Communities and encourage the ownership of such properties by  
15 their residents.

16 § 14-26-3. DEFINITIONS.

17 For the purpose of this Ordinance, certain terms, phrases, words and their  
18 derivatives shall be construed as specified in this Ordinance. Where terms are  
19 not defined, they shall have their ordinary accepted meaning within the  
20 context with which they are used.

21 PROPERTY OWNER. The owner of a manufactured home community.

22 FAMILY MEMBER OF A HOMEOWNER OR PROPERTY OWNER. The  
23 homeowner or property owner's spouse, a child, parent, or grandparent of the  
24 homeowner or property owner or the homeowner or property owner's spouse,  
25 or a descendant of any such person, and shall include all such persons,  
26 whether of the whole or the half blood and whether related by blood or  
27 adoption.

28 MANUFACTURED HOME. A structure transportable in one or more sections  
29 that is built on a permanent chassis, is designed for use with or without a  
30 permanent foundation when connected to the required utilities and meets the  
31 construction safety standards of the federal Manufactured Housing Act of  
32 1974. Similar structures that do not meet the construction safety standards of

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1 that Act are referred to as “mobile homes” and are not allowed to be installed  
2 in the City.

3 **MANUFACTURED HOME COMMUNITY.** Any real property on which two or  
4 more lots or spaces are offered for rent or lease for the placement of  
5 manufactured homes and in which the primary use of the community or the  
6 manufactured home section thereof is residential.

7 **MANUFACUTRED HOMEOWNER.** A person who owns a manufactured  
8 home in a manufactured home community.

9 **RESIDENT HOMEOWNER GROUP or RESIDENT-OWNED COMMUNITY.** Any  
10 organization, group, or association, formal or informal, including a corporation  
11 or cooperative, that consists of resident owners of manufactured homes in the  
12 manufactured home community and is governed by and open to all owners of  
13 manufactured homes who occupy the home and live in the community. A  
14 resident homeowner group may allow resident owners of homes in the  
15 manufactured home community to become members even though their homes  
16 do not meet the definition of “manufactured home” as defined in this section.  
17 A resident homeowner group may designate an agent to act on its behalf. As  
18 used in this Ordinance, the term “Resident Homeowner Group” is  
19 synonymous with “Resident-Owned Community.”

20 **§ 14-26-4 NOTICE TO RESIDENT OF INTENT TO SELL PROPERTY.**

21 (A) If a property owner intends to sell, lease, or transfer the manufactured  
22 home community, the property owner shall, at least seven days prior to listing  
23 the property for sale, notify each resident household in the manufactured  
24 home community by first class mail with tracking to inform them of the intent  
25 to sell.

26 **§ 14-26-5 NOTICE TO RESIDENTS OF PROPOSED SALE, LEASE, OR**  
27 **TRANSFER.**

28 (A) If a property owner receives an offer for the sale, lease, or transfer of  
29 the community that the property owner intends to accept, the property owner  
30 shall, at least fifteen calendar days before making a final unconditional  
31 acceptance of such offer, give notice:

- 32 (1) to each resident household in the manufactured home community by
- 33 certified mail with return receipt requested; and

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1 (2) by delivery to each manufactured home on the property.

2 (B) The notice required by subsection (A) shall include:

3 (1) a statement advising the recipient of the intended sale, lease or other  
4 transfer of the manufactured home community; and

5 (2) a statement of the homeowners' rights pursuant to this Ordinance  
6 and the deadlines for exercising such rights; and

7 (C) A property owner may accept an offer for the sale, lease or transfer of  
8 the community before giving the notice required by this section and the  
9 purchase opportunity required by sections 5 through 9 of this Ordinance, as  
10 long as the purchase agreement is contingent upon providing the requisite  
11 notice and purchase opportunity.

12 **§ 14-26-6 PROPOSED PURCHASE AGREEMENT BY RESIDENT HOMEOWNER**  
13 **GROUP.**

14 (A) No later than the fifteenth calendar day after a notice complying with  
15 section 5 is mailed, a resident homeowner group, including a group formed  
16 after the issuance of such notice, may deliver, in writing, a proposed purchase  
17 agreement for the manufactured home community to the manufactured home  
18 property owner, along with a statement that the owners of more than fifty  
19 percent of the manufactured homes in the community that are occupied by the  
20 homeowner or a family member of the homeowner support submitting the  
21 proposed purchase agreement. A homeowner may indicate support for  
22 proposing a purchase agreement by signing a petition or any other document  
23 that so states.

24 (B) If the property owner does not receive a proposed purchase agreement  
25 in writing from a resident homeowner group during the 15 calendar day period  
26 provided by section 5, the property owner has no further duties under this  
27 ordinance with respect to the proposed sale, lease, or transfer of the  
28 manufactured home community.

29 **§14-26-7 DUTY TO CONSIDER A RESIDENT HOMEOWNER GROUP'S**  
30 **PROPOSED PURCHASE AGREEMENT.**

31 If a resident homeowner group or its assignee or agent delivers a proposed  
32 purchase agreement in writing to the manufactured home property owner in  
33 compliance with section 6, the manufactured home property owner shall

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1 consider the group’s proposed purchase agreement and negotiate with the  
2 group in good faith to determine whether a mutual agreement can be reached  
3 to enable the group to purchase the community. The duty of good faith  
4 includes a duty to make the same information available to a resident  
5 homeowner group that the property owner has or would have provided to  
6 another prospective purchaser.

7 **§14-26-8 PROPOSED PURCHASE AGREEMENT THAT MATCHES THE THIRD-**  
8 **PARTY OFFER.**

9 If a resident homeowner group or its assignee or agent delivers a proposed  
10 purchase agreement to the property owner in compliance with section 6 and  
11 its proposed purchase agreement matches the price and terms and conditions  
12 as the offer the property owner has conditionally accepted or plans to accept,  
13 the group shall have the right to purchase the manufactured home community  
14 at the price, terms, and conditions stated in its proposed purchase agreement,  
15 and this section 8 shall apply rather than section 7. No property owner shall  
16 unreasonably refuse to enter into or unreasonably delay the execution or  
17 closing on a purchase agreement with a resident homeowner group which has  
18 proposed a bona fide purchase agreement to meet the price and equivalent  
19 terms and conditions of an offer for which notice is required to be given  
20 pursuant to section 5.

21 **§14-26-9 SUBSEQUENT OFFERS.**

22 If a property owner provides the notice and purchase opportunity required  
23 by this Ordinance but it does not result in a purchase agreement between the  
24 property owner and a resident homeowner group, and the property owner then  
25 receives an offer at a different price or with different terms and conditions that  
26 the property owner intends to accept, the requirements of this Ordinance shall  
27 apply separately to that subsequent offer.

28 **§14-26-10 EXEMPTIONS.**

29 (A) This ordinance shall not apply to:

- 30 (1) A sale, lease or transfer to a family member of the property owner or  
31 to a trust, the beneficiaries of which are family members of the property owner;  
32 (2) A transfer by gift, devise or operation of law;

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1           (3) A sale, lease or transfer by a partnership or a limited liability  
2 company to one or more of its partners or members, between joint tenants or  
3 tenants in common, or by a business entity to a subsidiary or affiliate of such  
4 entity;

5           (4) A lease of a lot within the manufactured home community to a  
6 person who will live in a manufactured home on such lot;

7           (5) A conveyance of an interest in the community that is incidental to  
8 the financing of such community; or

9           (6) A sale or transfer pursuant to eminent domain.

10          (B) The exclusions set forth in this section shall not carry over to any  
11 subsequent resale, lease or transfer of a community unless such subsequent  
12 resale, lease or transfer independently meets the criteria set forth in  
13 subsection (a) of this section.

14          (C) To qualify for an exemption under this section, a transaction must not  
15 be made in bad faith, must be made for a legitimate business purpose or a  
16 legitimate familial purpose consistent with the exemptions listed in subsection  
17 (A) of this section, and must not be made for the primary purpose of avoiding  
18 the opportunity-to-purchase provisions set forth in this Ordinance.

19          **§14-26-11 RESOURCES AVAILABLE TO RESIDENT HOMEOWNER GROUPS.**

20           The City shall make available staff from the Office of Financial  
21 Empowerment or it's successor division to act as resources to resident  
22 homeowner groups seeking to utilize the provisions of this bill.

23          **§14-26-12 PENALTY.**

24           (A) Any person who violates any provision of this Ordinance is subject to  
25 the general penalty provision of this code set forth in ROA 1994, § 1-1-99.

26           (B) A property owner who sells, leases, or transfers a community and fails  
27 to comply with this Ordinance shall be liable to the resident homeowner group  
28 in the amount of \$50,000 or 10 percent of the total sales price, whichever is  
29 greater.

30           (C) A violation of this Ordinance is an unfair or deceptive practice and is a  
31 violation of the "Unfair Practices Act," NMSA 1978, Chapter 57, Article 12.

32          **SECTION 2. NOTICE TO RESIDENT HOMEOWNER GROUPS AND**  
33 **PROPERTY OWNERS.**

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1 The City shall send a notice to all manufactured homeowners and property  
2 owners as defined in this bill within 30 days of enactment of this Ordinance.  
3 The notice shall include a copy of the approved bill, a one-page summary of  
4 the bill, and contact information for the Office of Financial Empowerment or its  
5 successor division.

6 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
7 clause, word or phrase of this ordinance is for any reason held to be invalid or  
8 unenforceable by any court of competent jurisdiction, such decision shall not  
9 affect the validity of the remaining provisions of this ordinance. The Council  
10 hereby declares that it would have passed this ordinance and each section,  
11 paragraph, sentence, clause, word or phrase thereof irrespective of any  
12 provision being declared unconstitutional or otherwise invalid.

13 SECTION 4. COMPILATION. Section 1 of this ordinance shall be  
14 incorporated in and made part of the Revised Ordinances of Albuquerque,  
15 New Mexico, 1994 as a new Article 26 in Chapter 14, titled "Mobile Home  
16 Community Stability and Empowerment Ordinance."

17 SECTION 5. EFFECTIVE DATE. This ordinance takes effect five days after  
18 publication by title and general summary.

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1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF December, 2025  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Dan Lewis, President  
City Council

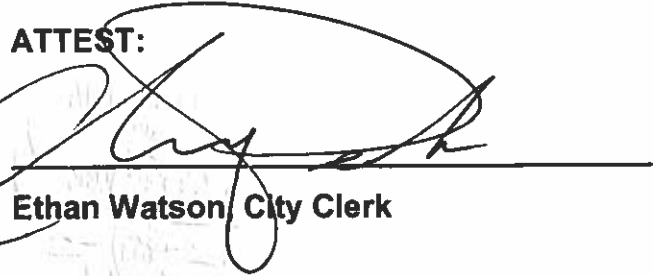
APPROVED THIS 29 DAY OF December, 20 24

Bill No. O-24-52



Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:

  
Ethan Watson, City Clerk

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