

San Marcos Association Board of Directors
Regarding the Proposed Santa Fe County Nuisance Abatement Ordinance

The Board of Directors of the San Marcos Association (SMA), a Registered Organization pursuant to the SLDC, and the R.O. in which a particularly problematic property at 30 Arroyo Coyote is located, supports all efforts to end unsafe criminal activity there and at similar locations in the County. We are gratified that the BCC is intent on implementing this. Current ordinances stipulating that the owner is the only one who can be held responsible have resulted in unsuccessful attempts by the Santa Fe County Sheriff's Department and Code Enforcement to address unsafe behavior. We agree that an ordinance is needed to explicitly allow the County a path to address criminal activity effectively and to enable law enforcement to intervene at locations where criminal activity persists, regardless of owner indifference.

The SMA Board and other members of the community think the "Clean and Lien Ordinance" is an overreach in this regard. An important concern we have is that Section 3 in particular will cause many otherwise law-abiding residents of the County to become violators; it should be eliminated or deemphasized. As written, this section will do little to address the root problem - a property owner enabling criminal activity leading to a blighted neighborhood. Nor will it provide the tools law enforcement needs to successfully render aid in those situations. It may also promote overzealous enforcement of minor issues.

The proposed ordinance seems to imply that problems exist on abused properties because of abandoned vehicles, miscellaneous junk on the property, disrepair of the building, and the like. In the case of unsafe criminal activity, these are symptomatic of the problem rather than the problem itself. We believe this ordinance needs to focus not upon an all-encompassing list of "nuisances," but rather on providing mechanisms to address criminal behavior of the sort that leaves neighbors feeling unsafe and insecure.

Our communities need the support of the County and the implementation of codified, specific, enforceable regulations that focus on substantial problems. Along those lines, we suggest changing or modifying the ordinance's title to be something like the "Safe and Healthy Neighborhoods Ordinance," and redrafting it to ensure that everyone understands its principal focus is to address properties where criminal activity that makes neighborhoods unsafe is occurring. Its focus should not be on circumstances where the property owner needs assistance rather than condemnation. SMA urges the Commissioners to consider modifying this measure before approval.