

NOTICE OF RULEMAKING

This notice replaces the Notice of Rulemaking previously posted in Volume XXXII, Issue 16 of the New Mexico Register on August 24, 2021.

The New Mexico Real Estate Commission is proposing to amend the rules listed below:

16.61.1.17 Part 1, General Provisions and Definitions, PP, Property Management, and RR, Property Manager.

The Commission will consider a proposal from a homeowner's association trade group that would amend the existing definitions of Property Management and Property Managers to remove references to the activities of homeowners and unit owner associations (HOA's) from the definitions.

16.61.3. 9 Real Estate Broker's License: Examination and Licensing Application Requirements.

Expedited Licensure for Military Members and Veterans:

The Commission proposes to amend Part 3 of its rules to conform with the provisions of House Bill 120 passed by the 2021 legislature that require professional and occupational licensing boards to issue licenses to military members, their spouses and dependent children, and veterans, within 30 days of receiving a completed application and to waive initial licensing fees.

16.61.3.9 Real Estate Broker's License: Examination and Licensing Application Requirements.

Potential Disqualifying Convictions

The Commission is required by law to post a list of potentially disqualifying convictions on its website no later than December 31, 2021.

The Commission proposes to amend Part 3 of its rules to conform with the provisions of Senate Bill 2 passed by the 2021 legislature that limit a professional and occupational licensing board's ability to deny, suspend, revoke, or condition a license only for felony convictions that relate to the profession or occupation in which the applicant has applied for licensure.

Pursuant to the provisions of Senate Bill 2, the Commission proposes to amend Part 3 to include a list of felony convictions that would disqualify an applicant from being issued a real estate broker's license.

The New Mexico Real Estate Commission is currently accepting public comment on the proposed new rules. Please submit written comments on the proposed changes to the Commission at 55000 San Antonio Drive NE, Albuquerque, New Mexico 87109 or Wayne W. Ciddio via email at wayne.ciddio@state.nm.us, prior to November 15, 2021.

The Friday, September 24, 2021 rule hearing is vacated. The Commission will hear public comment and consider adoption of the proposed new rules at a regular meeting and rule hearing on:

Monday, November 15, 2021 at 9:00 a.m.

The Greater Albuquerque Association of Realtors (GAAR)
1635 University Boulevard NE
Albuquerque, New Mexico 87102

Because GAAR's public meeting space is under construction, brokers and members of the public will be attending the rule hearing by Zoom.

The Zoom link to the meeting is:

<https://gaar.zoom.us/meeting/register/tZAoc-GopzMoGdOP1DncaQ1p1wEDkRh6BT78>

Register in advance for this meeting:

After registering, you will receive a confirmation email containing information about joining the meeting.

Statutory Authority

61-29-4, NMSA 1978, Creation of Commission; powers and duties, authorizes the Commission to make and enforce rules to carry out the provisions of the Real Estate Brokers and Salesmen Act.

Public Comment and Participation

Interested persons may submit written comments on the proposed changes to the Commission rules by email at wayne.ciddio@state.nm.us or may submit written comments to the New Mexico Real Estate 5500 San Antonio Drive NE, Albuquerque, New Mexico 87109, Attn. Wayne W. Ciddio, Executive Secretary.

Interested persons may make comments and ask questions about the proposed rules via Zoom during the rule hearing. The Commission will vote on the final rules at the conclusion of the rule hearing. Full copies of the texts of the proposed rules can be obtained from the Commission office at the email and physical addresses shown above.

Special Accommodations

If you are individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the meeting and hearing, contact Wayne W. Ciddio, Executive Secretary, New Mexico Real Estate Commission at (505) 785-3937 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Mr. Ciddio if a summary or other type of accessible format is needed.

Continuing Education Credits

Real estate brokers may receive up to four hours of continuing education credit during each three-year licensing cycle by attending the meeting and rule hearing. Qualifying brokers and qualifying broker candidates can fulfill the requirement to attend a meeting, rule hearing, or disciplinary hearing by attending this meeting and hearing.