

## **Taos County seeks authority to condemn 'unsafe buildings'**

**By Cody Hooks**

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The Taos County Board of Commissioners will soon vote on proposed changes to the county's land use regulations (LUR), including a policy that would give the county the power to condemn "unsafe structures" on private residences.

According to the proposed language, the new policy would give a "building official" of the planning department authority to declare a building unsafe following an inspection if they receive a complaint or "[observe] a potentially unsafe building." The official would have the authority to enter and inspect the building "for the purpose of verifying a complaint."

If they find the building to be unsafe according to the International Building Code — a national standard of building design largely dealing with fire suppression — the owner would be notified and would then have to demolish the building, do necessary renovations or appeal the decision.

An appeal would be taken before the county commission. However, the policy states an "appellant must specify the provision(s) of the International Building Code ... that is being improperly applied ... The county shall dismiss, with prejudice, any appeal that fails to adequately comply with this provision."

Taos County Chief Planner, Nathan Sanchez, told *The Taos News* via email Tuesday (June 16) the new section addressing unsafe structures is "something we felt was needed within the LUR."

The planning department presented the board of commissioners with the proposed language at their regular June 3 meeting during a work study session (during which no action can be taken). Edward Vigil, the county's acting planning director, said the proposed language will have to go through another work study session before a public hearing is scheduled, which is likely at least a month and a half away.

Currently, there is no language in the provision to account for historic buildings, though Sanchez said the department would consider adding language to address those issues.

Jeff Pappas, Ph.D., state historic preservation officer of the New Mexico Historic Preservation Division, said his office regularly gets calls from citizens trying to save old buildings.

But just because a building is old and made with mud doesn't make it historic in the eyes of the law. A building must be on a state or federal list of historic buildings — and even that doesn't prevent the possibility of a building being demolished.

Matt Foster, who previously handled historic preservation matters for the town of Taos, said that if the building doesn't already have historical designation, then legally, it might as well be a metal-sided garage.

But any sort of historical significance, even if a building isn't on an official list of protected properties, could still be presented as evidence at an appeal hearing before the county commission, along with other evidence.

According to Randy Baca, Taos County Deputy Assessor, even if an unsafe building were removed from a piece of land, the "infrastructure" is still present, so the value of the land wouldn't change. However, a renovated building would likely increase in value.