



# Short-Term Rental Licensing & Registration Frequently Asked Questions



**1. What is the Ordinance that governs Short-Term Rental (STR) regulations?**

The Santa Fe County Board of County Commissioners (BCC) adopted [Ordinance 2022-07](#), the Short-Term Rental Regulation, Registration, and Licensing Ordinance (STR Ordinance) at their October 25, 2022, meeting. The ordinance went into effect on November 24, 2022.

**2. What is the purpose of the STR Ordinance?**

The purpose of the STR Ordinance is to establish regulations, registration and licensing standards, and registration and licensing procedures for STRs to ensure the safety and welfare of vendees to whom STRs are rented; protect the peace and enjoyment of surrounding communities and neighborhoods; protect water resources and the environment; and otherwise promote the health and general welfare of the County.

**3. Am I required to make an appointment to submit my STR application?**

Appointments are not required; however, applicants are encouraged to make an appointment with the Growth Management Department so that a staff member can help you complete the process and review your application to ensure that all required documentation is included.

You may also submit your application and all documentation via email to [Cortiz@santafecountynm.gov](mailto:Cortiz@santafecountynm.gov). Please create separate documents for each item and label the PDF attachments with your last name and document name. Call 505-995-2700 to inform staff of your submission.

**4. What if I cannot get an appointment soon?**

The Growth Management Department is committed to assisting you to license or register your Short-Term rental by the March 15 deadline. Appointments are available throughout the week and on several Saturdays. Please schedule your appointment as soon as possible by calling 505-995-2700. Review the list of required documents for an [Owner-Occupied](#) or [Non-Owner Occupied](#) Short-Term rental application. In order to ensure a smooth application process, you must have all required documents when you attend your application review appointment.

If you need help or have questions, contact the Constituent Services Liaison in your [County Commissioner's Office](#). (Click on your Commissioner's name, and you'll find your Liaison's contact information. If you don't know who your Commissioner is, click on the [Interactive Commission District Map](#) and enter your address.)

If you know you have a structure with no permit, contact us and start the process to get that permitted asap.

## **5. What is the definition of a Short-Term Rental (STR)?**

“Short-Term rental” or “STR” means a Dwelling or portion thereof that is rented for periods of less than thirty (30) consecutive days.” (Ordinance 2022-07, Definition 3.10).

The ordinance distinguishes between Owner-Occupied and Non-Owner Occupied STRs:

“Owner-Occupied [STR]” is a Dwelling that is the Owner’s primary residence or an Accessory Dwelling Unit (ADU) that is located on the same legal lot of record as the Owner’s primary residence.” (Definition 3.6)

***Owner-Occupied STR applicants must apply for a business registration.***

“Non-Owner Occupied [STR] is a Dwelling that is not Owner-Occupied.” (Definition 3.7)

***Non-Owner Occupied STR applicants must apply for a business license.***

## **6. What is the definition of a Dwelling?**

Santa Fe County’s [Sustainable Land Development Code \(SLDC\)](#) defines a Dwelling as follows:

Dwelling or Dwelling Unit: a structure or portion of a structure that is designed, occupied or intended to be occupied, or has been previously used, as living quarters for a family and includes facilities for cooking, sleeping and sanitation; but not including recreational vehicles, travel trailers, hotels, motels, boardinghouses. Dwelling or dwelling unit includes single-family, two-family, and multi-family dwellings; manufactured homes, mobile homes, and tiny houses.

## **7. Are other types of structures allowed as STRs? For example, Recreational Vehicles, Yurts, Campers, Tents, Tepees, Mobile Tiny Homes etc.**

No. Santa Fe County will issue STR Business Registrations and Licenses to structures that are defined as a Dwelling under the Sustainable Land Development Code. (Please see the previous FAQ).

Ordinance 2022-07, Section 4.2 states that “STRs are only allowed (a) on property that is a Legal Lot of Record and (b) within a Dwelling legally recognized under the SLDC.”

However, Recreational Vehicles/Yurts/Tents/Tepees/Mobile Tiny Homes etc. may be permitted under the “Camps, camping, and related establishments” use in the Use Table. Depending on your zoning district, the County’s approval process would either require a Permit application, a Conditional Use application, or would prohibit this use.

## **8. Can I license or register a single room within my residence as an STR?**

Yes, a single room within a Dwelling legally recognized under the SLDC is regulated as an STR.

STR is defined as “...a Dwelling Unit that is not the vendee’s household or primary residence...” Section 3.12 of the draft ordinance defines “Vendee” as a natural person to whom a STR is rented.

## **9. Can I apply for multiple STR registrations/licenses?**

Ordinance 2022-07, Section 6.1.2 states: “Each Dwelling used as a Non-Owner Occupied STR shall require a separate Business License.” Therefore, STR owners can apply for multiple Non-Owner-Occupied STR licenses.

STR owners may only apply for one Owner-Occupied STR registration.

**10. How long is an STR registrations/licenses valid for?**

Business Licenses for Non-Owner Occupied STRs are valid for one year after date of issuance by the Building & Development Services Division unless earlier revoked in accordance with the Ordinance. In order to continue operations after this first year, owners of Non-Owner Occupied STRs will need to reapply to the Building & Development Services Division prior to the expiration date of their Business License (one year after date of issuance). The annual fee for a Business License is \$375. We recommend that applicants for Non-Owner Occupied STR licenses, make copies of their applications in order to facilitate and expedite future annual renewal applications.

Business Registrations for Owner-Occupied STRs are valid for one calendar year (January through December). Annual renewals are processed by the County Treasurer's Office by paying the business registration fee of \$35, prior to January 1 each calendar year. Once the initial permit for an Owner-Occupied STR Business Registration has been issued by the Building & Development Services Division; annual permit re-application is not required, only the payment of the annual renewal of the Business Registration through the County Treasurer's Office is required.

**11. Where are Short-Term Rentals allowed?**

STRs are allowed within the County in all zoning districts where residential uses are permitted uses.

**12. Is there a limit to the number of STR registrations/licenses the County allows each year?**

No. At this time, there is no limitation on the number of registrations/licenses the County allows each year.

**13. Is there a limit to the number of STR registrations/licenses issued per neighborhood or area?**

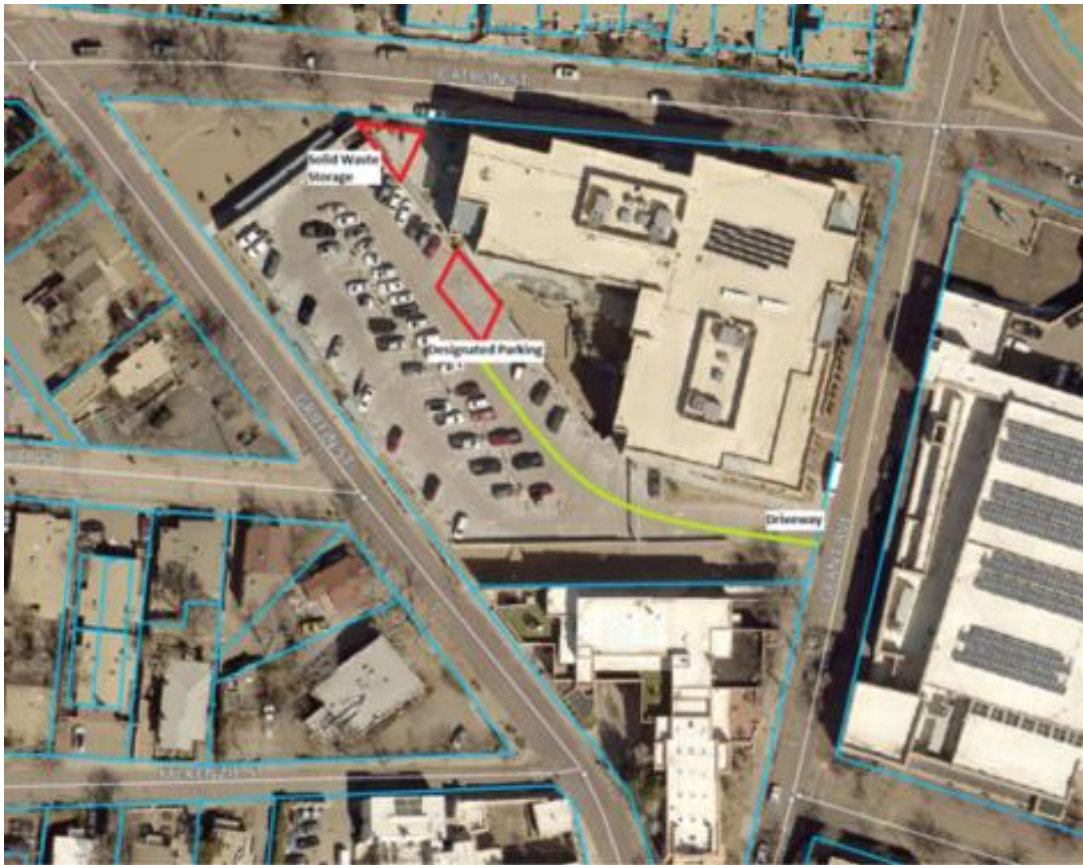
No. At this time, there is no limit per neighborhood or area.

**14. What is required for a Site Plan?**

A site plan must include a visual representation of your entire property with all existing structures, parking spaces, driveway, and solid waste storage or trash receptacles illustrated. This can be obtained by printing a satellite view from Google maps or Apple maps, zoomed in on your property. You can also find an aerial view on the [Santa Fe County Assessor's website](#) under the Parcel Search option. You can add notations by hand to illustrate the required items listed below; *there is no need to have a professional create the site plan.*

Parking spaces for short-term rentals must be clearly designated and outlined on the map and cannot include double/stacked parking, vacant areas where cars *could* park, or undesignated parking along roads/driveways. These parking spaces represent the available parking for your STR business. The number of parking spaces designated on your site map will be noted in the Short-Term Rental (STR) Business Notice to Renters Letter, which will be completed during your application review appointment. Solid waste storage or trash receptacles must also be clearly designated and outlined on the site map.

Example Site Plan with the Required Annotations:



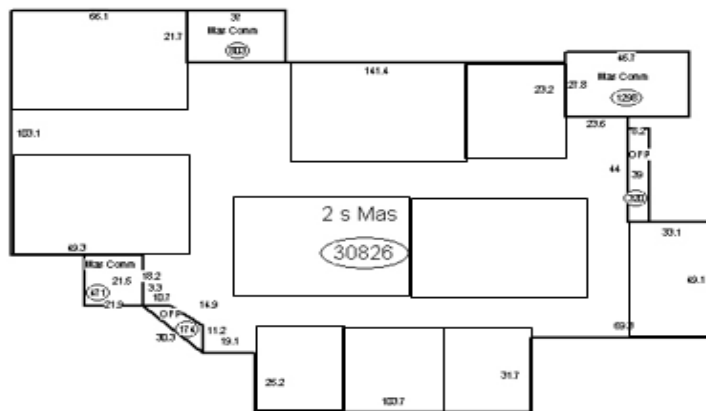
*An annotated site plan for the 100 Catron St., Santa Fe County Administrative Complex. Site plans must have designated structures, parking spots, solid waste (trash) storage, and driveway clearly distinguished.*

### 15. What is required for a Floor Plan Highlighting STR Area?

A floor plan illustrating the internal layout of rooms (living room, bathroom, kitchen, etc.) and entrances/exits of the STR dwelling can be easily obtained from the [Santa Fe County Assessor's website](#). Search for your address under “[Parcel Map Property Search](#)” then click on the link, “See Sketch and Property Description Information” in the window on the left side of the map.

Label the rooms on the floor plan. Measure the size of the STR space and handwrite it onto the rooms identified on the floor plan. Please note that a hand-drawn floor plan suffices, *there is no need to have a professional create this*. We are looking for layout and square footage of the STR space which can be easily measured.

### Example of a Floor Plan:



*Floor plan sketch of 100 Catron St., Santa Fe County Administrative Complex, downloaded from the Santa Fe County Assessor's Parcel Map Search Tool.*

## 16. What is required for a Proof of Primary Residence?

This is required for Owner-Occupied STR Business Registrations only. Any ONE of the following items with the property address printed on the document:

- Utility Bill
- Voter Registration
- Motor Vehicle Registration
- Driver's License or other state-issued identification
- IRS W2 Form
- Bank Statement

## 17. How do I get a Deed?

A Deed proves that you are the legal owner of the property. Call the Santa Fe County Clerk's Office at 505-986-6280. Press 2 to request your Deed. Documents can be picked up in person at 100 Catron Street and are \$1 per each printed page.

## 18. What is a Survey Plat?

A survey plat shows your Legal Lot of Record.

## **19. What is Legal Lot of Record?**

According to the Santa Fe County Sustainable Land Development Code, a Legal Lot of Record is “a lot that was either legally created prior to January 1, 1981, or that was part of a subdivision or land division approved by the Administrator or the Board after January 1, 1981.”

What this means is that prior to January 1, 1981, you could divide land through a deed. After January 1, 1981, division of land had to be completed through an application and approval by Santa Fe County.

A Public Notice plat is not recognized by the County as proof of legal lot. A plat must have a signature by the Land Use Administrator or the Board of County Commissioners.

An Improvement Location Report (ILR) is not a form of Legal Lot of Record and cannot be accepted. An ILR, or survey, provides survey coverage under a New Mexico title insurance policy insuring New Mexico real property. The ILR is never represented by a surveyor as being a property boundary survey. These reports are not intended to be used by the owner or purchaser as a substitute for a boundary survey.

If you do not have a County approved plat, then you need the owner’s property deed (if it was recorded prior to 1981) or if the current owner purchased the property later you need to research the chain of title. Staff in the Growth Management Department can assist with this process. Call and schedule a time to do this research before your STR Application Review Appointment.

To obtain a copy of your Deed and Survey Plat, call the Santa Fe County Clerk’s Office at 505-986-6280 – Press 2 to request both your Deed and your Survey Plat. Documents can be picked up in person at 100 Catron St. and are \$1 per printed page.

## **20. Where do I obtain Proof of Property Taxes?**

Call or email the Santa Fe County Treasurer’s Office to request a tax certificate at [treasurer@santafecountynm.gov](mailto:treasurer@santafecountynm.gov) or 505-986-6245. You can pick up your certificate or have it emailed to you.

## **21. What is a Fire Self-Certification Form?**

Follow the instructions and inspect your property for fire prevention and safety. [Complete the self-certification form](#). It does not require approval from the Fire Department. Initial and sign where indicated, print, and bring the completed form to your application review appointment.

## **22. What is a State CRS Number?**

New Mexico requires anyone engaged in business in New Mexico to register with the Taxation and Revenue Department. During registration, each business will be provided with a State Tax ID Number, also known as a Combined Reporting System (CRS) ID Number. This registration is used to report and pay tax collected on gross receipts from business conducted in New Mexico. To apply for a CRS ID Number or for more information, visit the [NM Taxation and Revenue Department website](#) or call 505-827-0700.



### **23. How do I obtain a current water meter reading?**

This is required for Non-Owner Occupied STR applications only. Most properties that have been platted since 1981 include a water restriction and require a water meter to be installed at the time of platting or construction. If your property has a water restriction and you are submitting an application for a Non-Owner Occupied STR license, you must provide your water meter reading.

If you did not install a water meter previously as required by your covenants, you must install one now and give the starting meter reading number. If you are not sure how to read your water meter, take a photo of it and bring it to your appointment or include it in your email.

### **24. How do I obtain an Assigned 911 Address Form?**

To request an Assigned 911 Address Form, email [e911addressing@santafecountynm.gov](mailto:e911addressing@santafecountynm.gov) or call one of the following staff members:

- Socorro Ojeda 505-995-2732
- Anthony Teba, 505-986-6246,
- Michael Carr, 505-986-6315
- Mark Jurgens 505-986-6347

Include your full name, phone number, and complete address or property tax account number. Please begin this process as soon as possible. Your completed Assigned 911 Address Form will be available at your application review appointment. If you are submitting your application materials via email, include that information in your request and the completed form will be sent to you. Please be aware that if there is a discrepancy, staff will work with you and the Building & Development Services Division to resolve the issue.

If you have more than one dwelling on your property, you may need more than one address. The Regional Emergency Communications Center (911 Dispatch) uses these addresses to pinpoint location in an emergency.

### **25. What is the process to notify my neighbors?**

For both owner occupied and non-owner occupied STRs, applicants are required to send letters to adjacent property owners and their Homeowners Association (if applicable) informing them of the Short-Term Rental. The required notice letter will be completed and the addresses of adjacent properties will be provided to you at your STR application review appointment. An affidavit of mailing is required.

In order to make this process as convenient as possible, for a small fee staff will provide you with envelopes, postage, and copies of the letter and required enclosures so you can mail the letters and complete the affidavit upon completion of your application approval.

The contact listed on the required notice letter will be the 24-hour contact for the rental and is responsible for liaising with renters in the event of a disturbance (noise complaint, etc.) The contact listed on the required notice letter should be the same name as the one listed on the STR application form.

If you email your application or opt not to send the letters during your STR application review appointment, you will be required to send the required notice letter to the addresses provided by the Growth Management permitting representative within 15 days of approval of your STR business registration / license. An affidavit of mailing is required in addition to a picture of the addressed and stamped letters prior to mailing. A picture displaying all letters addressed and with first class postage for verification by county staff can be emailed to Development Review Specialist Christina Ortiz at [cortiz@santafecountynm.gov](mailto:cortiz@santafecountynm.gov).

## **26. What is a Business Notice to Renters?**

The Business Notice to Renters documents your registration or license and will be provided to you when your application is accepted. It must be posted within the short-term rental at all times and be visible to renters.

## **27. What does Legal Permitting mean?**

All structures being permitted for Short-Term Rental must comply with Santa Fe County Sustainable Land Development Code (SLDC).

If you have converted a garage, studio, or other structure without proper permitting it is not considered a legal dwelling. Dwellings built before 1981 are considered “pre-code” or “legal non-conforming.” Both of these situations require further research. If you know that construction was done on your property without proper permitting, you need to obtain an “after the fact” permit and it may take longer than the typical process. If you believe the dwelling you plan to register as a short-term rental falls into any of these categories, call 505-995-2700 to begin the permitting process. *This must be completed before your application review appointment.*

## **28. How can I license or register a Short-Term Rental if I have an unpermitted accessory dwelling?**

Accessory dwelling units can be permitted under 10.4 of the SLDC, you may have one accessory dwelling per legal lot of record. Accessory dwellings are not permitted in major subdivisions unless the subdivision was approved by the Board of County Commissioners specifically allowing accessory dwellings.

Accessory dwellings must comply with:

- the setback for the zoning district you are in;
- cannot exceed 50% of the heated floor area of the principal residence, up to 1400 sq. ft.;
- Same architectural style as the principal house;
- Can only be single story; and
- Access through the same driveway as the primary residence; share utilities, including septic system. The NMED has approved the use of separate septic tanks with joined leach fields as being a shared system.

## **29. What if my accessory dwelling is unpermitted and I cannot meet the standards of the SLDC for accessory dwellings?**

You will need a variance. (See next FAQ.)

## **30. What if I need a Variance?**

The [Santa Fe County Sustainable Land Development Code](#) states “When consistent with the review criteria listed below, the Planning Commission may grant a zoning variance from any provision of the SLDC. The Planning Commission shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning district.”



**4.9.7.4. Review criteria.** A variance may be granted only by a majority of all the members of the Planning Commission (or the Board of County Commissioners, on appeal from the Planning Commission) based upon the following criteria:

- where the request is not contrary to the public interest;
- where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
- so that the spirit of the SLDC is observed and substantial justice is done.

**4.9.7.5. Conditions of approval**

- The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
- All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
- All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

Staff can provide you with a checklist for submittals if you need a variance. A variance needs to go to Public hearings, the Land Use Administrator cannot approve a variance. A variance will be heard by the hearing Officer and the Planning Commission. It takes time to go through this process so please submit your application quickly.

**31. Will I be cited for not having a registration or license if I need to permit a structure or request a variance?**

You will not be cited if you are actively in the application process.