

HOUSE BILL 71

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Rod Montoya

AN ACT

RELATING TO LOCAL GOVERNMENT; PROVIDING A PRIVATE RIGHT OF
ACTION FOR INJUNCTIVE RELIEF TO COMPEL A COUNTY OR MUNICIPALITY
TO ENFORCE ITS ORDINANCES; REQUIRING WRITTEN NOTICE AND A TIME
PERIOD FOR THE COUNTY OR MUNICIPALITY TO ENFORCE THE ORDINANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] COUNTY OR MUNICIPALITY
ORDINANCE ENFORCEMENT--WRITTEN NOTICE--PRIVATE RIGHT OF
ACTION.--

A. If a county or municipality fails to enforce an
ordinance it has enacted, a resident of or business located in
the county or municipality or the attorney general may provide
written notice to the governing body of the county or
municipality alleging any failures to enforce the ordinance.

The county or municipality shall have fourteen days to enforce

.232408.2

1 the ordinance or provide a written response detailing why the
2 alleged conduct was not a violation of the ordinance or why the
3 ordinance was not enforced.

4 B. If after following the procedures pursuant to
5 Subsection A of this section a county or municipality continues
6 to not enforce the ordinance, the resident, business or
7 attorney general may bring a civil action in a district court
8 of competent jurisdiction for injunctive relief compelling the
9 county or municipality to enforce or repeal the ordinance. The
10 court may award reasonable attorney fees and costs if the
11 resident or business prevails.

12 SECTION 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2026.