

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

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

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

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

- 2 -

underscored material = new
[bracketed material] = delete