

HOUSE BILL 148

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

INTRODUCED BY

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AN ACT

RELATING TO PROPERTY TAX; AMENDING AND ENACTING SECTIONS OF THE  
PROPERTY TAX CODE; REQUIRING AN AFFIDAVIT TO BE FILED WITH THE  
COUNTY ASSESSOR FOR THE TRANSFER OF CERTAIN REAL PROPERTY;  
EXCLUDING CERTAIN REAL PROPERTY TRANSFERS FROM THE REQUIREMENT  
TO FILE AN AFFIDAVIT; PROVIDING TEMPORARY LIMITATIONS ON THE  
VALUATION OF NONRESIDENTIAL PROPERTY; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the Property Tax Code,  
Section 7-36-21.4 NMSA 1978, is enacted to read:

"7-36-21.4. [NEW MATERIAL] TEMPORARY LIMITATION ON  
NONRESIDENTIAL PROPERTY VALUATION.--

A. Nonresidential property shall be valued at its  
current and correct value in accordance with the provisions of  
the Property Tax Code; provided that for the 2026 through 2036  
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1 tax years, the value of a property in any tax year shall not  
2 exceed one hundred five percent of the value in the tax year  
3 prior to the tax year in which the property is being valued.

4 B. The limitation on increases in value in  
5 Subsection A of this section does not apply to:

6 (1) a nonresidential property in the first tax  
7 year that the property is valued for property taxation  
8 purposes;

9 (2) any increase of square footage of physical  
10 improvements on a property during the year immediately prior to  
11 the tax year or omitted in a prior tax year, except for  
12 reproduction of physical improvements destroyed by a declared  
13 state disaster or emergency; or

14 (3) valuation of a nonresidential property in  
15 any tax year in which the use or zoning of the property has  
16 changed in the year prior to the tax year.

17 C. As used in this section:

18 (1) "declared state disaster or emergency"  
19 means a disaster or emergency event for which:

20 (a) a governor's state-of-emergency  
21 proclamation has been issued; or

22 (b) a presidential declaration of a  
23 federal major disaster or emergency has been issued; and

24 (2) "reproduction" means a new construction  
25 structure that is a close or an exact copy of previously

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1 existing physical improvements that have substantially similar  
2 total square footage, living square footage and quality of  
3 building materials that tends to replicate the previously  
4 existing structure."

5 SECTION 2. Section 7-38-12.1 NMSA 1978 (being Laws 2003,  
6 Chapter 118, Section 2, as amended) is amended to read:

7 "7-38-12.1. [~~RESIDENTIAL~~] REAL PROPERTY TRANSFERS--  
8 AFFIDAVIT TO BE FILED WITH ASSESSOR.--

9 A. [~~After January 1, 2004~~] A transferor or the  
10 transferor's authorized agent or a transferee or the  
11 transferee's authorized agent presenting for recording with a  
12 county clerk a deed, real estate contract or memorandum of real  
13 estate contract transferring an interest in real property  
14 [~~classified as residential property~~] for property taxation  
15 purposes shall also file with the county assessor within thirty  
16 days of the date of filing with the county clerk an affidavit  
17 signed and completed in accordance with the provisions of  
18 Subsection B of this section.

19 B. The affidavit required for submission shall be  
20 in a form approved by the department and signed by the  
21 transferors or their authorized agents or the transferees or  
22 their authorized agents of any interest in [~~residential~~] real  
23 property transferred by deed or real estate contract. The  
24 affidavit shall contain only the following information to be  
25 used only for analytical and statistical purposes in the

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1 application of appraisal methods:

2 (1) the complete names of all transferors and  
3 transferees;

4 (2) the current mailing addresses of all  
5 transferors and transferees;

6 (3) the legal description of the real property  
7 interest transferred as it appears in the document of transfer;

8 (4) the full consideration, including money or  
9 any other thing of value, paid or exchanged for the transfer  
10 and the terms of the sale, including any amount of seller  
11 incentives; and

12 (5) the value and a description of personal  
13 property that is included in the sale price.

14 C. Upon receipt of the affidavit required by  
15 Subsection A of this section, the county assessor shall place  
16 the date of receipt on the original affidavit and on a copy of  
17 the affidavit. The county assessor shall retain the original  
18 affidavit as a confidential record and as proof of compliance  
19 and shall return the copy marked with the date of receipt to  
20 the person presenting the affidavit. The assessor shall index  
21 the affidavits in a manner that permits cross-referencing to  
22 other records in the assessor's office pertaining to the  
23 specific property described in the affidavit. The affidavit  
24 and its contents are not part of the valuation record of the  
25 assessor.

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1 D. The affidavit required by Subsection A of this  
2 section shall not be required for:

3 [~~(1)~~] ~~a deed transferring nonresidential~~  
4 ~~property;~~

5 ~~(2)]~~ (1) a deed that results from the payment  
6 in full or forfeiture by a transferee under a recorded real  
7 estate contract or recorded memorandum of real estate contract;

8 [~~(3)~~] (2) a lease of or easement on real  
9 property, regardless of the length of term;

10 [~~(4)~~] (3) a deed, patent or contract for sale  
11 or transfer of real property in which an agency or  
12 representative of the United States or New Mexico or any  
13 political subdivision of the state is the named grantor or  
14 grantee and authorized transferor or transferee;

15 [~~(5)~~] (4) a quitclaim deed to quiet title or  
16 clear boundary disputes;

17 [~~(6)~~] (5) a conveyance of real property  
18 executed pursuant to court order;

19 [~~(7)~~] (6) a deed to an unpatented mining  
20 claim;

21 [~~(8)~~] (7) an instrument solely to provide or  
22 release security for a debt or obligation;

23 [~~(9)~~] (8) an instrument that confirms or  
24 corrects a deed previously recorded;

25 [~~(10)~~] (9) an instrument between [~~husband and~~

1 wife] married individuals or parent and child with only nominal  
2 actual consideration therefor;

3 [~~(11)~~] (10) an instrument arising out of a  
4 sale for delinquent taxes or assessments;

5 [~~(12)~~] (11) an instrument accomplishing a  
6 court-ordered partition;

7 [~~(13)~~] (12) an instrument arising out of a  
8 merger or incorporation;

9 [~~(14)~~] (13) an instrument by a subsidiary  
10 corporation to its parent corporation for no consideration,  
11 nominal consideration or in sole consideration of the  
12 cancellation or surrender of the subsidiary's stock;

13 [~~(15)~~] (14) an instrument from a person to a  
14 trustee or from a trustee to a trust beneficiary with only  
15 nominal actual consideration therefor;

16 [~~(16)~~] (15) an instrument to or from an  
17 intermediary for the purpose of creating a joint tenancy estate  
18 or some other form of ownership; [~~or~~]

19 [~~(17)~~] (16) an instrument delivered to  
20 establish a gift or a distribution from an estate of a decedent  
21 or trust;

22 (17) a deed, patent or contract for sale or  
23 transfer of real property in which the property was valued  
24 pursuant to Section 7-36-20 NMSA 1978 in the prior tax year; or

25 (18) an instrument delivered to convey solely

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1 the mineral or subsurface estate of real property.

2 E. The affidavit required by Subsection A of this  
3 section shall not be construed to be a valuation record  
4 pursuant to Section 7-38-19 NMSA 1978.

5 ~~[F. Prior to November 1, 2003, the department shall~~  
6 ~~print and distribute to each county assessor affidavit forms~~  
7 ~~for distribution to the public upon request.]"~~

8 SECTION 3. APPLICABILITY.--The provisions of this act  
9 apply to property tax years beginning on or after January 1,  
10 2026.

11 SECTION 4. EMERGENCY.--It is necessary for the public  
12 peace, health and safety that this act take effect immediately.

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