

HOUSE BILL 220

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

INTRODUCED BY

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AN ACT

RELATING TO TAXATION; AMENDING THE TIME OF TRANSFER TO THE
TAXATION AND REVENUE DEPARTMENT BY COUNTIES AND THE TIME OF
SALE FOR REAL PROPERTY SUBJECT TO SALE DUE TO DELINQUENT
PROPERTY TAXES.

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

SECTION 1. Section 7-38-61 NMSA 1978 (being Laws 1973, Chapter 258, Section 100, as amended) is amended to read:

"7-38-61. REAL PROPERTY TAXES DELINQUENT FOR MORE THAN
[TWO] FOUR YEARS--TREASURER TO PREPARE DELINQUENCY LIST--
NOTATION ON PROPERTY TAX SCHEDULE.--

A. By July 1 of each year, the county treasurer shall prepare a property tax delinquency list of all real property for which taxes have been delinquent for more than [two] four years. The tax delinquency list shall contain the

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1 information and be in a form prescribed and submitted by the
2 date required by department regulations. The county treasurer
3 shall record the tax delinquency list in the office of the
4 county clerk. There shall be no recording fee for recordation
5 of the tax delinquency list. The updated final property tax
6 sale list shall be recorded with the office of the county clerk
7 the day following the sale of the property. There shall be no
8 recording fee for recordation of the final property tax sale
9 list.

10 B. The county treasurer shall make a notation on
11 the property tax schedule indicating that the account has been
12 transferred to the department for collection at the time the
13 tax delinquency list is mailed to the department."

14 **SECTION 2.** Section 7-38-67 NMSA 1978 (being Laws 1973,
15 Chapter 258, Section 107, as amended) is amended to read:

16 **"7-38-67. REAL PROPERTY SALE REQUIREMENTS.--**

17 A. Real property shall not be sold for delinquent
18 taxes before the expiration of [~~three~~] five years from the
19 first date shown on the tax delinquency list on which the taxes
20 on the real property became delinquent.

21 B. Notice of the sale shall be published in a local
22 newspaper within the county where the real property is located
23 or, if there is no local county or municipal newspaper, then a
24 newspaper published in a county contiguous to or near the
25 county in which the real property is located, at least once a

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1 week for the three weeks immediately preceding the week of the
2 sale. For more generalized notice, the department may choose
3 to publish notice of the sale also in a newspaper not published
4 within the county and of more general circulation. The notice
5 shall state the time and place of the sale and shall include a
6 description of the real property sufficient to permit its
7 identification and location by potential purchasers.

8 C. Real property shall be sold at public auction
9 either by the department or an auctioneer hired by the
10 department. The auction shall be held in the county where the
11 real property is located at a time and place designated by the
12 department.

13 D. If the real property can be divided so as to
14 enable the department to sell only part of it and pay all
15 delinquent taxes, penalties, interest and costs, the department
16 may, with the consent of the owner, sell only a part of the
17 real property.

18 E. Before the sale, the department shall determine
19 a minimum sale price for the real property. In determining the
20 minimum price, the department shall consider the value of the
21 property owner's interest in the real property, the amount of
22 all delinquent taxes, penalties and interest for which it is
23 being sold and the costs. The minimum price shall not be less
24 than the total of all delinquent taxes, penalties, interest and
25 costs. Real property shall not be sold for less than the

1 minimum price unless no offer met the minimum price when it was
2 offered at an earlier public auction or the property is sold in
3 accordance with the provisions of Subsection H of this section.
4 A sale properly made under the authority of and in accordance
5 with the requirements of this section constitutes full payment
6 of all delinquent taxes, penalties and interest that are a lien
7 against the property at the time of sale, and the sale
8 extinguishes the lien.

9 F. Payment shall be made in full by the close of
10 the public auction before an offer may be deemed accepted by
11 the department.

12 G. Real property not offered for sale may be
13 offered for sale at a later sale, but the requirements of this
14 section and Section 7-38-66 NMSA 1978 shall be met in
15 connection with each sale.

16 H. The board of trustees of a community land grant-
17 merced governed pursuant to the provisions of Chapter 49,
18 Article 1 NMSA 1978 or by statutes specific to the named land
19 grant-merced shall be allowed to match the highest bid at a
20 public auction, which shall entitle the board of trustees to
21 purchase the property for the amount bid if:

22 (1) the property is situated within the
23 boundaries of that land grant-merced as shown in the United
24 States patent to the grant;

25 (2) the bid covers all past taxes, penalties,

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interest and costs due on the property; and

(3) the land becomes part of the common lands of the land grant-merced."

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

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