

HOUSE JOINT RESOLUTION 8

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

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 8 OF THE CONSTITUTION OF NEW MEXICO
TO ADD A NEW SECTION TO REQUIRE A MUNICIPALITY OR COUNTY TO
REFUND AN AMOUNT EQUAL TO THE PROPERTY TAXES PAID TO THAT
MUNICIPALITY OR COUNTY BY A PROPERTY OWNER UP TO THE AMOUNT
REASONABLY NECESSARY TO MITIGATE THE EFFECTS OF THE
MUNICIPALITY'S OR COUNTY'S FAILURE TO ENFORCE THE
MUNICIPALITY'S OR COUNTY'S PUBLIC NUISANCE LAWS, AS PROVIDED BY
LAW, ON THE PROPERTY OWNER'S REAL PROPERTY, BUT NOT TO EXCEED
THE AMOUNT OF PROPERTY TAXES PAID FOR THAT PROPERTY IN THE
PRIOR TAX YEAR.

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

SECTION 1. It is proposed to amend Article 8 of the constitution of New Mexico by adding a new section to read:

"A. If a municipality or county fails to enforce

1 public nuisance laws, as provided by law, and it results in
2 damage on a property owner's real property, the municipality or
3 county shall refund to the property owner an amount of the
4 property taxes paid to that municipality or county for that
5 property that is reasonably incurred by the property owner to
6 mitigate the effects of the municipality's or county's failure,
7 as provided by law; provided that the amount of the refund
8 shall not exceed the amount of property taxes paid to that
9 municipality or county for that property in the prior tax year.

10 B. The burden of proving actual and bona fide
11 ownership of such property upon which a refund is claimed and
12 the amount of mitigation costs shall be upon the claimant."

13 **SECTION 2.** The amendment proposed by this resolution
14 shall be submitted to the people for their approval or
15 rejection at the next general election or at any special
16 election prior to that date that may be called for that
17 purpose.

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