

1 HOUSE JOINT RESOLUTION 8  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY  
4 Rod Montoya  
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10 A JOINT RESOLUTION  
11 PROPOSING TO AMEND ARTICLE 8 OF THE CONSTITUTION OF NEW MEXICO  
12 TO ADD A NEW SECTION TO REQUIRE A MUNICIPALITY OR COUNTY TO  
13 REFUND AN AMOUNT EQUAL TO THE PROPERTY TAXES PAID TO THAT  
14 MUNICIPALITY OR COUNTY BY A PROPERTY OWNER UP TO THE AMOUNT  
15 REASONABLY NECESSARY TO MITIGATE THE EFFECTS OF THE  
16 MUNICIPALITY'S OR COUNTY'S FAILURE TO ENFORCE THE  
17 MUNICIPALITY'S OR COUNTY'S PUBLIC NUISANCE LAWS, AS PROVIDED BY  
18 LAW, ON THE PROPERTY OWNER'S REAL PROPERTY, BUT NOT TO EXCEED  
19 THE AMOUNT OF PROPERTY TAXES PAID FOR THAT PROPERTY IN THE  
20 PRIOR TAX YEAR.  
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22 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

25 "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.