

A photograph of four potted plants arranged in a row against a light gray background. From left to right: a small cactus in a light blue metal bucket, a white ceramic pot (partially obscured), an aloe vera plant in a white ceramic pot, and a succulent in a light blue metal bucket.

# New Mexico Eviction Prevention & Diversion (NMEPD)

Winter L. Torres

# About us



Beginning in November 2021, Torres Legal Solutions LLC (TLS) developed, implemented, operated, & adapted the much-accoladed New Mexico Eviction Prevention & Diversion (NMEPD) program via federal Emergency Rental Assistance Program (ERAP) funds. TLS is now in the process of converting NMEPD into a New Mexico nonprofit 501(c)(3) to continue its work. Simultaneously, TLS is working to ensure executive implementation of state legislative intent to continue eviction prevention work for NMEPD, as well as rental assistance, via FY24 state appropriations.

# Who Is Interested in our Success?

## **The White House**

NMEPD is the gold standard for eviction prevention & diversion

## **New Mexico Supreme Court**

Chief Justice C. Shannon Bacon, State of the Judiciary Address to Joint Session of 2023 New Mexico Legislature

## **University of Denver**

John Greacen, Institute for the Advancement of the American Legal System

## **Eviction Lab at Princeton University**

Carl Gershenson, Director

## **Georgetown University Law Center**

Mary McClymont, The Justice Lab

## **University of New Mexico (UNM)**

Professors Renia Ehrenfeucht, Nancy López, & Michael Pride

Grant application to U.S. Dep't of Housing & Urban Development proposing that UNM become a Hispanic Serving Institution Housing Justice Research Center of Excellence

## **University of Arizona**

### **James E. Rogers College of Law**

Christopher L. Griffin, Jr., Director of Empirical & Policy Research

### **UNM Bureau of Business & Economics**

Suzan Reagan

### **Bernalillo County Metropolitan Court**



# Problem

## Rarely is Eviction the Only Current Crisis Facing the Family

- **Usually, eviction proceedings are appended to a series of unfortunate events**
  - DV survivor, now agoraphobic & suffering other resultant mental illness has her father pass away, with whom she was living. Her DV caseworker is out on medical leave.
  - Car breakdown, hospitalization, or no childcare leads to job loss, which results in inability to pay full rent. Additional fees are now due, & landlords may file for eviction 3 days after notice to the tenant
- **Breadwinners of families at risk of homelessness are often earning poverty wages, so they often pay over 50% of their income on rent alone. Simultaneously, they:**
  - Are trying to find food they can afford to feed their family
  - May themselves have or have a family member w/ a disability, illness, or substance use disorder
  - Are looking for a safer and/or cheaper place to move their household
  - Are suffering trauma impacts
  - Are working side hustles to pay utilities and purchase gas, school/sports clothes, school/sports supplies, childcare, & all other necessities
  - May not have childcare or transportation
- **Daily, these families must deal TODAY's most urgent crisis**
  - They focus on surviving today
  - They do not have the time nor capacity to focus on the crisis 2 weeks in the future<sup>4</sup>



# Solutions

## Meeting New Mexicans where they are

- **Affirmative, Genuine Outreach**
- **Simple, Modern, Direct Communication**
- **Multiple Reminders**
- **Consistent Follow-Up w/ Tenants & Landlords**
- **Consistent Follow-Up for Bureaucratic Follow-Through**
- **Data Collection, Correction, & Analysis**
- **Native American Program**
- **Staff Support**
  - We pay Navigators, the core of the program, what they are worth
  - We provide a staff support program that helps staff cope with repeated exposure to triggers & secondary trauma
  - We regularly provide training on diversity & poverty, & our staff is super-diverse
  - We provide flexibility for parents, family caretakers, students, & health matters
  - Our staff do not depart for other than education & enjoy working for us so much that they often recruit friends & family to be coworkers
  - They very much want to return to work & continue helping New Mexicans

# Systemic Problems & Challenges

**New Mexico Rental Law, Lawmaking,  
Application & Execution of Law, &  
Lack of Formal Rulemaking**

**Non-Appearance & Default  
Judgment**

**Court Approaches to Eviction**

**State of NM Staffing, Remuneration,  
& Retention**

**Poor Data Collection, Analysis, &  
Utilization**

**Exacerbation of Overall Worst Child  
Well-Being in the Nation—50th**

Education 50th

Economic Well-Being 49th

Family & Community 48th

Health 44th

**Exacerbation of Homelessness**

**Exacerbation of Nation's Worst Social  
Vulnerability**

**Decentralized Housing Systems**

**Low Income Housing Crisis**



# Funding

Status Report due to LFC 8/6/23

# New Mexico FY24 Appropriations

**This is the budget item NMEPD prepared & presented to Chairman Small, SFC staff, & LFC Director Abbey**



**\$1M Eviction Prevention**

**Executive Budget Proposal**  
(\$100M for Housing)

\$25M for rental assistance & eviction prevention

**NM Legislature**

Special Appropriation to DFA “For rental assistance and eviction prevention through fiscal year 2025.”

**Final**

Special Appropriation to DFA “For rental assistance and eviction prevention through fiscal year 2025. The general fund appropriation is from amounts transferred to the appropriation contingency fund of the general fund in Section 1 of Chapter 4 of Laws 2021 (2nd S.S.)”

**Implementation Status**

Placed on top of remaining federal ERAP fund; no application available to the public



**\$20M Rental Assistance**

\$25M for rental assistance & eviction prevention

Move start date of Housing Trust Fund Up by One Year

Special Appropriation to DFA “For rental assistance and other housing initiatives.”—“... [T]he appropriation may be expended in fiscal years 2023 and 2024. . . [A]ny unexpended balances of the appropriations remaining at the end of the fiscal year 2024 shall revert to the appropriate fund.”

None. Executive Branch created Housing & Community Revitalization Investment Council on May 23, 2023. Council will discuss uses of the \$20M at August 11, 2023, meeting.



**\$375K for NMEPD**

\$25M for rental assistance & eviction prevention

Reps. Romero & Rubio Junior Funding to DFA in the amount of “(\$375,000) for the eviction prevention and diversion program”

**SB192:** Junior Appropriation to DFA “from the general fund for expenditure in fiscal years 2023 and 2024 for the purposes specified and . . . the unexpended balance . . . at the end of fiscal year 2024 shall revert to the general fund: . . . (\$375,000) for the eviction prevention and diversion program;”

**Agency Chart:** “DFA EVICTION PREVENTION & DIVERSION PROGRAM 375,000 Statewide to support the eviction prevention and diversion program”

None. Executive Branch stated they were unaware of this funding until July 20, 2023.



**\$2.5M for Landlord Support**

\$6M for Comprehensive Landlord Support Program

Special Appropriation of \$2.5M to DFA “For a comprehensive landlord support program. The other state funds appropriation of two million dollars (\$2,000,000) is from the mortgage regulatory fund of the regulation and licensing department. Any unexpended balances from the appropriation from the mortgage regulatory fund at the end of fiscal year 2024 shall revert to the mortgage regulatory fund.”

Special Appropriation of \$2.5M to DFA “For a comprehensive landlord support program. The other state funds appropriation is from the mortgage regulatory fund of the regulation and licensing department. Any unexpended balances from the appropriation from the mortgage regulatory fund at the end of fiscal year 2024 shall revert to the mortgage regulatory fund.”

Unknown



# Quick, Easy Wins



- Contact information required in eviction filings
- Informing folks they have a court date, emphasizing its importance, letting them know what to expect, & getting them to court so judges can work w/ both Parties
- Set standards for New Mexicans in most dire need to access \$20M appropriated for rental assistance

# Summary



- NMEPD discovered what works in reaching those most in need & in challenging bureaucracies to meet obligations
- Specially tailored program adjuncts are needed to assist Native Americans, the nation's most in need
- Our work is replicable for other support programs, both in New Mexico & throughout the country
- NMEPD's work should continue via the already appropriated FY24 funding
- NMEPD's work is both academically important & concretely crucial to communities to thwart the cycle of poverty



Thank you

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