

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 277

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO HUMAN RIGHTS; AMENDING THE HUMAN RIGHTS ACT TO
REMOVE AN EXEMPTION FOR CERTAIN BUSINESSES.

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

Section 1. Section 28-1-9 NMSA 1978 (being Laws 1969,
Chapter 196, Section 8, as amended) is amended to read:

"28-1-9. EXEMPTIONS.--Nothing contained in the Human
Rights Act shall:

A. apply to any single-family dwelling sold,
leased, subleased or rented by an owner without the making of
any notice, statement or advertisement with respect to the
sale, lease, sublease or rental of a dwelling unit that
indicates any preference, limitation or discrimination based on
race, color, religion, national origin, ancestry, sex, sexual
orientation or gender identity. This exemption is subject to

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1 these further reservations:

2 (1) to qualify for the exemption, the seller
3 must not be an owner of or own or have reserved any interest in
4 more than three single-family dwellings; and

5 (2) if the seller does not currently live in
6 the dwelling or he was not the most recent occupant, the
7 exemption granted in this section shall only apply to one sale
8 in twenty-four months;

9 B. bar any religious or denominational institution
10 or organization that is operated, supervised or controlled by
11 or that is operated in connection with a religious or
12 denominational organization from limiting admission to or
13 giving preference to persons of the same religion or
14 denomination or from making selections of buyers, lessees or
15 tenants as are calculated by the organization or denomination
16 to promote the religious or denominational principles for which
17 it is established or maintained, unless membership in the
18 religious or denominational organization is restricted on
19 account of race, color, national origin or ancestry;

20 C. bar any religious or denominational institution
21 or organization that is operated, supervised or controlled by
22 or that is operated in connection with a religious or
23 denominational organization from imposing discriminatory
24 employment or renting practices that are based upon sexual
25 orientation or gender identity; provided, that the provisions

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1 of the Human Rights Act with respect to sexual orientation and
2 gender identity shall apply to any other:

3 (1) for-profit activities of a religious or
4 denominational institution or religious organization subject to
5 the provisions of Section 511(a) of the Internal Revenue Code
6 of 1986, as amended; or

7 (2) nonprofit activities of a religious or
8 denominational institution or religious organization subject to
9 the provisions of Section 501(c)(3) of the Internal Revenue
10 Code of 1986, as amended;

11 D. apply to rooms or units in dwellings containing
12 living quarters occupied or intended to be occupied by no more
13 than four families living independently of each other, if the
14 owner actually maintains and occupies one of the living
15 quarters as his residence;

16 E. apply to public restrooms, public showers,
17 public dressing facilities or sleeping quarters in public
18 institutions, where the preference or limitation is based on
19 sex; and

20 F. prevent the mandatory retirement of an employee
21 upon reaching the age of sixty-five years or older, if the
22 employer is operating under a retirement plan that meets the
23 requirements of Public Law 93-406, the Employee Retirement
24 Income Security Act of 1974 [~~;~~ and

25 ~~G. apply to a business that employs fourteen or~~

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