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HOUSE BILL 13

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2020

INTRODUCED BY

Angelica Rubio and Andrea Romero and Daymon Ely

AN ACT

RELATING TO HOUSING; ALLOWING THE GOVERNOR TO ISSUE A STATEWIDE
MORATORIUM REGARDING RESIDENTIAL EVICTIONS DURING A PUBLIC
HEALTH EMERGENCY; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] MORATORIUM ON EVICTIONS DURING
A PUBLIC HEALTH EMERGENCY.--

A. For the duration of a public health emergency as
declared by an executive order promulgated by the governor
pursuant to Section 12-10A-5 NMSA 1978 and for twelve months
after the termination of the executive order, no landlord may
evict a residential tenant for failure to pay rent.

B. During the period of the executive order
declaring a public health emergency and the time after the
termination of the executive order, a residential tenant shall

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1 remain under obligation to pay rent that has been lawfully
2 charged pursuant to an existing agreement between the landlord
3 and the residential tenant.

4 C. Except for an agreement reached between a
5 landlord and a residential tenant as provided in Subsection E
6 of this section, a residential tenant shall have twelve months
7 after the termination of an executive order declaring a public
8 health emergency to pay any outstanding rent incurred during
9 the period of the public health emergency as declared by the
10 executive order.

11 D. A landlord shall not raise rent and shall not
12 charge any late penalties, fees or interest on any missed
13 payments for the duration of an executive order declaring a
14 public health emergency and for twelve months after the
15 termination of the executive order.

16 E. A landlord and a residential tenant shall, in
17 good faith, attempt to negotiate a payment plan for unpaid
18 rent. Nothing in this section prohibits a landlord or a
19 residential tenant from agreeing to a payment plan that shall
20 exist longer than the duration of the executive order declaring
21 the public health emergency and twelve months from the
22 termination of the executive order.

23 F. No landlord shall terminate tenancy or refuse to
24 renew a lease with a residential tenant for any reason other
25 than good cause to protect health and safety pursuant to the

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provisions of Section 47-8-33 NMSA 1978.

G. No landlord shall refuse payment from a tenant that is made up of, in whole or in part, assistance from a nonprofit entity or a federal, state or local government.

H. As used in this section, "landlord" means a person, business or other entity that owns or manages residential property or an agent of a person, business or other entity that owns or manages residential property.

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.