

LFC Requester:	Rachel Mercer-Garcia
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Date January 17, 2023

Original **Amendment**
Correction **Substitute**

Prepared: _____
Bill No: HB25 _____

Sponsor: Cates, Kathleen

**Agency Name
and Code
Number:** AOC 21800

**Short
Title:** Housing Discrimination Based
on Income

**Person Writing
Analysis:** Torri Jacobus
Phone: (505) 934-5472 **Email** aoctaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
-0-	-0-		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
-0-	-0-			

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

The New Mexico Human Rights Act prevents discrimination against people based on protected classes as described in the Act. HB 25 expands those protections to people based on the income they use to acquire housing. This is accomplished by:

- 1) adding a definition of “source of income” to mean “a lawful and verifiable source of money used to pay for housing” including employment income, social security, any form of public assistance or housing assistance, a pension, annuity, alimony, child support, or any other recurring, lawful, and verifiable monetary consideration, and
- 2) amending Section 28-1-7 of the Human Rights Act to make it unlawful to:
 - Refuse to sell or rent housing or real property to a person based on their source of income or to discriminate in the terms of sale or lease based on a person’s source of income (this bill adds source of income to other protected categories currently in the statute with regard to these protections);
 - Discriminate against a person in the terms, conditions or privileges of the sale, rental, assignment, lease or sublease of housing or real property based on a person’s source of income.
 - Print, circulate, display or mail or cause to be printed, circulated, displayed or mailed, any statement, advertisement, publication or sign that expresses a preference, limitation, or discrimination as to person’s source of income.

FISCAL IMPLICATIONS

Including source of income discrimination in the Human Rights Act may increase litigation under the Human Rights Act and may lead to more appeals from Human Rights Commission proceedings in district courts pursuant to NMSA 28-1-13. However, there are a number of housing-related provisions in the Human Rights Act that are currently enforced. Issues related to housing and human rights are often complex and are likely to involve a number of different parties, potentially leading to lengthy litigation requiring court resources.

SIGNIFICANT ISSUES

While New Mexico, like the nation at large, is facing an affordable housing crisis, potential tenants are facing discrimination based on the income they might use to make rent payments. Section 8 housing vouchers subsidize housing by asking renters to pay 30% of their income while the remainder is paid by the federal government.

In examining the issue in Albuquerque, Source New Mexico found that “[a] city survey of 176 landlords found that 65% of them refuse housing vouchers,” and additionally “[t]hirty-four Craigslist listings on Monday evening contained the phrase ‘No Section 8.’” Patrick Lohmann, *Albuquerque City Council votes to ban Section 8 discrimination*, Source NM, June 7, 2022, <https://sourcenm.com/2022/06/07/albuquerque-city-council-votes-to-ban-section-8-discrimination/>. Similarly, New Mexicans reported difficulty finding housing using State funds available from the Emergency Rental Assistance Program during the COVID-19 public health emergency. Patrick Lohmann, *Landlords refuse emergency rent money and Section 8 vouchers*, Source NM, Sept. 29, 2021, <https://sourcenm.com/2021/09/29/landlords-refuse-emergency-rent-money-and-section-8-vouchers/>. Based on the issues identified, individuals may not be able to secure housing when they have the means simply because of where the rent money originates.

The City of Albuquerque, followed by Las Cruces and Bernalillo County, passed an ordinance in 2022 to address the problem and prohibited discrimination against renters based on the source of their income. These laws protecting renters based on their source of income prevent renters from facing barriers to accessing safe and affordable housing.

PERFORMANCE IMPLICATIONS

Has the potential to increase litigation in district courts related to appeals from the Human Rights Commission proceedings.

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

None