

LFC Requester:

Henry Jacobs

## AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

**SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 1/20/2026

Check all that apply:

Bill Number: HB 71

Original	<input checked="" type="checkbox"/>	Correction	<u>      </u>
Amendment	<u>      </u>	Substitute	<u>      </u>

Sponsor: Rep. Rod Montoya

Agency Name and	<u>305 – New Mexico</u>
Code Number:	<u>Department of Justice</u>

Short	<u>County &amp; Municipality</u>
Title:	<u>Ordinance Enforcement</u>

Person Writing	<u>      </u>
Analysis:	<u>Olivia den Dulk</u>
Phone:	<u>505-645-5980</u>
Email:	<u>Fir.request@nmdoj.gov</u>

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

### **BILL SUMMARY**

**Synopsis:** HB 71 would provide a right of action to residents, businesses, and the Attorney General to bring civil actions against local governments to compel them to enforce their ordinances.

Subsection 1(A) would allow a resident or business located in a county or municipality, or the Attorney General, to provide written notice to the local government alleging that it failed to enforce its ordinance. After notification, the county or municipality would have fourteen days to enforce the ordinance or respond to the allegations.

Subsection 1(B) would enable the resident, business, or Attorney General to bring a civil action for injunctive relief in a district court to compel the local government to enforce or repeal the ordinance, if the local government continued not to enforce the ordinance. The court would be permitted to award reasonable attorney's fees and costs if the resident or business prevailed.

Section 2 provides that the effective date of this bill, if passed into law, would be July 1, 2026.

### **FISCAL IMPLICATIONS**

This bill enables the Attorney General to bring civil actions against local governments that fail to enforce ordinances. If the Attorney General chooses to bring such actions, the NMDOJ would need to allocate attorneys, staff, and resources to cover the additional legal duties. There is no corresponding appropriation to the NMDOJ for this authority.

### **SIGNIFICANT ISSUES**

HB 71 does not describe the procedures applicable when a local government provides a written response to the allegations within Subsection 1(A)'s fourteen-day timeline but does not immediately begin enforcement of the ordinance due to inability, infeasibility, lack of violation, or other reasons.

Subsection 1(B) provides for attorney's fees when a resident or business prevails, but it does not account for similar compensation when the Attorney General prevails.

### **PERFORMANCE IMPLICATIONS**

As discussed in Fiscal Implications, if the Attorney General chooses to bring actions pursuant to this law, the NMDOJ would need to allocate attorneys, staff, and resources to cover the additional legal duties.

## **ADMINISTRATIVE IMPLICATIONS**

Administrative impact is currently unknown due to the unfunded nature of the authority granted to the Attorney General, as well as the permissive, rather than mandatory, nature of that authority.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

It is worth noting that there is already a *discretionary* path for the attorney general and other interested parties if they feel that a county or municipality is failing to enforce an ordinance it has enacted via a petition for writ of mandamus. This bill would create a cause of action of right, presumably subject to notice pleading rules.

## **ALTERNATIVES**

N/A

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

## **AMENDMENTS**

N/A