

1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **March 24, 2020**

3                   **NO. 20-8500-007**

4                   **IN THE MATTER OF**  
5                   **THE STAY OF WRITS OF RESTITUTION**  
6                   **ISSUED UNDER THE UNIFORM OWNER-RESIDENT**  
7                   **RELATIONS ACT DURING THE**  
8                   **COVID-19 PUBLIC HEALTH EMERGENCY**

9   **ORDER**

10                   WHEREAS, this matter having come before the Court upon  
11 recommendations to suspend evictions in New Mexico under the Uniform Owner-  
12 Resident Relations Act to minimize risks to public health during the current  
13 COVID-19 public health emergency;

14                   WHEREAS, this Court must exercise its equitable powers and power of  
15 superintending control over pleading and practice in the New Mexico Judiciary in  
16 response to the extraordinary circumstances presented by the current public health  
17 crisis by balancing the need for imminent evictions in some circumstances with the  
18 current directives from public health authorities that emphasize the need for New  
19 Mexicans to avoid unnecessary contact with one another and remain in their homes  
20 to greatest extent possible during the current public health emergency; and

21                   WHEREAS, in light of the foregoing, and the Court being sufficiently

1 advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice  
2 Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson  
3 concurring;

4 NOW, THEREFORE, IT IS ORDERED that, effective for all writs of  
5 restitution issued on or after March 24, 2020, judges presiding in eviction  
6 proceedings arising under the Uniform Owner-Resident Relations Act shall stay  
7 the execution of writs of restitution issued for non-payment of rent only under  
8 NMSA 1978, Section 47-8-46(A) (1995), in accordance with the terms of this  
9 order;

10 IT IS FURTHER ORDERED that, to stay the execution of a writ of  
11 restitution for nonpayment of rent, the judge presiding in the case must be satisfied  
12 that the resident has demonstrated by a preponderance of the evidence a current  
13 inability to pay the monthly rent established by the rental agreement;

14 IT IS FURTHER ORDERED that any stay of the execution of a writ of  
15 restitution under the terms of this order shall also serve as a stay of all applicable  
16 deadlines for appealing the writ of restitution;

17 IT IS FURTHER ORDERED that all other provisions of the Uniform  
18 Owner-Resident Relations Act shall remain unaffected by the terms of this order;  
19 and

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IT IS FURTHER ORDERED that this order shall remain in effect until

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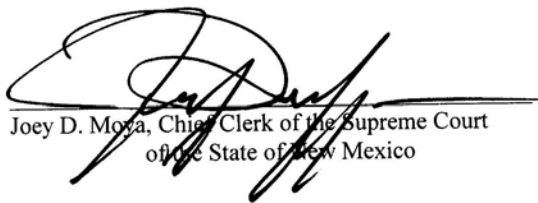
amended or withdrawn by future order of the Court.

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IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 24th day of March, 2020.



Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

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