

Evictions and COVID-19

Legislative Health and Human
Services committee meeting
September 25, 2020



Alyssa Garcia and two of her three children.

New Mexico's Housing Crisis

- Between 2018 and 2019:
 - New Mexico had the highest increase in **homelessness** in the country – an increase of **27%**
 - New Mexico had the highest increase in **chronic homelessness** in the country – an increase of **57%**

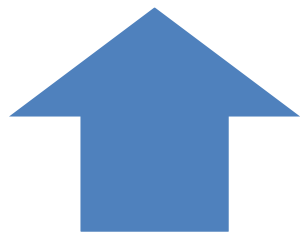
Shortage of Affordable Housing

Rental housing is unaffordable for most New Mexicans.

- 43.8% of renters are cost burdened.
- 22% of renters are extremely cost burdened.

Rising Unemployment

- New Mexico's unemployment rate is currently at 11.3% - the **sixth highest** in the nation.



Unemployment



Ability to pay rent

Families at Risk of Eviction

- Approximately **44%** of renters are unable to pay rent and are at **risk of eviction**.
- **105,000** households could be **homeless** in coming months.

NM Supreme Court Order

- Does not stop evictions, only postpones execution (i.e. when you have to leave your home)
- Only applies if:
 - Families are being evicted for failure to pay rent **and**
 - Provide evidence to the Court that they cannot pay rent.

Barriers for families invoking the stay:

- Tenant has to appear in court over the telephone
- Tenants need to know the magic words to invoke the stay.
- Most tenants do not have a lawyer.
- Result – you are still evicted but eviction is deferred.

Inconsistent Application of the Stay

- Some judges require that tenants demonstrate a COVID related reason for their inability to pay rent.
- Other judges are just not applying the order at all and are issuing orders for immediate eviction.



Mirisa and Matthew Lucero and their three young children were evicted from their home in Raton over the summer following a job loss.

CDC Eviction Moratorium

- Tenants must submit a signed declaration to their landlord that says they meet all criteria, e.g. income requirements, governmental assistance, promise to make partial payments.
- The order prevents landlords from taking any action to remove the tenant from the home.
- Penalties for landlords who do not comply.

Significant Rental Assistance is Necessary

- Only \$13.3 million has been appropriated to MFA for rental assistance since the beginning of the pandemic.
- We need:
 - \$15.5 - \$20 million each month just to meet the needs of low-income unemployed renters.

Other Barriers Tenants Face

- Landlords refuse rental assistance of any kind;
- Local governments do not have the authority to establish rent control measures;
- Evictions are fast tracked and disadvantage tenants under our state law;
- Tenants are given no opportunity to catch up before they are removed from their home.

Legislative Priorities Identified by Housing and Community Advocates

- Fully fund rent relief;
- Prohibit source of income discrimination;
- Create opportunities to pay rent and stay in your home;
- Allow cities and municipalities to enact rent control ordinances;
- Give the Governor statutory authority to prohibit evictions during a public health emergency.

Contact Information

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