Administrative Office of the Courts

FOR IMMEDIATE RELEASE
Jan. 4, 2022

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New Mexico courts implementing program to prevent evictions, improve housing stability

SANTA FE – A new court-based program will assist New Mexicans facing the possible loss of housing during the pandemic and provide landlords with an alternative to evicting tenants unable to pay their rent.

The Eviction Prevention and Diversion Program will be piloted in the Ninth Judicial District of Curry and Roosevelt counties starting Feb. 1, and will be expanded statewide in March.

"Courts will provide trained facilitators in eviction cases to help landlords and tenants resolve disputes over rental payments," Chief Justice Michael Vigil said today in announcing the program. "The goal is to negotiate a settlement acceptable to property owners and renters, allowing people to remain in their homes while fairly compensating the property owners through emergency rental assistance."

Justice C. Shannon Bacon said, "This initiative to help financially vulnerable New Mexicans was developed collaboratively with input from courts, state agencies, local governments, property owners, housing advocates and providers of legal services."

Under the program:

- When tenants receive a legal notice that an eviction petition has been filed in court, they also will get information to help them access legal services, financial assistance for rent and utilities as well as rehousing for people who may lose their home or already have lost it.

- At the start of a hearing or trial in an eviction case, judges will advise the tenant and landlord about the Eviction Prevention and Diversion Program and the availability of federally funded emergency rental assistance administered by the state.
    - If the parties agree to participate in the program, the case will be put on hold for a minimum of 60 days while negotiations are underway with a court-appointed settlement facilitator. If needed, a court can grant up to 30 additional days for

negotiations. The court will dismiss the case if a settlement is reached. The case will proceed if there is no settlement and a judge can issue an eviction order, known as a writ of restitution. If evicted, tenants may access rehousing assistance through the Eviction Prevention and Diversion Program.

Early in the pandemic in March 2020, the Supreme Court paused evictions for tenants who provided a judge with sufficient evidence of their inability to pay rent during the pandemic.

Under a Court order issued today, the stay on evictions for non-payment of rent will be lifted in Curry and Roosevelt counties when the Eviction Prevention and Diversion Program begins there. Once the program takes effect statewide, the eviction moratorium will be lifted in all other counties.

If landlords obtained a judgment during the time that evictions were put on hold, they must return to court and file a new form requesting a post-judgment eviction order to have the case move forward.

"The Eviction Prevention and Diversion Program benefits property owners and renters," said Gene Vance, an Albuquerque attorney who serves as general counsel for the Apartment Association of New Mexico. "It was gratifying and rewarding to see all the stakeholders pull together to stabilize housing in our communities during the pandemic and support those who provide housing as well as those who need it."

The program will be available to tenants of apartments and other dwellings covered by rental agreements under the Uniform Owner-Resident Relations Act and for New Mexicans who rent lots for their mobile homes under property agreements covered by the Mobile Home Park Act.

"People continue to struggle to meet their housing needs as the pandemic persists," said Karen Meyers, a consumer attorney and former director of the City of Albuquerque's Consumer Financial Protection Initiative. "New Mexicans at risk of losing their housing should apply for available rental assistance and participate in the Eviction Prevention and Diversion Program to try to reach an agreement with their landlord."

Thomas Prettyman of New Mexico Legal Aid said, "New Mexico's eviction process is very fast. It generally does not allow time for tenants to apply for rent assistance. Formalizing a process where the trial courts give landlords and tenants the time and opportunity to seek rent assistance will offer the best chance to make landlords whole while at the same time ensuring that low-income families who have fallen behind on rent do not become homeless. We look forward to the success of this program."

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