Administrative Office of the Courts

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Supreme Court expanding program statewide to assist people facing eviction

SANTA FE – The New Mexico Supreme Court will phase in an Eviction Prevention and Diversion Program statewide starting in April and in stages lift a moratorium on evictions of people unable to pay their rent during the COVID-19 pandemic.

The program helps tenants access money available through the state Department of Finance and Administration for unpaid rent and utilities, temporary housing at a motel or hotel, and the initial costs of moving into new permanent housing. The court-based also provides trained facilitators to assist landlords and tenants in negotiating a possible settlement of their rental disputes.

"I encourage renters, landlords and property managers to participate in the Eviction Prevention and Diversion Program. People facing the possible loss of housing will receive help in submitting applications for emergency rental assistance and landlords have an opportunity to be fairly compensated," Chief Justice Michael Vigil said.

The Court launched the program in February on a pilot basis in the Ninth Judicial District of Curry and Roosevelt counties, and it will remain in operation there.

When the pandemic caused job losses and other economic hardships, the Court paused evictions in March 2020 for people who provided a judge with sufficient evidence of their inability to pay rent.

"At this point in the pandemic, the Court believes it is prudent to gradually remove the eviction moratorium to avoid a sudden spike in evictions across the state," said Chief Justice Vigil.

Under an order issued today by the Court, here is the schedule for phasing in the Eviction Prevention and Diversion Program in judicial districts across the state and lifting a stay on evictions for non-payment of rent:

- Starting April 1 in the Second (Bernalillo County), Fifth (Chaves, Eddy and Lea counties), Tenth (DeBaca, Harding and Quay counties) and Twelfth (Lincoln and Otero counties) Judicial Districts.

- Effective May 1 in the Third (Doña Ana County), Sixth (Grant, Hidalgo and Luna counties) and Seventh (Catron, Sierra, Socorro and Torrance counties) Judicial Districts.

- Starting June 1in the First (Los Alamos, Rio Arriba and Santa Fe counties), Fourth (Mora, Guadalupe and San Miguel counties), and Eighth (Colfax, Taos and Union counties) Judicial Districts.

- Effective July 1 in the Eleventh (McKinley and San Juan counties) and Thirteen (Cibola, Sandoval and Valencia counties) Judicial Districts.

When tenants are notified about the filing of an eviction in court, they will receive information about available legal services and the state's Emergency Rental Assistance Program (ERAP). At the start of an eviction hearing, judges will advise tenants and landlords about the rental assistance and ask the parties if they are willing to participate in the Eviction Prevention and Diversion program.

Eviction cases will be put on hold for at least 30 days if both parties agree to participate in the program and a court-appointed facilitator will help with negotiations for a possible settlement. The case will move forward and judges can an issue an eviction order, called a writ of restitution, if there is no settlement or the parties decline to participate in the program.

Today's Supreme Court order also establishes new procedures for landlords and property managers who obtained a judgment against a renter or writ of restitution while the eviction moratorium was in place. They must return to court and file a new form requesting a post-judgment eviction order to have their case move forward.

Under the state's rental assistance program, property managers and landlords with several properties may be eligible for bulk payments for back rent covering multiple tenants. The program offers a range of financial assistance to renters, including payments for up to 12 months of back rent and three months of future rent. About $109 million in rental and utility assistance has been granted so far, providing on average $4,000 to tenants to help pay rent and $750 for utilities.

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