

RESOURCE GUIDE – LANDLORD-TENANT LAW

New Mexico’s law regarding owner-resident relations (commonly known as landlord-tenant law) is set forth under [Chapter 47 Article 8 of the New Mexico Statutes Annotated](#) (the Owner-Resident Relations Act). The stated purpose of the Act is “to encourage the owners and the residents to maintain and improve the quality of housing in New Mexico.” [§ 47-8-2 NMSA 1978](#). While the New Mexico Legislature has established general standards for owner-resident relations for the entire state of New Mexico, local city ordinance may add certain extra requirements.

Obligations on Owner and Resident

State law requires that both owners and residents meet certain obligations. Under [§ 47-8-20 NMSA 1978](#) owners are obligated to maintain basic safety standards in common areas and provide basic access to utilities. Residents are obligated to not deliberately or negligently damage or destroy property and to refrain from disturbing the peace of other residents [§ 47-8-22 NMSA 1978](#).

Eviction

Generally, owners must give the resident notice prior to terminating a week-to-week rental agreement ([§ 47-8-37 NMSA 1978](#)). In the event of failure to pay rent, “within three days after written notice from the owner of nonpayment and his intention to terminate the rental agreement, the owner may terminate the rental agreement and the resident shall immediately deliver possession of the dwelling unit” ([§ 47-8-33 NMSA 1978](#)).

Forms for both landlords and tenants are available at NMCourts.gov:

[4-901 - Three-day notice of nonpayment of rent](#)

[4-901A - Three day notice of substantial violation of rental agreement](#)

[4-902 - Seven day notice of noncompliance with rental agreement](#)

[4-902A - Resident's seven-day notice of abatement or termination of rental agreement](#)

[4-903 - Thirty day notice to terminate rental agreement](#)

[4-904 - Petition by owner for restitution](#)

[4-905 - Summons and notice of trial on petition for writ of restitution](#)

[4-906 - Petition by resident for relief](#)

[4-907 - Answer to petition for restitution](#)

[4-909 - Judgment for restitution](#)

[4-913 - Writ of restitution \(Restitution to owner\)](#)

[4-913A - Order setting escrow deposit/appeal bond](#)

[4-914 - Writ of restitution](#)

[4-915 - Petition for post-judgment writ of replevin](#)

[4-916 - Post-judgment writ of replevin](#)

Resources

New Mexico Legal Aid publishes a [Renter's Guide](#), providing a concise summary of owner-resident law in New Mexico. [En Español](#). The New Mexico Landlord-Tenant Hotline is (505) 930-5666.

The New Mexico Supreme Court Law Library also has numerous books that provide guidance to navigating rental law including:

Every Landlord's Legal Guide by Marcia Stewart & Attorney Janet Portman;

Every Tenant's Legal Guide by Marcia Stewart & Attorney Janet Portman;

American Law of Landlord and Tenant by Robert S. Schoshinski and;

Landlord and Tenant Law in a Nutshell by David S. Hill and Carol Necole Brown.

COVID-19

New Mexico Supreme Court Orders ([No. 20-8500-007](#)) and ([No. 20-8500-008](#)) address eviction for non-payment of rent during the COVID-19 pandemic.

In the aftermath of the COVID-19 health crisis, the following resources are available for helping tenants:

New Mexico Legal Aid COVID-19 Eviction Information Page

<https://www.newmexicolegalaid.org/node/228/coronavirus-updates>

Emergency Rental Assistance Program

<https://www.renthelpnm.org/>