



NMLA Press Release About COVID Eviction Moratorium

New Mexico Legal Aid Warns: Lack of Information May Lead to Illegal Evictions During COVID Crisis

Attorneys at New Mexico Legal Aid are pushing to ensure that tenants, landlords and judges are aware of the new moratorium on evictions from federally-subsidized units. The four-month moratorium, passed as part of the federal CARES Act, prohibits landlords of most federally-subsidized properties from filing new evictions for nonpayment of rent or other charges, or from charging late fees. “As a new month begins, many tenants across New Mexico are getting behind on rent,” warns Lewis Creekmore, New Mexico Legal Aid’s Executive Director. “It is vital for the public to be aware of these new protections as landlords consider filing evictions.”

The moratorium is separate from anything done by New Mexico courts, but has received scant media coverage in the midst of a fast-changing legal landscape. It benefits all tenants of public housing, Section 8, tax credit, USDA, and properties with government-backed mortgages. Even once the moratorium ends, landlords must give 30 days’ notice before starting evictions for nonpayment.

Most eviction cases are filed in magistrate or metropolitan courts. Judges who are well-versed in New Mexico landlord tenant law may be less familiar with additional federal protections afforded to many tenants. “It’s not obvious from the names of most properties or from eviction pleadings whether you are dealing with a property that gets federal subsidies triggering CARES Act protections,” says Tom Prettyman, who manages New Mexico Legal Aid’s housing law practice group. “But the moratorium applies to properties in every New Mexican state jurisdiction.” Tribal housing authorities are not covered by the law, so protections for tenants will vary across various tribal jurisdictions.

Landlords themselves may not be aware of the new restrictions, making the role of the judiciary critical. New Mexico Legal Aid will be contacting courts directly to ensure they are aware of the new provisions, and will be promoting public awareness through Op-Eds and social media.

New Mexico Legal Aid is the largest nonprofit civil legal advocacy organization in New Mexico whose attorneys help low-income New Mexicans and victims of violence (regardless of income) with family law, evictions or foreclosures, consumer rights, accessing benefits, and other civil legal matters.

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