

Demand for Repairs
Tenant's name and address
Date

Landlord's name
Address
City/Town, State, Zip Code

Dear Landlord:

I am a tenant who rents a unit located at _____, and I would like to bring to your attention the following conditions which all require action from you: (DESCRIBE the situation. List the repairs needed and your previous attempts to have the repairs done.)

It is your obligation, specified in New Mexico law, that these problems be remedied within seven days. If there is no reasonable attempt made to do so, then I will exercise my right under the law to:

Choose one:

- a) Terminate my rental agreement, in which case you will be required to return all prepaid rent and deposits, and in addition, you shall be liable for any consequential damages.
- b) A reasonable abatement of my rent until the problem is remedied.
- c) File in magistrate court for relief, in which case you will be ordered by the court to fulfill your obligations to me, and may be ordered to compensate me for damages that I suffered as a result of your negligence.

Sincerely,

Tenant's Name

DO NOT PROVIDE THIS INFO TO THE LANDLORD - THIS IS AN INFORMATION / INSTRUCTION SHEET ABOUT THIS PROCESS. ... REMEMBER:

You may end up in court, so prepare yourself. Keep a copy of all correspondence, develop your case, and call code enforcement. Get a list of verified list of code violations so that you can substantiate your claim that the landlord is in violation of the law. If you live in the city limits of Albuquerque, the phone is 764-3954; in Santa Fe, 984-6658; in Las Cruces, 526-0637. If you live outside of these areas, find another way to document the repairs problems, e.g. pictures, professional estimates and building inspections.

Should you decided to withhold a portion of the rent, you should determine what is a reasonable amount, e.g. if you have a three bedroom apartment and one room is unusable because of a problem, then you could withhold one-third of the daily rent.

If you decide to terminate your rental agreement in the event that the landlord fails to make the necessary repairs, you will have the opportunity to remain in the property for a reasonable amount of time until you have found substitute housing. You will be liable for rent while you are in the property. Should you decided to file in small claims court, the appropriate procedure is entitled "Resident Petition for Relief". Contact the court to find out the cost to file plus delivering the summons to the landlord. The procedure is expedited, just like an eviction, so you will be assigned a court date ten days from the day you file. The judge will likely award the tenant the cost of filing.