

FIFTY-FOURTH LEGISLATURE FIRST SPECIAL SESSION

June 22, 2020

HOUSE FLOOR AMENDMENT number _____ to SENATE BILL 3

Amendment sponsored by Representative _____

1. On page 2, line ____, after the words “USING THE 2019 COMPUTATION DATE RESERVE FACTOR FROM JANUARY 1, 2020 THROUGH JUNE 30, 2021;” and before the words: “REPEALING LAWS 2020, CHAPTER 75, SECTION 1 TO MAKE CONFORMING TECHNICAL CHANGES; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.” Insert the following:

“PROVIDING SMALL BUSINESS RECOVERY LOANS FOR EMERGENCY HOUSING ASSISTANCE FOR CERTAIN LANDLORDS AND TENANTS AND PROVIDING A MORATORIUM ON RESIDENTIAL EVICTIONS FOR DURING A PUBLIC HEALTH EMERGENCY AND FOR TWELVE MONTHS THEREAFTER;”

2. On page ____, line ____, in “SECTION 2. [NEW MATERIAL] DEFINITIONS.-- As used in the Small Business Recovery Act of 2020:” of the bill add the following definition:

“J. “qualifying small inventory landlord business” means any individual or business which owns no more than five residential rental housing units and which are not used by the individual or owners of the business for their own residence.”

3. On page ____, after the end of SECTION 11, add the following new section:

“SECTION 12. [NEW MATERIAL] MORATORIUM ON EVICTIONS DURING A PUBLIC HEALTH EMERGENCY. -

A. For the duration of a public health emergency as declared by an executive order promulgated by the governor pursuant to Section 12-10A-5 NMSA 1978 and for twelve months after the termination of the executive order, no landlord may evict a residential tenant for failure to pay rent.

B. During the period of the executive order declaring a public health emergency and the time after the termination of the executive order, a residential tenant shall remain under obligation to pay rent that has been lawfully charged pursuant to an existing agreement between the landlord and the residential tenant.

C. Except for an agreement reached between a landlord and a residential tenant as provided in Subsection E of this section, a residential tenant shall have twelve months after the termination of an executive order declaring a public health emergency to pay any outstanding rent incurred during the period of the public health emergency as declared by the executive order.

D. A landlord shall not raise rent and shall not charge any late penalties, fees or interest on any missed payments for the duration of an executive order declaring a public health emergency and for twelve months after the termination of the executive order.

E. A landlord and a residential tenant shall, in good faith, attempt to negotiate a payment plan for unpaid rent. Nothing in this section prohibits a landlord or a residential tenant from agreeing to a payment plan that shall exist longer than the duration of the executive order declaring the public health emergency and twelve months from the termination of the executive order.

F. No landlord shall terminate tenancy or refuse to renew a lease with a residential tenant for any reason other than good cause to protect health and safety pursuant to the provisions of Section 47-8-33 NMSA 1978.

G. No landlord shall refuse payment from a tenant that is made up of, in whole or in part, assistance from a nonprofit entity or a federal, state or local government.

H. As used in this section, "landlord" means a person, business or other entity that owns or manages residential property or an agent of a person, business or other entity that owns or manages residential property.

“SECTION 13. [NEW MATERIAL] TENANT AND SMALL INVENTORY LANDLORD BUSINESS EMERGENCY RELIEF LOAN PROGRAM. –

A. The "tenant and small inventory landlord business emergency relief loan program" is created to be administered by the New Mexico Mortgage Finance Authority.

B. The New Mexico Mortgage Finance Authority shall develop the tenant and small inventory landlord business emergency loan program in accordance with the principles of its programs which administer rental assistance and subsidies.

C. The tenant and small inventory landlord business emergency relief loan program shall be utilized to provide temporary and short-term bridge loans not to exceed twenty-four months to a qualifying small inventory landlord business who can provide certification that a tenant has been unable to make timely rent payments during the period of the emergency COVID-19 stay of residential evictions ordered by the New Mexico Supreme Court and for twelve months after the expiration of that order.

D. The New Mexico Mortgage Finance Authority shall apply to and be eligible for funding provided in Section 3 of this act to make loans to qualifying small inventory landlord businesses. The New Mexico Mortgage Finance Authority will work with its community partners which provide rental assistance to determine an amount of funds necessary to fund the loans for qualifying small inventory landlord businesses.

E. Any qualifying small inventory landlord businesses which participates in this tenant and small inventory landlord business emergency relief loan program shall be prohibited from evicting a tenant from the residential rental unit for which the loan is given.

F. The New Mexico Mortgage Finance Authority shall develop a payment plans to enable the tenant of the unit for which the small inventory landlord business emergency relief loan is provided to pay back the loan.