**4/7/2020 Q & A regarding Eviction Moratorium by NMCoalition to End Homelessness**

**Maria Griego (NM Center on Law and Poverty) and Thomas Prettyman (NM**

**Legal Aid) will answer your questions regarding the moratorium.**

**NM Legal Aid has a new phone number since they are answering the phone remotely:**

**(505) 633-6694. (This replaces the statewide intake number during COVID-19).**

**What happens regarding an eviction depends on what kind of home you live in:**

1. Subsidized & Mortgage, federally backed/guaranteed (eg. tax credit) programs-they cannot be evictions until July 25 (federal moratorium prevents any filing for eviction until after July 25, a 30-day notice must be given to the tenant.

If the person has to re-certify their payment/rent/program then we can ‘guess’ that the program they are part of is a federally backed program.

2. If not federally backed, there’s a judicial stay without an end date- there are temporary rules in place right now that are guided by NM Supreme Court.

* Only applies to evictions in relation to non-payment, doesn’t apply to other reasons. ie., you can still be evicted for any reason other than non-payment of rent.

-Tenant must provide evidence of inability of non-payment, eg. statement/document etc

* NM Legal Aid

Tom said there isn’t any information about people needing to show evidence of non-payment. But 2 of the 3 Bernalillo County eviction court judges will do an automatic stay.

-There’s hope that there will be a mediation between tenants and landlords

* NM Center on Law and Poverty (Maria Griego) are trying to figure out how to get
* RV’s and mobile homes are excluded from the moratorium since space rentals fall under the mobile home park (12+ houses), sometimes more protective.
* If you pay month to month in a motel, you are covered by the ‘stay’, 3 day notice of the non-payment, 4th day ask for eviction, judge would give landlord writ. Court process would be followed and the ‘stay’ would apply.
* The federal moratorium states there should not be late fees during the moratorium, if renter cannot pay.
* If a property manager is willing to allow for more renters to stay on the property, an agreement can be made.
* **If landlords are refusing to fix/maintain units during this time what can be done?**

Renters can write a letter (email, text, written etc) given to the landlord, on the 8th day renter can withhold 1/3 of the daily rent if the person requests for the landlord to fix something and they don’t. If the renter is a Housing authority client, they can withhold their portion of the payment

-Renter can request an emergency (email or fax) hearing for this as well.

There will be a special legislative session coming up, many will be advocating for options, eg, rent relief funds or rent freeze options (NM Center on Law & Poverty) specifically will advocate for assistance in this area. Maria Griego said we can email her (maria@nmpovertylaw.org) our suggestions for addressing the problem of people being expected to pay all their accumulated rent owed during COVID-19 immediately after the moratorium is lifted. One suggestion is a 6 month period when the moratorium is lifted to catch up on back rent owed.

Yes Housing-nonprofit housing possibly does low-income housing and is evicting people.

**What’s being done to get the word out?**

NM Legal Aid: A letter was faxed to every magistrate, civil and district court statewide.

Op Ed in ABQJournal

Letter to 4 largest landlord attorneys in the state

NM Legal Aid “Know your rights” info for tenants is already out.

NM Center on Law & Poverty. Maria will be speaking to a reporter at the *Albuquerque Journal* this week.

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More information for the deaf/blind/hard of hearing communities was noted.

**What if something happened prior to the moratorium?**

In Bernalillo County, the writ (forced move delivered by the Sherriff once the landlord pays $40) is not issued until the tenant remains in the house past the time that was originally requested. \*\*This varies by county\*\*

**Who is providing services in the community for tenants and being evicted?**

Catholic Charities-Quinn Donnay: [donnayq@ccasfnm.org](mailto:donnayq@ccasfnm.org) is offering assistance with people who are getting writs and the landlord is moving forward with evictions. They have rental assistance funds to use but can only be used if a person has a writ. Email or call him at 600-9333 ONLY if you are assisting a person who has a writ.

Criteria:

1. MUST have a writ
2. Rent must fall within FMR
3. Must meet low income criteria

**Other Services needed**

Susana Santillan- [Susana.Santillan@state.nm.us](mailto:Susana.Santillan@state.nm.us) at NM Commission for the Deaf and Hard of Hearing, more advertising needs to be shared on fb or city websites, video streaming and such that they need to be accessible to everyone with hearing loss. Captioning is not a one fits all accommodation to obtain effective communication. A person who is deaf relies on the use of sign language interpreters, deaf/blind benefits from transcripts, and hard of hearing require caption. The information on COVID-19 is crucial for everyone including the hearing loss community.