

## TENANT'S RIGHTS: WHAT TENANTS NEED TO KNOW IF UNABLE TO PAY RENT

### WHAT SHOULD I DO IF I CANNOT PAY MY RENT DURING THE STATE OF EMERGENCY?

- Try and workout a payment schedule with the landlord before the landlord gives you a 3 day notice of non-payment or takes you to court.
- **Look for rental or utility assistance help as soon as possible:** Go to: <https://www.renthelpnm.org/> for rental or utility assistance. There is more information available at: <https://www.cabq.gov/family/services/homeless-services/eviction-prevention> or 311 for ABQ resources
- When you know you are having trouble paying rent, it is a good idea to talk with the landlord to explain your situation.
- Get any agreement in writing.

**Is there a moratorium on evictions in New Mexico?** Yes, but only for tenants who are unable to pay their rent. But, if the landlord files to evict you, **the tenant must appear at a court hearing, usually by phone, to get those protections and stop the eviction.**

**Many landlords are now letting leases expire and refusing to renew the lease.** You may try to challenge the termination in court and ask the court to apply the NM moratorium because you are unable to pay rent.

### WHAT DOES THE MORATORIUM ON EVICTIONS MEAN?

The **New Mexico Supreme Court** entered an Order suspending evictions only for non-payment of rent during the pandemic. It is still in effect.

The **Center for Disease Control and Prevention (CDC)** also entered a federal Order suspending evictions for nonpayment of rent. Go to: <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html> for information on deadlines, who qualifies and to get the declaration to complete and give to your landlord.

### Which one applies?

Both apply to all residential housing and mobile home parks where the tenant is renting a space. The protections that best suit you depend on your individual circumstances.

**Will I still owe the rent, late fees and costs if the moratorium applies to me? YES. Apply for rental assistance as soon as possible.**

- The Tenant still owes the rent, late fees and costs now and when the moratorium ends.
- Landlords can evict tenants after the moratorium is over unless the tenant and landlord have come to an agreement to allow more time to pay back-rent and fees.
- If you work out an agreement with the landlord make sure it is in writing to protect yourself.
- Make sure you get a receipt for any rent paid.

**A landlord is required to give you a 3, 7 or 30-day notice with the reasons for terminating the lease before the landlord can go to court to evict you.**

**Remember you cannot be legally evicted without a court order.** But, you can agree to vacate the premises voluntarily. The landlord can still file in court for rent owed. Decide what is best for you.

### WHAT STEPS SHOULD A TENANT TAKE TO PROTECT THEMSELVES FROM EVICTION?

- **Apply for rental assistance as soon as possible if non-payment is the issue.**
- **Tenants must attend the court hearing** – during the pandemic **call** into any scheduled court hearings—doing nothing could mean you will be evicted and lose your home.
- You don't have to immediately move out if your landlord wants to evict you. **A court order is required for evictions.** If your landlord files documents in court to evict you, you can go to court and explain to the judge that you cannot pay rent or dispute other reasons given by the landlord for the eviction.
- **Seek legal help when you know you may face eviction.**

### KNOW YOUR RIGHTS:

- It is illegal for a landlord to evict a tenant without a court order by doing any of the following:
  - Changing locks
  - Disconnecting electricity, water or gas
  - Using force
  - Threatening to do these things

### GET LEGAL HELP:

**NEW MEXICO LEGAL AID: 833-545-4357**  
**SENIOR CITIZEN'S LAW OFFICE: 505-265-2300**