IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

March 24, 2020

NO. 20-8500-007

IN THE MATTER OF
THE STAY OF WRITS OF RESTITUTION
ISSUED UNDER THE UNIFORM OWNER-RESIDENT
RELATIONS ACT DURING THE
COVID-19 PUBLIC HEALTH EMERGENCY

ORDER

WHEREAS, this matter having come before the Court upon recommendations to suspend evictions in New Mexico under the Uniform Owner-Resident Relations Act to minimize risks to public health during the current COVID-19 public health emergency;

WHEREAS, this Court must exercise its equitable powers and power of superintending control over pleading and practice in the New Mexico Judiciary in response to the extraordinary circumstances presented by the current public health crisis by balancing the need for imminent evictions in some circumstances with the current directives from public health authorities that emphasize the need for New Mexicans to avoid unnecessary contact with one another and remain in their homes to greatest extent possible during the current public health emergency; and

WHEREAS, in light of the foregoing, and the Court being sufficiently

advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson concurring;

NOW, THEREFORE, IT IS ORDERED that, effective for all writs of restitution issued on or after March 24, 2020, judges presiding in eviction proceedings arising under the Uniform Owner-Resident Relations Act shall stay the execution of writs of restitution issued for non-payment of rent only under NMSA 1978, Section 47-8-46(A) (1995), in accordance with the terms of this order;

IT IS FURTHER ORDERED that, to stay the execution of a writ of restitution for nonpayment of rent, the judge presiding in the case must be satisfied that the resident has demonstrated by a preponderance of the evidence a current inability to pay the monthly rent established by the rental agreement;

IT IS FURTHER ORDERED that any stay of the execution of a writ of restitution under the terms of this order shall also serve as a stay of all applicable deadlines for appealing the writ of restitution;

IT IS FURTHER ORDERED that all other provisions of the Uniform Owner-Resident Relations Act shall remain unaffected by the terms of this order; and

IT IS FURTHER ORDERED that this order shall remain in effect until amended or withdrawn by future order of the Court.

IT IS SO ORDERED.

WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 24th day of March, 2020.

Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico