

KNOW YOUR RIGHTS

Stay in your home during the COVID-19 crisis

Evictions

If you rent a house, mobile home, or apartment and cannot pay your rent, you might have a right to stay in your home during the coronavirus crisis. **Special court rules are now in place that allow you to stay in your home even if you cannot afford rent.** These rules are temporary. When the rules change, you might be required to move out of your home with short notice.

There are different rules in place for *any* residents that receive or who live in properties that receive federally subsidized housing or federally backed mortgages. From now until July 25, 2020, landlords cannot evict tenants from their home for non-payment of rent or other fees if *any* residents participate in a federally subsidized housing program or if the property has a federally backed mortgage. Landlords also cannot charge fees or penalties for failure to pay rent in these properties.



If your landlord tries to evict you

You might have to go to the court or your hearing might happen by phone. The court will send you instructions.

- If you are not sure whether the home you live in has a federally backed mortgage or if the property you live on participates in a federal subsidized housing program, you can ask about this in court.
- If your landlord doesn't have a federally backed mortgage or if none of the tenants participate in a federally subsidized housing program, the court can still stop the eviction. But, you must give proof that you cannot afford to pay rent.

How to prove you can't pay rent:

Your own statement explaining why you are unable to pay rent:

Examples: "I was laid off from my job. I couldn't afford my rent this month" or "I can't work because I have a medical condition that makes me high-risk for getting the coronavirus."

Documents that prove you are unable to pay rent:

For example, paychecks that show how your work hours have been cut and how your pay has been reduced.

- If you submit documents, call the court before your hearing to find out how to get them to the judge.
- If you are unable to get documents to the judge before your hearing or need more time to look for a lawyer, you can call and ask the court to reschedule your hearing to a later date.

A witness can testify that you cannot pay your rent:

For example, your boss or co-worker could testify that you're no longer working or that your hours have been cut.

- Call the courthouse before your hearing for guidance on witness testimony.

KNOW YOUR RIGHTS

Stay in your home during the COVID-19 crisis

What happens after your hearing?

- If the judge rules to evict you because you did not pay your rent, the court will enter a judgment against you that describes how much you owe your landlord. You will not be required to move out of your home immediately. You can stay in your home for as long as the court keeps its special rules on evictions during the coronavirus crisis.
- If you are staying in your home, you should make regular rent payments if you are able.
- If the judge rules against you, you have a right to appeal. You have 15 days **from the day the court ends these special rules** to turn in a notice of appeal to the district court. Filing an appeal will automatically delay your eviction.



If you need help paying rent



Families with children that have low income might be able to receive cash assistance through the NM Human Services Department. Apply for cash assistance here: www.yes.state.nm.us

Families living in Albuquerque might be able to receive city funded rental assistance.

Find more information here:

<https://www.cabq.gov/help/rental-assistance>

**For questions or help with an eviction case filed against you,
call New Mexico Legal Aid at 505-633-6694
or the New Mexico Center on Law and Poverty at 505-255-2840.**

KNOW YOUR RIGHTS

Keep your utilities on during the coronavirus crisis

Utilities

Many utility companies, including electric, gas, and water companies, will not be shutting off utilities for non-payment for a period of time during the Coronavirus crisis.

Payment plans and reduced rates might also be available depending on your income.



If you need assistance call your utility provider or the State's Coronavirus hotline: 1-833-551-0518.



The Low Income Home Energy Assistance Program (LIHEAP) helps families pay heating and cooling bills. Apply at: www.yes.state.nm.us

- If at least one family member living in the home qualifies for LIHEAP, the immigration status of other households members is not considered.

Cell Phone and Internet

If you cannot pay your cell phone or internet bill, your service will not be shut off through May 12, 2020.

- If you can make a payment, but your payment will be late, you will not be charged a late fee through May 12, 2020.
- If your internet or cell phone service has been shut off and you need help getting them turned back on, you can call the state's Coronavirus hotline at 1-833-551-0518.

NOTICE OF INABILITY TO PAY RENT
(New Mexico Supreme Court Orders NO. 20-8500-07 and 20-8500-08)

In March 2020, the New Mexico Supreme Court issued two orders that temporarily postpone eviction orders against New Mexicans who provide a judge with evidence that they are unable to pay rent for their house, apartment, extended stay hotel, or a mobile home lot. This form is intended to inform landlords or property managers and the Court in an eviction hearing that a tenant(s) is unable to pay rent and is temporarily protected under the Supreme Court's orders from being evicted.

Instructions

1. Fill in all the blanks below and check the reasons that apply.
2. Deliver a copy to your landlord.
3. **Keep a copy of this notice (or at least a cell phone picture).**
4. Gather and keep all documents that prove your inability to pay rent, such as termination or layoff notices, pay stubs, bank statements, medical bills, or a signed letter from an employer.
5. You can also provide this notice and supporting documents to the Court if you have to go to an eviction hearing, but it's not required.

DATE: _____ *(Put the date here)*

TO: _____ **FROM:** _____
(Landlord or manager's name) *(Tenant's name)*

TENANT'S HOME ADDRESS: _____

(Fill in your full address here)

REASON: I am unable to pay the full amount of rent for the rental property listed above, for the following reason(s) *(Check all that apply)*:

____ A tenant (or tenants) in the household lost income due to the coronavirus, the state of emergency, or the related government response (such as a layoff or reduction in hours).

____ A tenant (or tenants) in the household needed to miss work to care for a child whose school was closed in response to the coronavirus.

____ A tenant (or tenants) in the household was unable to work because of sickness with confirmed or suspected coronavirus.

____A tenant (or tenants) in the household was unable to work because of a need to care for a household or family member who was sick with confirmed or suspected coronavirus.

____ Other reason for inability to pay rent. Specify:_____

As a result, I need to delay some or all of the payment for rent due and am entitled to the protections of New Mexico Supreme Court Order No. 20-8500-07 or No. 20-8500-07.

If my circumstances change and I am able to pay some or all of the rent owed, I will contact you about setting up a payment plan.

Thank you for your understanding and cooperation.

Sincerely,

(Sign here)