

New Mexico COVID-19 and Eviction FAQ

What has the Supreme Court done to address evictions in light of the COVID-19 public health emergency?

The Supreme Court issued two orders, one on March 24, 2020 ([No. 20-8500-007](#)) and one on March 26, 2020 ([No. 20-8500-008](#)), which address eviction for non-payment of rent cases. These orders require judges to stay (put a hold on) evictions in cases where the tenant has shown the court that they are unable to pay rent.

Do tenants still have to go to court?

Yes, if a landlord has filed a court case claiming a tenant has not paid rent, the tenant must still prove that they are unable to pay rent at the court hearing before an eviction can be stayed.

How can court hearings happen safely with COVID-19 restrictions?

Courts are holding hearings by telephone and video. Information about how to appear by phone or video will be given on hearing notices. If a person is not able to appear by telephone or video, they should let the court where their case is happening know as soon as possible.

Do these orders stop evictions for things other than not paying rent?

No, evictions can still happen for other reasons, such as a tenant violating the lease agreement in a way that is not about paying rent, a tenant committing a crime on the property, and tenants who do not move out once their lease is up.

Do these orders mean that a person can never be evicted or will never have to pay back rent?

No, the Supreme Court orders only put a hold on evictions and payment of back rent until the COVID-19 emergency is over.

Do these orders apply to mobile home park evictions?

Yes. Judges must also stay (stop) orders removing a mobile home from a mobile home park or foreclosing on a mobile home. The tenant in these cases must also prove that they are unable to pay rent.

I want to appeal a writ of restitution (eviction order) that was stayed. When do I have to do this by?

If a writ of restitution is stayed, the timelines for the appeal are also stayed.

Is there an effective date for evictions being stayed?

Yes, these orders only apply to writs of restitution (a court order about eviction) issued on or after March 24, 2020.

What happens to the stayed writs of restitution once the COVID-19 emergency is over?

This will be up to individual courts to decide. Some courts are developing mediation programs to help tenants and landlords address ways in which a tenant might be able to stay in the property

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once the public health emergency is over. You should contact the individual court in which a case is filed for more guidance.

For more information, please visit the New Mexico Judiciary Website's [Coronavirus Information Page](#).

Contact information for specific courts can be found [here](#).