

HOUSE BILL 114

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

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AN ACT

RELATING TO REAL PROPERTY; PROHIBITING THE SUBMISSION OF A DEED OR OTHER INSTRUMENT OF WRITING TO THE OFFICE OF THE COUNTY CLERK THAT HAS ATTACHED A DISCRIMINATORY RESTRICTIVE COVENANT OR GENDER-SPECIFIC LANGUAGE; DECLARING VOID UNLAWFUL DISCRIMINATORY RESTRICTIVE COVENANTS; REQUIRING THE REMOVAL OF UNLAWFUL RESTRICTIVE COVENANTS, RESTRICTIONS AND CONDITIONS FROM INSTRUMENTS AFFECTING THE TRANSFER OF REAL PROPERTY BEFORE INSTRUMENTS CAN BE RECORDED; PROVIDING THAT A DEED OR OTHER INSTRUMENT OF WRITING MAY INCLUDE A STATEMENT THAT A DISCRIMINATORY RESTRICTIVE COVENANT IS VOID AS AGAINST PUBLIC POLICY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 28-1-7 NMSA 1978 (being Laws 1969, Chapter 196, Section 7, as amended) is amended to read:

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1           "28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE.--It is an  
2 unlawful discriminatory practice for:

3           A. an employer, unless based on a bona fide  
4 occupational qualification or other statutory prohibition, to  
5 refuse to hire, to discharge, to promote or demote or to  
6 discriminate in matters of compensation, terms, conditions or  
7 privileges of employment against any person otherwise qualified  
8 because of race, age, religion, color, national origin,  
9 ancestry, sex, sexual orientation, gender, gender identity,  
10 pregnancy, childbirth or condition related to pregnancy or  
11 childbirth, physical or mental disability, serious medical  
12 condition or military status, or, if the employer has fifty or  
13 more employees, spousal affiliation; provided, however, that 29  
14 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination  
15 based on age;

16           B. a labor organization to exclude a person or to  
17 expel or otherwise discriminate against any of its members or  
18 against any employer or employee because of race, religion,  
19 color, national origin, ancestry, sex, sexual orientation,  
20 gender, gender identity, pregnancy, childbirth or condition  
21 related to pregnancy or childbirth, spousal affiliation,  
22 physical or mental disability, serious medical condition or  
23 military status;

24           C. any employer, labor organization or joint  
25 apprenticeship committee to refuse to admit or employ any

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1 person in any program established to provide an apprenticeship  
2 or other training or retraining because of race, religion,  
3 color, national origin, ancestry, sex, sexual orientation,  
4 gender, gender identity, pregnancy, childbirth or condition  
5 related to pregnancy or childbirth, physical or mental  
6 disability, serious medical condition or military status, or,  
7 if the employer has fifty or more employees, spousal  
8 affiliation;

9 D. any person, employer, employment agency or labor  
10 organization to print or circulate or cause to be printed or  
11 circulated any statement, advertisement or publication, to use  
12 any form of application for employment or membership or to make  
13 any inquiry regarding prospective membership or employment that  
14 expresses, directly or indirectly, any limitation,  
15 specification or discrimination as to race, color, religion,  
16 national origin, ancestry, sex, sexual orientation, gender,  
17 gender identity, pregnancy, childbirth or condition related to  
18 pregnancy or childbirth, physical or mental disability, serious  
19 medical condition or military status, or, if the employer has  
20 fifty or more employees, spousal affiliation, unless based on a  
21 bona fide occupational qualification;

22 E. an employment agency to refuse to list and  
23 properly classify for employment or refer a person for  
24 employment in a known available job, for which the person is  
25 otherwise qualified, because of race, religion, color, national

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1 origin, ancestry, sex, sexual orientation, gender, gender  
2 identity, pregnancy, childbirth or condition related to  
3 pregnancy or childbirth, spousal affiliation, physical or  
4 mental disability or serious medical condition, unless based on  
5 a bona fide occupational qualification, or to comply with a  
6 request from an employer for referral of applicants for  
7 employment if the request indicates, either directly or  
8 indirectly, that the employer discriminates in employment on  
9 the basis of race, religion, color, national origin, ancestry,  
10 sex, sexual orientation, gender, gender identity, pregnancy,  
11 childbirth or condition related to pregnancy or childbirth,  
12 spousal affiliation, physical or mental disability, serious  
13 medical condition, unless based on a bona fide occupational  
14 qualification, or military status;

15 F. any person in any public accommodation to make a  
16 distinction, directly or indirectly, in offering or refusing to  
17 offer its services, facilities, accommodations or goods to any  
18 person because of race, religion, color, national origin,  
19 ancestry, sex, sexual orientation, gender, gender identity,  
20 pregnancy, childbirth or condition related to pregnancy or  
21 childbirth, spousal affiliation, physical or mental disability  
22 or military status; provided that the physical or mental  
23 disability is unrelated to a person's ability to acquire or  
24 rent and maintain particular real property or housing  
25 accommodation;

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1 G. any person to:

2 (1) refuse to sell, rent, assign, lease or  
3 sublease or offer for sale, rental, lease, assignment or  
4 sublease any housing accommodation or real property to any  
5 person or to refuse to negotiate for the sale, rental, lease,  
6 assignment or sublease of any housing accommodation or real  
7 property to any person because of race, religion, color,  
8 national origin, ancestry, sex, sexual orientation, gender,  
9 gender identity, pregnancy, childbirth or condition related to  
10 pregnancy or childbirth, spousal affiliation, physical or  
11 mental disability or military status; provided that the  
12 physical or mental disability is unrelated to a person's  
13 ability to acquire or rent and maintain particular real  
14 property or housing accommodation;

15 (2) discriminate against any person in the  
16 terms, conditions or privileges of the sale, rental,  
17 assignment, lease or sublease of any housing accommodation or  
18 real property or in the provision of facilities or services in  
19 connection therewith because of race, religion, color, national  
20 origin, ancestry, sex, sexual orientation, gender, gender  
21 identity, pregnancy, childbirth or condition related to  
22 pregnancy or childbirth, spousal affiliation, physical or  
23 mental disability or military status; provided that the  
24 physical or mental disability is unrelated to a person's  
25 ability to acquire or rent and maintain particular real

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1 property or housing accommodation; ~~[or]~~

2 (3) print, circulate, display or mail or cause  
3 to be printed, circulated, displayed or mailed any statement,  
4 advertisement, publication or sign or use any form of  
5 application for the purchase, rental, lease, assignment or  
6 sublease of any housing accommodation or real property or to  
7 make any record or inquiry regarding the prospective purchase,  
8 rental, lease, assignment or sublease of any housing  
9 accommodation or real property that expresses any preference,  
10 limitation or discrimination as to race, religion, color,  
11 national origin, ancestry, sex, sexual orientation, gender,  
12 gender identity, pregnancy, childbirth or condition related to  
13 pregnancy or childbirth, spousal affiliation, physical or  
14 mental disability or military status; provided that the  
15 physical or mental disability is unrelated to a person's  
16 ability to acquire or rent and maintain particular real  
17 property or housing accommodation; or

18 (4) submit a deed or other instrument of  
19 writing to the office of the county clerk for recording with an  
20 attached restrictive covenant, the intent or effect of which is  
21 to restrict ownership, residency or use of real property  
22 because of race, religion, color, national origin, ancestry,  
23 sex, sexual orientation, gender identity, pregnancy, childbirth  
24 or condition related to pregnancy or childbirth, spousal  
25 affiliation, physical or mental disability or military status;

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1           H. any person to whom application is made either  
2 for financial assistance for the acquisition, construction,  
3 rehabilitation, repair or maintenance of any housing  
4 accommodation or real property or for any type of consumer  
5 credit, including financial assistance for the acquisition of  
6 any consumer good as defined by Section 55-9-102 NMSA 1978, to:

7                   (1) consider the race, religion, color,  
8 national origin, ancestry, sex, sexual orientation, gender,  
9 gender identity, pregnancy, childbirth or condition related to  
10 pregnancy or childbirth, spousal affiliation or physical or  
11 mental disability of any individual in the granting,  
12 withholding, extending, modifying or renewing or in the fixing  
13 of the rates, terms, conditions or provisions of any financial  
14 assistance or in the extension of services in connection with  
15 the request for financial assistance; or

16                   (2) use any form of application for financial  
17 assistance or to make any record or inquiry in connection with  
18 applications for financial assistance that expresses, directly  
19 or indirectly, any limitation, specification or discrimination  
20 as to race, religion, color, national origin, ancestry, sex,  
21 sexual orientation, gender, gender identity, pregnancy,  
22 childbirth or condition related to pregnancy or childbirth,  
23 spousal affiliation or physical or mental disability;

24           I. any person or employer to:

25                   (1) aid, abet, incite, compel or coerce the

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1 doing of any unlawful discriminatory practice or to attempt to  
2 do so;

3 (2) engage in any form of threats, reprisal or  
4 discrimination against any person who has opposed any unlawful  
5 discriminatory practice or has filed a complaint, testified or  
6 participated in any proceeding under the Human Rights Act; or

7 (3) willfully obstruct or prevent any person  
8 from complying with the provisions of the Human Rights Act or  
9 to resist, prevent, impede or interfere with the commission or  
10 any of its members, staff or representatives in the performance  
11 of their duties under the Human Rights Act;

12 J. any employer to refuse or fail to accommodate a  
13 person's physical or mental disability or serious medical  
14 condition, unless such accommodation is unreasonable or an  
15 undue hardship;

16 K. any employer to refuse or fail to make  
17 reasonable accommodation for an employee or job applicant with  
18 a need arising from pregnancy, childbirth or condition related  
19 to pregnancy or childbirth;

20 L. any employer to require an employee with a need  
21 arising from pregnancy, childbirth or condition related to  
22 pregnancy or childbirth to take paid or unpaid leave if another  
23 reasonable accommodation can be provided unless the employee  
24 voluntarily requests to be placed on leave or the employee is  
25 placed on leave pursuant to federal law; or

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1 M. a governmental entity or a public contractor to  
2 refuse or otherwise limit or put conditions on services to a  
3 person because of race, age, religion, color, national origin,  
4 ancestry, sex, sexual orientation, gender, gender identity,  
5 pregnancy, childbirth or condition related to pregnancy or  
6 childbirth, physical or mental disability, serious medical  
7 condition or spousal affiliation; provided that nothing in this  
8 subsection shall be construed to require a governmental entity  
9 or a public contractor to provide services or programs beyond  
10 services or programs to the specific populations that the  
11 governmental entity or public contractor is tasked with  
12 serving."

13 SECTION 2. A new section of Chapter 47, Article 1 NMSA  
14 1978 is enacted to read:

15 "[NEW MATERIAL] UNLAWFUL RESTRICTIVE COVENANTS--  
16 RECORDING.--

17 A. Any covenant attached to real property that  
18 contains language with the intent or effect to restrict  
19 ownership, residency or use of real property because of a  
20 person's race, religion, national origin or any other class  
21 that is protected by the Human Rights Act is void as against  
22 public policy.

23 B. No deed or other instrument of writing relating  
24 to real property shall use gender-specific language when  
25 referring to grantors or grantees.

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