

1 SENATE BILL 257

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Gerald Ortiz y Pino and Debra M. Sariñana

10 AN ACT

11 RELATING TO HOMELESSNESS; ENACTING THE EVICTION PREVENTION ACT;
12 PROVIDING POWERS AND DUTIES; RECOGNIZING THAT HOMELESSNESS
13 AFFECTS SCHOOL ATTENDANCE, INCREASES STUDENT MOBILITY AND
14 CONTRIBUTES TO CHILDHOOD TRAUMA, WHICH ARE INDICATORS THAT A
15 STUDENT IS AT RISK OF FAILURE; ESTABLISHING A PROGRAM IN THE
16 NEW MEXICO MORTGAGE FINANCE AUTHORITY TO PROVIDE GRANTS TO
17 PROVIDE RENT ASSISTANCE FOR QUALIFYING FAMILIES WITH SCHOOL-AGE
18 CHILDREN WHO ARE IN DANGER OF BEING MADE HOMELESS BY EVICTION;
19 MAKING AN APPROPRIATION.

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

22 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
23 cited as the "Eviction Prevention Act".

24 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
25 Eviction Prevention Act:

.217034.1

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 A. "authority" means the New Mexico mortgage
2 finance authority;

3 B. "childhood trauma" means adverse childhood
4 experiences that impede brain development, learning and
5 appropriate socialization;

6 C. "eviction" means a notice initiated by an owner
7 to regain possession of a dwelling unit and use of the premises
8 under terms of the Uniform Owner-Resident Relations Act;

9 D. "fiscal agent" means a public school, school
10 district or regional education cooperative that partners with a
11 homeless organization to participate in a grant;

12 E. "grant" means an eviction prevention grant
13 issued by the authority;

14 F. "homeless" means that a school-age child lacks a
15 fixed, regular and adequate nighttime residence and includes a
16 school-age child described as one:

17 (1) who:

18 (a) shares the housing of other persons
19 due to loss of housing, economic hardship or a similar reason;

20 (b) is living in a motel, hotel, trailer
21 park or camping ground due to the lack of alternative
22 accommodations;

23 (c) is living in an emergency or
24 transitional shelter; or

25 (d) is abandoned in a hospital;

.217034.1

underscored material = new
[bracketed material] = delete

1 (2) who has a primary nighttime residence that
2 is a public or private place not designed for or ordinarily
3 used as a regular sleeping accommodation for human beings;

4 (3) who is living in a car, park, public
5 space, abandoned building, substandard housing, bus or train
6 station or similar setting; or

7 (4) whose parent is a migrant or seasonal
8 worker and they qualify as homeless because they are living in
9 circumstances similar to those described in Paragraphs (1)
10 through (3) of this subsection;

11 G. "homeless organization" means a federally tax-
12 exempt organization whose purpose is to address housing and
13 homelessness;

14 H. "rent" means a payment in currency or in-kind
15 under terms and conditions of a rental agreement for use of a
16 dwelling unit or premises to be made to the owner by the
17 resident, but does not include deposits;

18 I. "school-age child" means a child between the
19 ages of four and eighteen who is enrolled in a public school in
20 New Mexico; and

21 J. "student mobility" means a student's moving into
22 and out of one or more schools during the school year for
23 reasons other than grade promotion.

24 SECTION 3. [NEW MATERIAL] HARMFUL EFFECTS OF EVICTION AND
25 HOMELESSNESS ON SCHOOL-AGE CHILDREN--EVICTION PREVENTION

.217034.1

underscoring material = new
[bracketed material] = delete

1 PROGRAM--NEW MEXICO MORTGAGE FINANCE AUTHORITY--APPLICATIONS--
2 DATA COLLECTION AND REPORTS.--

3 A. The legislature recognizes the harmful effects
4 of eviction and homelessness on school-age children, including
5 interfering with school attendance and academic performance by
6 contributing to:

7 (1) family stress, dysfunction and
8 disintegration;

9 (2) childhood trauma; and

10 (3) high student mobility and absenteeism.

11 B. The "eviction prevention program" is created in
12 the authority to provide rent assistance to families of school-
13 age children who are at risk of homelessness. Families with
14 school-age children who qualify for a public school's free or
15 reduced-fee lunch program may be eligible for rent assistance
16 through the eviction prevention program.

17 C. The authority shall:

18 (1) administer the eviction prevention program
19 in partnership with public schools, school districts and
20 regional education cooperatives;

21 (2) promulgate rules to carry out the
22 provisions of the Eviction Prevention Act; and

23 (3) establish an application process whereby
24 applicants may apply for grant funding of up to twenty thousand
25 dollars (\$20,000) to assist families with school-age children

.217034.1

underscoring material = new
~~[bracketed material] = delete~~

1 who are at risk of homelessness as a result of missing one or
2 more rent payments due to unforeseen financial difficulties.

3 D. Applications shall:

4 (1) be submitted jointly by a public school,
5 school district or regional education cooperative and one or
6 more homeless organizations; and

7 (2) include public school or school district
8 student mobility data and any available data about eviction
9 rates in the public school's, school district's or regional
10 education cooperative's communities.

11 E. The public school, school district or regional
12 education cooperative shall serve as the fiscal agent for a
13 grant award. The fiscal agent shall require its homeless
14 organization partner to track and report to the fiscal agent
15 and the authority how grant money is expended, the number of
16 families of school-age children who received rent assistance,
17 the reasons for providing rent assistance, the cost and length
18 of time of that assistance and any other information the fiscal
19 agent or authority requires. The fiscal agent shall collect
20 data on school-age children whose families are receiving rent
21 assistance pertaining to school absenteeism, student mobility,
22 academic performance and any other data the fiscal agent or the
23 authority consider necessary to determining the efficacy of the
24 eviction prevention program.

25 F. The fiscal agent shall assign one or more

.217034.1

underscoring material = new
~~[bracketed material] = delete~~

1 persons to work directly with its homeless organization partner
2 to approve and disburse rent assistance to owners to prevent
3 the eviction of families with school-age children.

4 SECTION 4. APPROPRIATION.--Five hundred thousand dollars
5 (\$500,000) is appropriated from the general fund to the
6 department of finance and administration for expenditure in
7 fiscal year 2021 for the eviction prevention program in the New
8 Mexico mortgage finance authority. Any unexpended or
9 unencumbered balance remaining at the end of fiscal year 2021
10 shall revert to the general fund.