

| | |
|----------------|--------------|
| LFC Requester: | Felix Chavez |
|----------------|--------------|

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)**

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/5/2025 *Check all that apply:*
Bill Number: HB 253 Original Correction
 Amendment Substitute

Sponsor: Andrea Romero and Angelica Rubio and Kristina Ortez **Agency Name and Code:** 992 – New Mexico Mortgage Finance Authority
Short Title: Sealing of Certain Court Records **Number:** (Housing New Mexico | MFA)
Person Writing: Robyn Powell
Phone: 505-767-2271 **Email:** rpowell@housingnm.org

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| NA | NA | NA | NA |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| NA | NA | NA | NA | NA |
| | | | | |

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | NA | NA | NA | NA | NA | NA |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 253 proposes to amend the Uniform Owner-Resident Relations Act and the Mobile Home Park Act in relation to eviction court records by:

1. Adds new material on eviction records—sealed court records—procedures—petition to unseal court records:
 - a. Defines various terms including: authorized attorney, court record, eviction, owner, resident, and seal.
2. Seals the eviction court record upon the filing of the record.
3. Grants an owner access to the eviction court record and will unseal the record no less than fifteen days after the date of the order unless the following conditions:
 - a. The parties agree and the court orders the court record should remain sealed.
 - b. The resident files an appeal.
 - c. The order is later set aside by the court.
4. Determines the timeframe to reseal an eviction court record as approximately three years if the record was unsealed.
5. Restricts the court from publishing the names of the parties or releasing the names of the parties as part of a bulk or individual records transfer to a third party.
6. Protects residents who are a party on an eviction record as they will not be liable to disclose the eviction in response to any inquiry from a third party.
7. Prohibits filing fees for a petition to reseal the eviction record.
8. Applies this amendment to all evictions provided pursuant to the Uniform Owner-Resident Relations Act and the Mobile Home Park Act filed on or after the effective date of this 2025 act.

FISCAL IMPLICATIONS

No fiscal impact to Housing New Mexico | MFA.

SIGNIFICANT ISSUES

There are currently 17 states and Washington, D.C. who have enacted measures to seal eviction records PolicyLink (a national research and advocacy group focused on housing) reported.

House Bill 253 aims to balance resident privacy and limiting the potential misuse of eviction

records.

1. Promotes tenant privacy by preventing long-term harm to tenants who may have experienced past evictions due to singular extenuating circumstances.
2. Prevents exploitation of courts by restricting bulk access to the eviction court records.
3. May lead to administrative burden on courts as they must manage the sealing of records, unsealing of records, and maintain compliance with timing requirements.
4. Limits public transparency as housing records will not be as easily accessible.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS