

1 SENATE BILL 239

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Mimi Stewart

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9  
10 AN ACT

11 RELATING TO REAL PROPERTY; AMENDING THE HOMEOWNER ASSOCIATION  
12 ACT TO PROVIDE AN ADDITIONAL REMEDY FOR LOT OWNERS.

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

15 SECTION 1. Section 47-16-18 NMSA 1978 (being Laws 2019,  
16 Chapter 30, Section 10) is amended to read:

17 "47-16-18. ENFORCEMENT OF COVENANTS--DISPUTE  
18 RESOLUTION.--

19 A. Each association and each lot owner and the  
20 owner's tenants, guests and invitees shall comply with the  
21 [~~Homeowners~~] Homeowner Association Act and the association's  
22 community documents.

23 B. Unless otherwise provided for in the community  
24 documents, the association may, after providing written notice  
25 and an opportunity to dispute an alleged violation other than

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underscoring material = new  
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1 failure to pay assessments:

2 (1) levy reasonable fines for violations of or  
3 failure to comply with any provision of the community  
4 documents; and

5 (2) suspend, for a reasonable period of time,  
6 the right of a lot owner or the lot owner's tenant, guest or  
7 invitee to use common areas and facilities of the association.

8 C. Prior to imposition of a fine or suspension, the  
9 board shall provide an opportunity to submit a written  
10 statement or for a hearing before the board or a committee  
11 appointed by the board by providing written notice to the  
12 person sought to be fined or suspended fourteen days prior to  
13 the hearing. Following the hearing or review of the written  
14 statement, if the board or committee, by a majority vote, does  
15 not approve a proposed fine or suspension, neither the fine nor  
16 the suspension may be imposed. Notice and a hearing are not  
17 required for violations that pose an imminent threat to public  
18 health or safety.

19 D. If a person against whom a violation has been  
20 alleged fails to request a hearing or submit a written  
21 statement as provided for in Subsection C of this section, the  
22 fine or suspension may be imposed, calculated from the date of  
23 violation.

24 E. A lot owner or the association may use a process  
25 other than litigation used to prevent or resolve disputes,

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1 including mediation, facilitation, regulatory negotiation,  
2 settlement conferences, binding and nonbinding arbitration,  
3 fact-finding, conciliation, early neutral evaluation and policy  
4 dialogues, for complaints between the lot owner and the  
5 association or if such services are required by the community  
6 documents.

7 F. A lot owner who has a complaint against another  
8 lot owner or against the board may file a complaint with the  
9 state department of justice. The attorney general may commence  
10 a civil action on behalf of the lot owner to enforce bylaws or  
11 rules of the association or covenants, conditions and  
12 restrictions applicable to the development."