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HOUSE BILL 98

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO HUMAN RIGHTS; CREATING A RELIGIOUS BELIEF EXEMPTION  
TO THE HUMAN RIGHTS ACT.

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

SECTION 1. Section 28-1-9 NMSA 1978 (being Laws 1969,  
Chapter 196, Section 8, as amended) is amended to read:

"28-1-9. EXEMPTIONS.--Nothing contained in the Human  
Rights Act shall:

A. apply to any single-family dwelling sold,  
leased, subleased or rented by an owner without the making of  
any notice, statement or advertisement with respect to the  
sale, lease, sublease or rental of a dwelling unit that  
indicates any preference, limitation or discrimination based on  
race, color, religion, national origin, ancestry, sex, sexual  
orientation or gender identity. This exemption is subject to

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1 these further reservations:

2 (1) to qualify for the exemption, the seller  
3 must not be an owner of or own or have reserved any interest in  
4 more than three single-family dwellings; and

5 (2) if the seller does not currently live in  
6 the dwelling or ~~he~~ was not the most recent occupant, the  
7 exemption granted in this section shall only apply to one sale  
8 in twenty-four months;

9 B. bar any religious or denominational institution  
10 or organization that is operated, supervised or controlled by  
11 or that is operated in connection with a religious or  
12 denominational organization from limiting admission to or  
13 giving preference to persons of the same religion or  
14 denomination or from making selections of buyers, lessees or  
15 tenants as are calculated by the organization or denomination  
16 to promote the religious or denominational principles for which  
17 it is established or maintained, unless membership in the  
18 religious or denominational organization is restricted on  
19 account of race, color, national origin or ancestry;

20 C. bar any religious or denominational institution  
21 or organization that is operated, supervised or controlled by  
22 or that is operated in connection with a religious or  
23 denominational organization from imposing discriminatory  
24 employment or renting practices that are based upon sexual  
25 orientation or gender identity; provided that the provisions of

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1 the Human Rights Act with respect to sexual orientation and  
2 gender identity shall apply to any other:

3 (1) for-profit activities of a religious or  
4 denominational institution or religious organization subject to  
5 the provisions of Section 511(a) of the Internal Revenue Code  
6 of 1986, as amended; or

7 (2) nonprofit activities of a religious or  
8 denominational institution or religious organization subject to  
9 the provisions of Section 501(c)(3) of the Internal Revenue  
10 Code of 1986, as amended;

11 D. apply to rooms or units in dwellings containing  
12 living quarters occupied or intended to be occupied by no more  
13 than four families living independently of each other, if the  
14 owner actually maintains and occupies one of the living  
15 quarters as ~~[his]~~ the owner's residence;

16 E. apply to public restrooms, public showers,  
17 public dressing facilities or sleeping quarters in public  
18 institutions, where the preference or limitation is based on  
19 sex; ~~[and]~~

20 F. prevent the mandatory retirement of an employee  
21 upon reaching the age of sixty-five years or older, if the  
22 employer is operating under a retirement plan that meets the  
23 requirements of Public Law 93-406, the Employee Retirement  
24 Income Security Act of 1974; and

25 G. apply to a person if compliance with the Human

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1 Rights Act would violate the person's sincerely held religious  
2 beliefs as sworn to in an affidavit that is in a form approved  
3 by the commission and that shall be filed with and maintained  
4 by the commission."

5 SECTION 2. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2013.

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