

1 SENATE BILL 125

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Bill B. O'Neill

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10 AN ACT

11 RELATING TO MOBILE HOMES; CREATING A NOTIFICATION REQUIREMENT
12 FOR TERMINATION OF TENANCY RESULTING FROM CHANGE OF USE OF THE
13 PREMISES.

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

16 SECTION 1. Section 47-10-3 NMSA 1978 (being Laws 1983,
17 Chapter 122, Section 3, as amended) is amended to read:

18 "47-10-3. TENANCY--REQUIREMENTS--NOTICE TO QUIT.--

19 A. No tenancy or other lease or rental occupancy of
20 space in a mobile home park shall commence without a written
21 lease or rental agreement, and no tenancy in a mobile home park
22 shall be terminated until a notice to quit has been served upon
23 the mobile home resident. The notice to quit shall be in
24 writing directed to the resident and in the form specified in
25 this section. The form of notice shall be deemed legally

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1 sufficient if it states:

2 (1) the name of the landlord or of the mobile
3 home park;

4 (2) the mailing address of the property;

5 (3) the location or space number upon which
6 the mobile home is situated;

7 (4) the county in which the mobile home is
8 [~~situate~~] situated; and

9 (5) the reason for the termination of the
10 tenancy and the date, place and circumstances of any acts
11 allegedly justifying the termination.

12 B. The notice to quit shall be served by delivering
13 the notice to the mobile home tenant personally or by posting
14 the notice at the main entrance of the mobile home. If service
15 is made by posting the notice, a copy of the notice shall also
16 be sent by certified mail to the mobile home tenant, return
17 receipt requested. The date of a posting shall be included on
18 the posted notice and on the copy mailed to the mobile home
19 tenant and shall constitute the effective date of the notice.

20 C. The tenant shall be given a period of not less
21 than thirty days from the end of the rental period during which
22 the termination notice was served to remove any mobile home
23 from the premises, but which is automatically extended to sixty
24 days where the tenant must remove a multisection mobile home.
25 In those situations where a multisection mobile home is being

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1 leased to or occupied by a person other than its owner and in a
2 manner contrary to the rules and regulations of the landlord,
3 [~~then, in that event~~] the tenancy may be terminated by the
4 landlord upon giving a thirty-day notice instead of a sixty-day
5 notice.

6 D. If the landlord intends to change the use of the
7 premises, and where such change of use would result in the
8 termination of tenancy of a resident, the landlord shall give
9 notice of the landlord's intent to terminate the tenancy of the
10 resident to the resident not less than twenty-four months prior
11 to the earlier of the termination of the tenancy or the change
12 of use of the premises.

13 [~~D.~~] E. No lease shall contain any provision by
14 which the tenant waives [~~his~~] the tenant's rights under the
15 Mobile Home Park Act, and any such waiver shall be deemed to be
16 contrary to public policy and shall be unenforceable and void.
17 Any lease, however, may provide for the termination of the
18 tenancy in accordance with the provisions of Subsection C of
19 this section.

20 [~~E.~~] F. No tenancy shall be terminated by a mobile
21 home park owner solely because of the size or age of the mobile
22 home."