

1 SENATE BILL 26

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

3 INTRODUCED BY

4 Jacob R. Candelaria

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10 AN ACT

11 RELATING TO CONSTRUCTION; REQUIRING DETAILED PLEADINGS
12 PERTAINING TO CONSTRUCTION DEFECT CLAIMS; DECLARING AN
13 EMERGENCY.

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

16 SECTION 1. [NEW MATERIAL] JUDICIAL PLEADINGS--CLAIMS FOR
17 RELIEF--DEFECTIVE OR UNSAFE IMPROVEMENTS TO REAL PROPERTY.--

18 A. A pleading that sets forth a claim for relief
19 arising out of the defective or unsafe condition of a physical
20 improvement to real property, whether an original claim,
21 counterclaim, cross-claim or third-party claim, shall contain,
22 in addition to any information required by applicable judicial
23 rules:

24 (1) a description of the details of the
25 defective or unsafe condition, including the exact location of

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1 the defective or unsafe condition;

2 (2) a description of the details of the injury
3 or damage arising from the defective or unsafe condition,
4 including the nature and extent of the injury or damage, if
5 known;

6 (3) a description of the details of the cause
7 of the defective or unsafe condition;

8 (4) the address of each residence that is
9 alleged to be affected by the defective or unsafe condition;

10 (5) a sworn statement by the owner of any
11 residence or appurtenance alleged to be the subject of the
12 injury to real or personal property and by each person alleged
13 to have been otherwise injured as a result of the defective or
14 unsafe condition; provided that if the claim for relief is
15 filed on behalf of a homeowner's association, the sworn
16 statement shall be signed by a member of the executive board or
17 an officer of the homeowner's association; and

18 (6) a statement of satisfaction of the
19 requirements of this section.

20 B. Nothing in this section shall be construed to
21 supersede the statute of limitations with respect to a claim
22 for relief arising out of the defective or unsafe condition of
23 a physical improvement to property.

24 SECTION 2. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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