

LFC Requester:	Felix Chavez
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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: 02/10/2025 *Check all that apply:*
Bill Number: HB332 Original Correction
 Amendment Substitute

Sponsor: Cullen, Montoya & Henry **Agency Name and Code Number:** 770-NMCD
Short Title: Unlawful Squatting **Person Writing:** Anisa Griego-Quintana
Phone: 505-479-2296 **Email:** anisa.griego-quinta@cd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(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	0					

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 332 would create the crime of unlawful squatting; provides penalties; provides for civil damages for injury to property occurring in the course of unlawful squatting. Provides a process for removing an alleged unlawful squatter and for contesting a citation for squatting; requires a trial to determine property rights in a contest between a purported owner and an alleged squatter; providing for damages.

Unlawful squatting consists of a person entering upon the real property of another and residing on the property for any period of time without the knowledge or consent of the owner, rightful occupant or authorized owner's representative.

A person who commits the offense of unlawful squatting and injures, damages or destroys any part of the real property or improvements, including building, structures, trees, shrubs or other natural features, shall be liable to the owner, rightful occupant or authorized representative for damages in an amount equal to twice times the appraised value of the damaged property.

CONTESTED CITATION; PROCESS FOR REMOVAL. A person who is accused of committing the offense of unlawful squatting shall receive a citation advising that they may present documentation authorizing their entry upon the premises to the head of the issuing law enforcement agency (or designee) within three business days. If the person is unable to present documentation, such as a valid lease, proof of rental payments, or a deed, the person is subject to arrest for unlawful squatting. Nothing in this section prohibits a property owner or rightful occupant from shutting off utilities.

When a person or their agent presents an affidavit to an officer authorized to administer an oath setting forth a good faith claim to the right of possession to the real property, and stating that the property is in the hands of an alleged unlawful squatter, on receipt of the affidavit the officer shall present it to the alleged squatter at least three days before turning that person out of possession.

If the person in possession presents the officer with a counter affidavit, the officer shall not turn the person out, but must return both affidavits to the clerk of the appropriate district court for a nonjury trial. If the court determines the counter affidavit is not meritorious based on preponderance of the evidence, the officer shall turn that person out as soon as practicable based on a writ of possession. The court may award the plaintiff the fair market rental value for the duration of the unlawful occupancy and other monetary relief it deems appropriate. Such decision shall be immediately appealable but not subject to de novo review by the Supreme Court. The court that finds the plaintiff shall issue a writ of possession and award of costs and damages, and the plaintiff shall be authorized to present the final order to law enforcement for investigation or prosecution.

FISCAL IMPLICATIONS

The bill if passed would make squatting a fourth degree felony which could result in imprisonment for up to 18 months and a possible fine of up to \$5,000. The department may see an influx of individuals being placed on community supervision but not to an extent that would create a significant fiscal impact.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.