

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate
Number: 400

Category: Bill
Type: Introduced

Date (of THIS analysis): 02/17/2025
Sponsor(s): Antoinette Sedillo Lopez
Short Title: RELEASE OF CERTAIN PEOPLE FROM RENT AGREEMENT

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill (SB0400) proposes to amend Section 47-8-33 NMSA 1978 and create a new section of the Uniform Owner-Resident Relations Act. SB400 proposes to:

- Allow residents who are victims of domestic violence or sexual assault to be released without penalty from rental agreements.
- Provide other parties to the rental agreement may be released from financial responsibility and allowed to enter into a new rental agreement.
- Provide a person alleged to have committed domestic violence or sexual assault may be civilly liable to an owner regardless of whether the person was a party of the rental agreement.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Domestic Violence Data in New Mexico and the United States

- According to the most recent data currently available from the Centers for Disease Control and Prevention, approximately one in three women and men experience some form of domestic violence in their lifetime (36.4% of women and 33.6% of men). Men and women experience significant disparity in terms of the severity and impact of domestic violence. 25% of women compared to 10% of men experience some combination of fear, concern for safety, injury, loss of work, missing school, post-traumatic stress disorder symptoms, or need for medical help, law enforcement intervention, housing, legal services, crisis hotlines, or specialized advocacy ([The National Intimate Partner and Sexual Violence Survey : 2015 data brief – updated release](#))
- In New Mexico (NM) From 2017 to 2021 law enforcement reported domestic violence incidences has gone up 8% (19,234 and 20,776 respectively). ([DV Report 2021 Betty Caponera dec22web.pdf](#); [DV Report 2017 Betty Caponera jul18web.pdf](#))
- According to the New Mexico Crime Victimization Report 85% of respondents who experienced domestic violence said they had experienced this type of violence more than once. ([NM Crime Victimization Report102224.pdf](#))
- Nearly one in four women and one in fourteen men are stalked at least once in their lifetime in the State of New Mexico. ([New Mexico Stalking Statistics | Santa Fe Police Department](#))

Sexual Assault Data in New Mexico and the United States

- In the United States (US) There are over 433,000 cases of sexual assault or rape annually in the U.S. among people ages 12 and older, according to The Rape, Abuse & Incest National Network (RAINN). Every 68 seconds, another American is sexually assaulted ([Scope of the Problem: Statistics | RAINN](#); [Victims of Sexual Violence: Statistics | RAINN](#)).
- Among NM adults in 2023, 15.9% (95% CI [13.7, 18.4]) have ever experienced attempted or forced unwanted sex ([New Mexico Department of Health, Behavioral Risk Factor Surveillance System \[2023\]](#)).
- From September 2023 through June 2024 11% of New Mexican adults had been forced or coerced to have sex with someone or had someone attempt to force or coerce them into any unwanted sexual activity, such as touching, grabbing, kissing, fondling, etc., in the last 12 months ([NMCrimeVictimizationReport102224.pdf](#)).
- From September 2023 through June 2024 New Mexico respondents who were sexually assaulted Forty percent (40%) of those respondents reported being assaulted by a casual acquaintance, followed by 28% who reported being assaulted by a stranger ([NMCrimeVictimizationReport102224.pdf](#)).
- From September 2023 through June 2024 New Mexico respondents who were sexually assaulted were asked whether they were assaulted once or more than once 61% of these respondents said they had been sexually assaulted more than once ([NMCrimeVictimizationReport102224.pdf](#)).
- Aside from the financial repercussions, SV has well-documented long-term impacts on its victims, including risks of suicide, mental health problems, and substance abuse. Numerous correlational studies show that SV and abuse is associated with suicidal ideation and attempts, as well as hopelessness ([Loneliness under assault: Understanding the impact of sexual assault on the relation between loneliness and suicidal risk in college students.](#); [Sexual assault victimization and psychopathology: A review and meta-analysis - PMC](#)).
- Other statistically significant associations include poor physical or mental health, difficulty sleeping, frequent headaches, chronic pain, asthma, irritable bowel syndrome, activity limitations, and use of special equipment (e.g., wheelchair) ([Chronic Diseases, Health Conditions, and Other Impacts Associated With Rape Victimization of U.S. Women - PMC](#)).
- Research consistently demonstrates a relationship between sexual assault and substance misuse; sexual abuse is correlated with alcohol abuse, cigarette use, and drug abuse ([Relationships between sexual violence and chronic disease: a cross-sectional study | BMC Public Health | Full Text](#)).

Housing Issues for Victims of Sexual Assault/Domestic Violence

- “It is deeply traumatizing and harmful to force survivors to continue to live in the same home where the harm occurred,” said Kate Walz, associate director of litigation at the National Housing Law Project, an advocacy group that trains legal services organizations. “It can retraumatize and compound the harm over years, if not decades.” ([Survivors of domestic and sexual violence can break their leases early in some states • Stateline](#))

Similar Laws in Other States

- California Civil Code § 1946.7 allows survivors of domestic violence, sexual assault, human trafficking, stalking, and elder/dependent adult abuse to end their leases early. ([03 Early Lease Termination Law Q&A for Advocates.pdf](#))
- In 2021 the Oklahoma Governor signed a bill authorizing a victim of domestic violence, sexual violence, or stalking to terminate a lease without penalty by providing written notice and a protective order within 30 days of the incident to his or her landlord. The landlord may waive the 30-day deadline. ([Bill Information](#))
- Colorado Governor signed a law in 2017 where if a tenant notifies his or her landlord in writing that he or she is the victim of domestic violence or domestic abuse and provides to the landlord evidence in the form of a police report written within the prior 60 days or a valid protection order, and the tenant seeks to vacate the premises due to fear of imminent danger for self or children, then the tenant may terminate the rental agreement or lease and vacate the premises with minimal remaining obligations.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

If yes, describe how.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

Goal 1: We expand equitable access to services for all New Mexicans

Goal 2: We ensure safety in New Mexico healthcare environments

Goal 3: We improve health status for all New Mexicans

Goal 4: We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes No N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?

Yes No

- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Victims of Domestic Violence

- Respondents who were ever homeless were more likely than those who were never homeless to have experienced domestic violence, at 39% and 14%, respectively.
- Those who were ever incarcerated were more likely than those who were never incarcerated to have experienced domestic violence, at 37% and 16%, respectively.
- Black/African American respondents were more likely than respondents of other races to have experienced domestic violence, at 34% and 19%, respectively.
- Respondents with household incomes of less than \$25,000 were more likely to have experienced domestic violence, at 27%, compared to those with incomes of \$25,000 to \$74,999, at 20%, and those with incomes of \$75,000 and more, at 11%.
- Those aged 18 to 54 were more likely than those aged 55 and older to have experienced domestic violence, at 26%, compared to those aged 55 to 64, at 16%, and those aged 65 and older, at 3%.
- Hispanic respondents were more likely than non-Hispanic respondents to have experienced domestic violence, at 26% and 14%, respectively.
- Respondents of color were more likely to have experienced domestic violence than White, non-Hispanic respondents, at 24% and 12%, respectively.

[\(NM Crime Victimization Report 102224.pdf\)](#)

Victims of Sexual Assault

- In New Mexico three times more female (12.0%) than male (3.9%) adults have ever experienced attempted or forced unwanted sex in 2023 ([New Mexico Department of Health, Behavioral Risk Factor Surveillance System \[2023\]](#)).
- The highest risk years for sexual assault are between the ages of 12 and 34, data shows. This is particularly obvious on college campuses; campus sexual assault accounts for 43% of total on-campus crimes in the U.S., with approximately eight forcible sex offenses per 10,000 students, according to data analyzed by the American Psychological Association ([Victims of Sexual Violence: Statistics | RAINN](#); [Campus sexual assault: Fact sheet from an intersectional lens](#))
- In New Mexico those aged 18 to 34 were more likely to have been sexually assaulted, at 18%, than those aged 35 to 64, at 11%, and those aged 65 and older, at 3% ([NM Crime Victimization Report 102224.pdf](#)).
- In New Mexico Hispanic respondents were more likely than non-Hispanic respondents to have been sexually assaulted, at 14% and 9%, respectively ([NM Crime Victimization Report 102224.pdf](#)).
- In New Mexico respondents of color were more likely than White, non-Hispanic respondents to have been sexually assaulted, at 14% and 8%, respectively ([NM Crime Victimization Report 102224.pdf](#)).
- In New Mexico those with household incomes of less than \$100,000 were more likely than those with higher incomes to have been sexually assaulted, at 14% and 3%, respectively ([NM Crime Victimization Report 102224.pdf](#)).

8. HEALTH IMPACT(S)

Allowing victims of sexual assault and domestic violence to break a lease without penalty has significant positive health impacts, both physically and mentally. Remaining in an unsafe living situation can exacerbate stress, anxiety, and PTSD, increasing the risk of depression and

other mental health conditions. Fear of further harm can also lead to chronic stress-related illnesses, such as high blood pressure and weakened immune function. Financial barriers to leaving may force victims to stay in dangerous environments, prolonging exposure to trauma and potential injury. By removing lease penalties, survivors can relocate to safer housing more quickly, reducing their risk of further abuse and the other health consequences which are caused by being victims of these crimes.

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

SB400 is not enacted Section 47-8-33 NMSA 1978 will not be amended to allow victim of domestic violence or sexual assault to be released without penalty from rental agreements.

12. AMENDMENTS

None