

HOUSE COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 426

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO PROPERTY; ENACTING A NEW SECTION OF THE MOBILE HOME  
PARK ACT TO REQUIRE NOTICE BEFORE THE SALE OF A MOBILE HOME  
PARK; CREATING AN OPPORTUNITY TO PURCHASE.

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

SECTION 1. A new section of the Mobile Home Park Act is  
enacted to read:

"~~[NEW MATERIAL]~~ SALE OF A MOBILE HOME PARK--NOTICE  
REQUIREMENTS--OPPORTUNITY TO PURCHASE.--

A. All notices pursuant to this section shall:

- (1) be in writing;
- (2) be sent by first-class certified mail with tracking and return receipt requested;
- (3) be posted on the front door of each resident household in the mobile home park;

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1 (4) include the material terms, conditions and  
2 amount of the offer; and

3 (5) include notice of the residents' rights as  
4 provided in this section.

5 B. Before a mobile home park may be sold, the owner  
6 shall notify each resident household of the mobile home park  
7 and the executive director of the New Mexico mortgage finance  
8 authority of any offer for purchase that the owner intends to  
9 accept.

10 C. The residents shall have the opportunity to  
11 purchase the mobile home park before the owner can accept the  
12 third-party offer to purchase if at least fifty-one percent of  
13 the residents:

14 (1) submit to the owner documentation to  
15 verify that the residents have approved the purchase of the  
16 mobile home park, including a proposed purchase and sale  
17 agreement on substantially equivalent terms and conditions of  
18 the offer that the owner intends to accept, within seventy-five  
19 days of receipt of notice of the offer sent to residents;

20 (2) obtain a binding commitment for any  
21 necessary financing or guarantees within an additional ninety  
22 days after execution of the purchase and sale agreement; and

23 (3) close on the purchase within a  
24 commercially reasonable amount of time specified by the  
25 purchase and sale agreement.

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1           D. An owner shall not refuse to enter into or delay  
 2 the execution or closing on a purchase and sale agreement with  
 3 residents who have made an offer to meet the price and  
 4 substantially equivalent terms and conditions of the third-  
 5 party offer. A failure by the residents to submit a purchase  
 6 and sale agreement within the seventy-five-day period, to  
 7 obtain a binding commitment for financing within the ninety-day  
 8 period or to close on the purchase within the commercially  
 9 reasonable amount of time specified by the purchase and sale  
 10 agreement shall terminate the residents' opportunity to  
 11 purchase. The residents and the owner may extend any of the  
 12 time periods provided in this section by agreement.

13           E. If the residents submit a proposed purchase and  
 14 sale agreement that the owner does not consider to be  
 15 substantially equivalent in price or in the terms and  
 16 conditions of the third-party offer, the owner shall negotiate  
 17 with the residents in good faith to determine if an agreement  
 18 can be made that would allow the residents to purchase the  
 19 mobile home park. The duty of good faith includes a duty to  
 20 make the same information available to residents that the owner  
 21 has provided or would have provided to the third-party offeror  
 22 or another prospective purchaser. If the owner rejects the  
 23 residents' proposed purchase agreement, the owner must provide  
 24 the reason in writing to the residents within three days of the  
 25 date of rejection. It shall be presumptive evidence of bad

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1 faith if an owner attempts to, or does, require the residents  
2 to waive any of their rights.

3 F. Nothing in this section shall be construed to  
4 require an owner to provide financing to residents, except to  
5 the extent that financing would be provided to the third-party  
6 offeror. The residents who have the opportunity to purchase  
7 the mobile home park as provided in this section may assign  
8 that opportunity to purchase.

9 G. The opportunity to purchase created in this  
10 section shall inure to the residents beginning on the date that  
11 notice was received by the residents. Any new offer to sell  
12 the mobile home park or any new offer to purchase the mobile  
13 home park that the owner intends to accept shall initiate a new  
14 effective period for the opportunity to purchase. No  
15 opportunity to purchase shall interfere with a government  
16 taking by eminent domain or negotiated purchase.

17 H. An owner may record an affidavit with the county  
18 clerk of any county where the mobile home park is located  
19 certifying compliance with the requirements of this section.  
20 The affidavit shall include copies of the certified mail  
21 receipts for the notice required by this section. A recorded  
22 affidavit shall be presumptive evidence of compliance with this  
23 section. A failure to record an affidavit shall be presumptive  
24 evidence of noncompliance with this section.

25 I. If the residents have submitted a proposed

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1 purchase and sale agreement that is substantially equivalent in  
 2 its terms and conditions to an offer made by a third party to  
 3 an owner, the residents may record an affidavit with the county  
 4 clerk of any county where the mobile home park is located  
 5 certifying that an offer has been made to the owner by the  
 6 residents.

7 J. The provisions of this section shall apply to  
 8 all counties and municipalities, including home rule  
 9 municipalities.

10 K. An owner who sells a mobile home park and who  
 11 has not complied with the provisions of this section shall be  
 12 liable to the residents who possessed the opportunity to  
 13 purchase. The liability of the owner shall be in the amount of  
 14 one hundred thousand dollars (\$100,000) or twenty percent of  
 15 the appraised value of the mobile home park, whichever is  
 16 greater. The liability owed to the residents by the owner  
 17 shall be a lien on the property and shall take priority over a  
 18 third-party buyer's interest. For the purposes of this  
 19 subsection, residents who possessed the opportunity to purchase  
 20 shall select a real estate appraiser licensed pursuant to the  
 21 Real Estate Appraisers Act and the owner shall be liable for  
 22 the reasonable cost of the appraisal.

23 L. An action to enforce the provisions of this  
 24 section may be brought by:

- 25 (1) the attorney general;

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1                   (2) a resident or residents who possess the  
2 opportunity to purchase; or

3                   (3) a person who has been assigned the  
4 opportunity to purchase.

5                   M. Residents who prevail in an action brought to  
6 enforce this section shall be entitled to receive reasonable  
7 attorney fees and court costs from the owner."

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