

HOUSE BILL 339

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

INTRODUCED BY

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AN ACT

RELATING TO HUMAN RIGHTS; AMENDING THE HUMAN RIGHTS ACT BY PROVIDING THAT HOUSING DISCRIMINATION BASED ON A HOUSING APPLICANT'S SOURCE OF INCOME, INCLUDING THE USE OF AN INVALID SCREENING PROCESS, IS AN UNLAWFUL DISCRIMINATORY PRACTICE PURSUANT TO THE HUMAN RIGHTS ACT; PROVIDING FOR ENFORCEMENT BY THE ATTORNEY GENERAL FOR CERTAIN DISCRIMINATORY PRACTICES RELATED TO HOUSING.

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

SECTION 1. Section 28-1-2 NMSA 1978 (being Laws 1969, Chapter 196, Section 2, as amended) is amended to read:

"28-1-2. DEFINITIONS.--As used in the Human Rights Act:

A. "person" means one or more individuals, a partnership, association, organization, corporation, joint venture, legal representative, trustees, receivers, or the

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1 state and all of its political subdivisions;

2 B. "employer" means any person employing four or
3 more persons and any person acting for an employer;

4 C. "commission" means the human rights commission;

5 D. "director" or "bureau" means the human rights
6 bureau of the labor relations division of the workforce
7 solutions department;

8 E. "employee" means any person in the employ of an
9 employer or an applicant for employment;

10 F. "labor organization" means any organization that
11 exists for the purpose in whole or in part of collective
12 bargaining or of dealing with employers concerning grievances,
13 terms or conditions of employment or of other mutual aid or
14 protection in connection with employment;

15 G. "employment agency" means any person regularly
16 undertaking with or without compensation to procure
17 opportunities to work or to procure, recruit or refer
18 employees;

19 H. "public accommodation" means any governmental
20 entity or any establishment that provides or offers its
21 services, facilities, accommodations or goods to the public,
22 but does not include a bona fide private club or other place or
23 establishment that is by its nature and use distinctly private;

24 I. "public contractor" means a person who receives
25 public funds as a result of contracting with a governmental

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1 entity;

2 J. "political subdivision" means any:

3 (1) county;

4 (2) incorporated city, town or village;

5 (3) drainage, conservancy, irrigation, water
6 and sanitation or other district;

7 (4) mutual domestic association;

8 (5) public water cooperative association; or

9 (6) community ditch association;

10 K. "housing accommodation" means any building or
11 portion of a building that is constructed or to be constructed,
12 which is used or intended for use as the residence or sleeping
13 place of any individual;

14 L. "real property" means lands, leaseholds or
15 commercial or industrial buildings, whether constructed or to
16 be constructed, offered for sale or rent, and any land rented
17 or leased for the use, parking or storage of house trailers;

18 M. "secretary" means the secretary of workforce
19 solutions;

20 N. "unlawful discriminatory practices" means those
21 unlawful practices and acts specified in Section 28-1-7 NMSA
22 1978;

23 O. "physical or mental disability" means a physical
24 or mental impairment that substantially limits one or more of a
25 person's major life activities. A person is also considered to

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1 have a mental or physical disability if the person has a record
2 of a physical or mental disability or is regarded as having a
3 physical or mental disability;

4 P. "major life activities" means functions such as
5 caring for one's self, performing manual tasks, walking,
6 seeing, hearing, speaking, breathing, learning and working;

7 Q. "applicant for employment" means a person
8 applying for a position as an employee;

9 R. "sex" means a person's categorization as male,
10 female or intersex based on biology, physiology and physical
11 characteristics;

12 S. "sexual orientation" means a person's physical,
13 romantic or emotional attraction to persons of the same or a
14 different gender or the absence of any such attraction;

15 T. "gender identity" means a person's self-
16 perception, based on the person's appearance, behavior or
17 physical characteristics, that the person exhibits more
18 masculinity or femininity or the absence of masculinity or
19 femininity whether or not it matches the person's gender or sex
20 assigned at birth;

21 U. "gender" means an individual or societal
22 expectation or perception of a person as masculine or feminine
23 based on appearance, behavior or physical characteristics;

24 V. "reasonable accommodation" means modification or
25 adaptation of the work environment, work schedule, work rules

1 or job responsibilities, and reached through good faith efforts
2 to explore less restrictive or less expensive alternatives to
3 enable an employee to perform the essential functions of the
4 job and that does not impose an undue hardship on the employer;

5 W. "undue hardship" means an accommodation
6 requiring significant difficulty or expense when considered in
7 light of the following factors:

8 (1) the nature and cost of the accommodation;

9 (2) the financial resources of the employer
10 involved in the provision of the reasonable accommodation;

11 (3) the number of persons the employer
12 employs;

13 (4) the effect of the accommodation on
14 expenses and resources;

15 (5) the impact of the accommodation otherwise
16 upon the employer's business;

17 (6) the overall financial resources of the
18 employer;

19 (7) the overall size of the business of an
20 employer with respect to the number, type and location of its
21 facilities;

22 (8) the type of operation of the employer,
23 including the composition, structure and functions of the
24 workforce of the employer; or

25 (9) the geographic separateness or

1 administrative or fiscal relationship to the employer of the
2 employer's facilities;

3 X. "cultural or religious headdresses" includes
4 hijabs, head wraps or other headdresses used as part of an
5 individual's personal cultural or religious beliefs;

6 Y. "protective hairstyles" includes such hairstyles
7 as braids, locs, twists, tight coils or curls, cornrows, bantu
8 knots, afros, weaves, wigs or head wraps;

9 Z. "race" includes traits historically associated
10 with race, including hair texture, length of hair, protective
11 hairstyles or cultural or religious headdresses;

12 AA. "state" means the state of New Mexico or any of
13 its agencies, departments, boards, instrumentalities or
14 institutions;

15 BB. "governmental entity" means the state or any
16 public body;

17 CC. "public body" means a state or local
18 government, an advisory board, a commission, an agency or an
19 entity created by the constitution of New Mexico or any branch
20 of government that receives public funding, including political
21 subdivisions, special tax districts, school districts and
22 institutions of higher education;

23 DD. "services" means any function, program,
24 activity or benefit; ~~[and]~~

25 EE. "military status" means a person's active

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1 membership in the armed forces or state defense force or being
2 a veteran of the armed forces or state defense force and
3 includes a spouse or child of an active member or veteran of
4 the armed forces or state defense force;

5 FF. "source of income" means any lawful and
6 verifiable source of money, funds, payments or other monetary
7 consideration, including:

8 (1) income from a lawful profession,
9 occupation or job;

10 (2) social security benefits;

11 (3) pension, annuity, alimony or child support
12 income; or

13 (4) any form of federal, state or local
14 government or nonprofit organization assistance or housing
15 assistance, including vouchers paid directly to a housing
16 provider even if the assistance includes requirements for
17 inspections, administrative processes or contracting
18 agreements;

19 GG. "invalid screening process" means a screening
20 process used to determine the sufficiency of income or assets
21 of an individual or a housing applicant that:

22 (1) fails to include all of the individual's
23 or the housing applicant's sources of income; or

24 (2) fails to limit the calculation of an
25 applicant's income requirement to the remaining ratio of income

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1 to housing payment due after income from federal, state, local
2 or tribal housing assistance has been subtracted from the total
3 amount of the housing payment; and

4 HH. "housing applicant" means an individual
5 applying to rent or own a housing accommodation."

6 SECTION 2. Section 28-1-4 NMSA 1978 (being Laws 1987,
7 Chapter 342, Section 18) is amended to read:

8 "28-1-4. POWERS AND DUTIES.--

9 A. Except as provided in Section 28-1-7.3 NMSA
10 1978, the commission may:

11 (1) hear complaints and issue orders,
12 including cease and desist orders concerning alleged unlawful
13 discriminatory practice; and

14 (2) hold hearings, subpoena witnesses and
15 compel their attendance, administer oaths, take the testimony
16 of any person under oath, order depositions and require the
17 production for examination of any books, records,
18 correspondence, documents and other evidence relating to any
19 matter under investigation or in question before the
20 commission. Contumacy or refusal to obey a subpoena issued
21 pursuant to this section constitutes contempt punishable by the
22 district court of the judicial district in which the witness
23 may be found. No individual shall be excused from attending
24 and testifying or from producing evidence in obedience to a
25 subpoena issued pursuant to this section on the grounds that

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1 the testimony or evidence required of [~~him~~] the individual may
2 tend to incriminate [~~him~~] or subject [~~him~~] that individual to a
3 penalty or a forfeiture. However, no individual shall be
4 prosecuted or subjected to any penalty or forfeiture concerning
5 any matter for which [~~he~~] the individual is compelled to
6 testify or give evidence after having claimed [~~his~~] the right
7 against self-incrimination. Nevertheless, the individual so
8 testifying shall not be exempt from prosecution and punishment
9 for perjury committed while testifying.

10 B. Except as provided in Section 28-1-7.3 NMSA
11 1978, the human rights bureau of the labor relations division
12 of the workforce solutions department may:

- 13 (1) receive and investigate complaints of
14 alleged unlawful discriminatory practice;
- 15 (2) seek to eliminate discrimination through
16 conciliation and persuasion by voluntary conferences with
17 interested parties;
- 18 (3) recommend application by the director to a
19 district court in the county where the violating party resides
20 for specific performance of any conciliation agreement or for
21 enforcement of any order issued by the commission;
- 22 (4) endeavor to eliminate prejudice and to
23 further good will. The [~~division~~] bureau, in cooperation with
24 the [~~state department of~~] public education department and local
25 boards of education, shall encourage an educational program for

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1 all residents of the state, calculated to eliminate prejudice,
2 its harmful effects and its incompatibility with principles of
3 fair play, equality and justice;

4 (5) encourage voluntary advisory groups to
5 study problems of discrimination in all fields, to foster,
6 through community efforts, good will and cooperation in this
7 state and to make recommendations to the secretary for the
8 development of policies and procedures ~~[which]~~ that the
9 secretary may recommend to appropriate state agencies;

10 (6) seek and enlist the cooperation and
11 contributions and grants of individuals and foundations,
12 private, charitable, religious, labor, civic and benevolent
13 organizations and the federal government for the purposes of
14 this section;

15 (7) issue publications and release the results
16 of investigation and research ~~[which]~~ that in the secretary's
17 judgment will tend to promote good will and prevent or
18 eliminate discrimination; and

19 (8) submit annually a written report of all
20 its activities and recommendations to the secretary, the
21 governor and the legislature."

22 SECTION 3. Section 28-1-7 NMSA 1978 (being Laws 1969,
23 Chapter 196, Section 7, as amended) is amended to read:

24 "28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE--EMPLOYER--
25 LABOR ORGANIZATION--APPRENTICESHIP COMMITTEE--EMPLOYMENT

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1 AGENCY.--It is an unlawful discriminatory practice for:

2 A. an employer, unless based on a bona fide
3 occupational qualification or other statutory prohibition, to
4 refuse to hire, to discharge, to promote or demote or to
5 discriminate in matters of compensation, terms, conditions or
6 privileges of employment against any person otherwise qualified
7 because of race, age, religion, color, national origin,
8 ancestry, sex, sexual orientation, gender, gender identity,
9 pregnancy, childbirth or condition related to pregnancy or
10 childbirth, physical or mental disability, serious medical
11 condition or military status, or, if the employer has fifty or
12 more employees, spousal affiliation; provided, however, that 29
13 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination
14 based on age;

15 B. a labor organization to exclude a person or to
16 expel or otherwise discriminate against any of its members or
17 against any employer or employee because of race, religion,
18 color, national origin, ancestry, sex, sexual orientation,
19 gender, gender identity, pregnancy, childbirth or condition
20 related to pregnancy or childbirth, spousal affiliation,
21 physical or mental disability, serious medical condition or
22 military status;

23 C. any employer, labor organization or joint
24 apprenticeship committee to refuse to admit or employ any
25 person in any program established to provide an apprenticeship

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1 or other training or retraining because of race, religion,
2 color, national origin, ancestry, sex, sexual orientation,
3 gender, gender identity, pregnancy, childbirth or condition
4 related to pregnancy or childbirth, physical or mental
5 disability, serious medical condition or military status, or,
6 if the employer has fifty or more employees, spousal
7 affiliation;

8 D. any person, employer, employment agency or labor
9 organization to print or circulate or cause to be printed or
10 circulated any statement, advertisement or publication, to use
11 any form of application for employment or membership or to make
12 any inquiry regarding prospective membership or employment that
13 expresses, directly or indirectly, any limitation,
14 specification or discrimination as to race, color, religion,
15 national origin, ancestry, sex, sexual orientation, gender,
16 gender identity, pregnancy, childbirth or condition related to
17 pregnancy or childbirth, physical or mental disability, serious
18 medical condition or military status, or, if the employer has
19 fifty or more employees, spousal affiliation, unless based on a
20 bona fide occupational qualification;

21 E. an employment agency to refuse to list and
22 properly classify for employment or refer a person for
23 employment in a known available job, for which the person is
24 otherwise qualified, because of race, religion, color, national
25 origin, ancestry, sex, sexual orientation, gender, gender

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1 identity, pregnancy, childbirth or condition related to
2 pregnancy or childbirth, spousal affiliation, physical or
3 mental disability or serious medical condition, unless based on
4 a bona fide occupational qualification, or to comply with a
5 request from an employer for referral of applicants for
6 employment if the request indicates, either directly or
7 indirectly, that the employer discriminates in employment on
8 the basis of race, religion, color, national origin, ancestry,
9 sex, sexual orientation, gender, gender identity, pregnancy,
10 childbirth or condition related to pregnancy or childbirth,
11 spousal affiliation, physical or mental disability, serious
12 medical condition, unless based on a bona fide occupational
13 qualification, or military status;

14 ~~F. any person in any public accommodation to make~~
15 ~~a distinction, directly or indirectly, in offering or refusing~~
16 ~~to offer its services, facilities, accommodations or goods to~~
17 ~~any person because of race, religion, color, national origin,~~
18 ~~ancestry, sex, sexual orientation, gender, gender identity,~~
19 ~~pregnancy, childbirth or condition related to pregnancy or~~
20 ~~childbirth, spousal affiliation, physical or mental disability~~
21 ~~or military status; provided that the physical or mental~~
22 ~~disability is unrelated to a person's ability to acquire or~~
23 ~~rent and maintain particular real property or housing~~
24 ~~accommodation;~~

25 G. any person to:

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1 ~~(1) refuse to sell, rent, assign, lease or~~
2 ~~sublease or offer for sale, rental, lease, assignment or~~
3 ~~sublease any housing accommodation or real property to any~~
4 ~~person or to refuse to negotiate for the sale, rental, lease,~~
5 ~~assignment or sublease of any housing accommodation or real~~
6 ~~property to any person because of race, religion, color,~~
7 ~~national origin, ancestry, sex, sexual orientation, gender,~~
8 ~~gender identity, pregnancy, childbirth or condition related to~~
9 ~~pregnancy or childbirth, spousal affiliation, physical or~~
10 ~~mental disability or military status; provided that the~~
11 ~~physical or mental disability is unrelated to a person's~~
12 ~~ability to acquire or rent and maintain particular real~~
13 ~~property or housing accommodation;~~

14 ~~(2) discriminate against any person in the~~
15 ~~terms, conditions or privileges of the sale, rental,~~
16 ~~assignment, lease or sublease of any housing accommodation or~~
17 ~~real property or in the provision of facilities or services in~~
18 ~~connection therewith because of race, religion, color, national~~
19 ~~origin, ancestry, sex, sexual orientation, gender, gender~~
20 ~~identity, pregnancy, childbirth or condition related to~~
21 ~~pregnancy or childbirth, spousal affiliation, physical or~~
22 ~~mental disability or military status; provided that the~~
23 ~~physical or mental disability is unrelated to a person's~~
24 ~~ability to acquire or rent and maintain particular real~~
25 ~~property or housing accommodation; or~~

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1 ~~(3) print, circulate, display or mail or cause~~
2 ~~to be printed, circulated, displayed or mailed any statement,~~
3 ~~advertisement, publication or sign or use any form of~~
4 ~~application for the purchase, rental, lease, assignment or~~
5 ~~sublease of any housing accommodation or real property or to~~
6 ~~make any record or inquiry regarding the prospective purchase,~~
7 ~~rental, lease, assignment or sublease of any housing~~
8 ~~accommodation or real property that expresses any preference,~~
9 ~~limitation or discrimination as to race, religion, color,~~
10 ~~national origin, ancestry, sex, sexual orientation, gender,~~
11 ~~gender identity, pregnancy, childbirth or condition related to~~
12 ~~pregnancy or childbirth, spousal affiliation, physical or~~
13 ~~mental disability or military status; provided that the~~
14 ~~physical or mental disability is unrelated to a person's~~
15 ~~ability to acquire or rent and maintain particular real~~
16 ~~property or housing accommodation;~~

17 ~~H. any person to whom application is made either~~
18 ~~for financial assistance for the acquisition, construction,~~
19 ~~rehabilitation, repair or maintenance of any housing~~
20 ~~accommodation or real property or for any type of consumer~~
21 ~~credit, including financial assistance for the acquisition of~~
22 ~~any consumer good as defined by Section 55-9-102 NMSA 1978, to:~~

23 ~~(1) consider the race, religion, color,~~
24 ~~national origin, ancestry, sex, sexual orientation, gender,~~
25 ~~gender identity, pregnancy, childbirth or condition related to~~

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1 ~~pregnancy or childbirth, spousal affiliation or physical or~~
2 ~~mental disability of any individual in the granting,~~
3 ~~withholding, extending, modifying or renewing or in the fixing~~
4 ~~of the rates, terms, conditions or provisions of any financial~~
5 ~~assistance or in the extension of services in connection with~~
6 ~~the request for financial assistance; or~~

7 ~~(2) use any form of application for financial~~
8 ~~assistance or to make any record or inquiry in connection with~~
9 ~~applications for financial assistance that expresses, directly~~
10 ~~or indirectly, any limitation, specification or discrimination~~
11 ~~as to race, religion, color, national origin, ancestry, sex,~~
12 ~~sexual orientation, gender, gender identity, pregnancy,~~
13 ~~childbirth or condition related to pregnancy or childbirth,~~
14 ~~spousal affiliation or physical or mental disability;~~

15 ~~F.]~~ F. any person or employer to:

16 (1) aid, abet, incite, compel or coerce the
17 doing of any unlawful discriminatory practice or to attempt to
18 do so;

19 (2) engage in any form of threats, reprisal or
20 discrimination against any person who has opposed any unlawful
21 discriminatory practice or has filed a complaint, testified or
22 participated in any proceeding under the Human Rights Act; or

23 (3) willfully obstruct or prevent any person
24 from complying with the provisions of the Human Rights Act or
25 to resist, prevent, impede or interfere with the commission or

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1 any of its members, staff or representatives in the performance
2 of their duties under the Human Rights Act;

3 [J-] G. any employer to refuse or fail to
4 accommodate a person's physical or mental disability or serious
5 medical condition, unless such accommodation is unreasonable or
6 an undue hardship;

7 [K-] H. any employer to refuse or fail to make
8 reasonable accommodation for an employee or job applicant with
9 a need arising from pregnancy, childbirth or condition related
10 to pregnancy or childbirth; or

11 [L-] I. any employer to require an employee with a
12 need arising from pregnancy, childbirth or condition related to
13 pregnancy or childbirth to take paid or unpaid leave if another
14 reasonable accommodation can be provided unless the employee
15 voluntarily requests to be placed on leave or the employee is
16 placed on leave pursuant to federal law [or

17 ~~M. a governmental entity or a public contractor to~~
18 ~~refuse or otherwise limit or put conditions on services to a~~
19 ~~person because of race, age, religion, color, national origin,~~
20 ~~ancestry, sex, sexual orientation, gender, gender identity,~~
21 ~~pregnancy, childbirth or condition related to pregnancy or~~
22 ~~childbirth, physical or mental disability, serious medical~~
23 ~~condition or spousal affiliation; provided that nothing in this~~
24 ~~subsection shall be construed to require a governmental entity~~
25 ~~or a public contractor to provide services or programs beyond~~

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1 ~~services or programs to the specific populations that the~~
2 ~~governmental entity or public contractor is tasked with~~
3 ~~serving]."~~

4 SECTION 4. Section 28-1-7.1 NMSA 1978 (being Laws 2003,
5 Chapter 231, Section 1) is amended to read:

6 "28-1-7.1. [~~PROHIBITING DISCRIMINATION AGAINST~~]
7 PROHIBITED DISCRIMINATORY ACTS--SENIORS IN CERTAIN VOLUNTEER
8 SERVICE--GOVERNMENTAL ENTITIES--PUBLIC CONTRACTORS--GOVERNMENT
9 PROGRAMS OR SERVICES--CONSUMER GOODS FINANCIAL ASSISTANCE.--

10 A. The state or a political subdivision of the
11 state, a governmental entity or a public contractor shall not:

12 (1) exclude [a person] an individual who is
13 older than sixty years of age from volunteer service as long as
14 the [person] individual is physically, mentally and
15 professionally capable of performing the services involved.

16 For the purposes of this section, "professionally capable"
17 means having the ability to demonstrate reasonable proficiency
18 and having any relevant certification in accordance with the
19 laws, rules or technical standards that may govern the
20 particular profession; or

21 (2) refuse or otherwise limit or put
22 conditions on services to an individual because of race, age,
23 religion, color, national origin, ancestry, sex, sexual
24 orientation, gender, gender identity, pregnancy, childbirth or
25 condition related to pregnancy or childbirth, physical or

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1 mental disability, serious medical condition or spousal
2 affiliation; provided that nothing in this subsection shall be
3 construed to require a governmental entity or a public
4 contractor to provide services or programs beyond services or
5 programs to the specific populations that the governmental
6 entity or public contractor is tasked with serving.

7 B. It shall be an unlawful discriminatory practice
8 for any person to whom application is made either for financial
9 assistance or for any type of consumer credit, including
10 financial assistance for the acquisition of any consumer good
11 as defined by Section 55-9-102 NMSA 1978, to:

12 (1) consider the race, religion, color,
13 national origin, ancestry, sex, sexual orientation, gender,
14 gender identity, pregnancy, childbirth or condition related to
15 pregnancy or childbirth, spousal affiliation or physical or
16 mental disability of any individual in the granting,
17 withholding, extending, modifying or renewing or in the fixing
18 of the rates, terms, conditions or provisions of any financial
19 assistance or in the extension of services in connection with
20 the request for financial assistance; or

21 (2) use any form of application for financial
22 assistance or to make any record or inquiry in connection with
23 applications for financial assistance that expresses, directly
24 or indirectly, any limitation, specification or discrimination
25 as to race, religion, color, national origin, ancestry, sex,

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1 sexual orientation, gender, gender identity, pregnancy,
2 childbirth or condition related to pregnancy or childbirth,
3 spousal affiliation or physical or mental disability."

4 SECTION 5. A new section of the Human Rights Act, Section
5 28-1-7.3 NMSA 1978, is enacted to read:

6 "28-1-7.3. [NEW MATERIAL] UNLAWFUL DISCRIMINATORY
7 PRACTICE--PUBLIC ACCOMMODATION--PUBLIC HOUSING ACCOMMODATION--
8 ENFORCEMENT.--

9 A. It is an unlawful discriminatory practice for a
10 person in any public accommodation to make a distinction,
11 directly or indirectly, in offering or refusing to offer its
12 services, facilities, accommodations or goods to any individual
13 because of that individual's:

14 (1) race, religion, color, national origin,
15 ancestry, sex, sexual orientation, gender, gender identity,
16 pregnancy, childbirth or condition related to pregnancy or
17 childbirth, spousal affiliation or military status; or

18 (2) physical or mental disability; provided
19 that the physical or mental disability is unrelated to that
20 individual's ability to acquire or rent and maintain any
21 particular real property or housing.

22 B. It is an unlawful discriminatory practice for a
23 person to refuse to sell, rent, assign, lease or sublease or
24 offer for sale, rental, lease, assignment or sublease any
25 housing accommodation or real property to any individual or to

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1 refuse to negotiate for the sale, rental, lease, assignment or
2 sublease of any housing accommodation or real property to an
3 individual because of that individual's:

4 (1) race, religion, color, national origin,
5 ancestry, sex, sexual orientation, gender, gender identity,
6 pregnancy, childbirth, condition related to pregnancy or
7 childbirth, spousal affiliation or military status;

8 (2) physical or mental disability; provided
9 that the physical or mental disability is unrelated to an
10 individual's ability to acquire or rent and maintain particular
11 real property or housing accommodation; or

12 (3) source of income; provided that the use of
13 an invalid screening process shall be evidence of a source of
14 income discriminatory practice.

15 C. It is an unlawful discriminatory practice for a
16 person to discriminate against an individual in the terms,
17 conditions or privileges of the sale, rental, assignment, lease
18 or sublease of a housing accommodation or real property or in
19 the provision of facilities or services in connection therewith
20 because of that individual's:

21 (1) race, religion, color, national origin,
22 ancestry, sex, sexual orientation, gender, gender identity,
23 pregnancy, childbirth, condition related to pregnancy or
24 childbirth, spousal affiliation or military status;

25 (2) physical or mental disability; provided

1 that the physical or mental disability is unrelated to the
2 individual's ability to acquire or rent and maintain particular
3 real property or housing accommodation; or

4 (3) source of income; provided that the use of
5 an invalid screening process shall be evidence of a source of
6 income discriminatory practice.

7 D. It is an unlawful discriminatory practice for a
8 person to print, circulate, display or mail or cause to be
9 printed, circulated, displayed or mailed any statement,
10 advertisement, publication or sign or use any form of
11 application for the purchase, rental, lease, assignment or
12 sublease of any housing accommodation or real property or to
13 make any record or inquiry regarding the prospective purchase,
14 rental, lease, assignment or sublease of any housing
15 accommodation or real property that expresses any preference,
16 limitation or discrimination as to an individual's:

17 (1) race, religion, color, national origin,
18 ancestry, sex, sexual orientation, gender, gender identity,
19 pregnancy, childbirth, condition related to pregnancy or
20 childbirth, spousal affiliation or military status;

21 (2) physical or mental disability; provided
22 that the physical or mental disability is unrelated to an
23 individual's ability to acquire or rent and maintain particular
24 real property or housing accommodation; or

25 (3) source of income; provided that the use of

1 an invalid screening process shall be evidence of a source of
2 income discriminatory practice.

3 E. It is an unlawful discriminatory practice for a
4 person to whom application is made for financial assistance for
5 the acquisition, construction, rehabilitation, repair or
6 maintenance of any housing accommodation or real property to:

7 (1) consider the race, religion, color,
8 national origin, ancestry, sex, sexual orientation, gender,
9 gender identity, pregnancy, childbirth or condition related to
10 pregnancy or childbirth, spousal affiliation or physical or
11 mental disability of an individual in the granting,
12 withholding, extending, modifying or renewing or in the fixing
13 of the rates, terms, conditions or provisions of any financial
14 assistance or in the extension of services in connection with
15 the request for financial assistance; or

16 (2) use any form of application for financial
17 assistance or to make any record or inquiry in connection with
18 applications for financial assistance that expresses, directly
19 or indirectly, any limitation, specification or discrimination
20 as to race, religion, color, national origin, ancestry, sex,
21 sexual orientation, gender, gender identity, pregnancy,
22 childbirth or condition related to pregnancy or childbirth,
23 spousal affiliation, military status, source of income or
24 physical or mental disability.

25 F. A complaint alleging an unlawful discriminatory

1 practice in violation of this section:

2 (1) shall be filed with the attorney general.

3 The complaint shall be written and shall state the name and
4 address of the person alleged to have engaged in the
5 discriminatory practice. Upon receipt of a complaint, the
6 attorney general shall review the complaint to ensure the
7 alleged discriminatory practice falls within the scope of this
8 section, and if so, the attorney general shall conduct an
9 investigation and determine any further action as provided in
10 this section; or

11 (2) may be instituted by the attorney general
12 in a civil action on behalf of the state alleging an unlawful
13 discriminatory practice in violation of this section if the
14 attorney general has reasonable belief that a person has
15 violated this section and that instituting a proceeding against
16 that person would be in the public interest. The action may be
17 brought in the district court of the county in which the person
18 alleged to have violated that act resides or in which the
19 person's principal place of business is located. The attorney
20 general shall not be required to post bond when seeking a
21 temporary or permanent injunction in the civil action.

22 G. The attorney general shall have the authority to
23 investigate a complaint pursuant to this section and may:

24 (1) request and review relevant documents,
25 records or communications from any person alleged to have

1 engaged in discriminatory practices;

2 (2) issue subpoenas to compel the production
3 of evidence or testimony necessary for the investigation;

4 (3) conduct interviews or depositions of
5 individuals with knowledge of the alleged discriminatory
6 practices;

7 (4) initiate civil proceedings in a court of
8 competent jurisdiction to enforce compliance with the
9 provisions of this section and seek appropriate remedies,
10 including injunctive relief, civil penalties or other equitable
11 relief as deemed necessary; and

12 (5) refer matters for criminal prosecution if
13 evidence of willful or egregious violations is discovered.

14 H. In a civil action brought under this section, if
15 a court finds that a person willfully committed an act in
16 violation of this section, the attorney general may seek to
17 recover a civil penalty not to exceed five thousand dollars
18 (\$5,000) per violation, in addition to any equitable relief
19 imposed by the court.

20 I. The attorney general may, in addition to or as
21 an alternative to pursuing a civil action as provided in this
22 section, pursue criminal charges against a person for an
23 alleged violation of this section under the applicable
24 provisions of the Criminal Code. Venue for any criminal action
25 shall be in the judicial district where the violation

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1 occurred."

2 SECTION 6. Section 28-1-10 NMSA 1978 (being Laws 1969,
3 Chapter 196, Section 9, as amended) is amended to read:

4 "28-1-10. GRIEVANCE PROCEDURE--COMMISSION--BUREAU--
5 ATTORNEY GENERAL.--

6 A. Except for a complaint alleging a public
7 accommodation or a public housing accommodation violation, as
8 provided in Section 28-1-7.3 NMSA 1978, a person claiming to be
9 aggrieved by an unlawful discriminatory practice and a member
10 of the commission who has reason to believe that discrimination
11 has occurred may file with the human rights bureau of the labor
12 relations division of the [~~labor~~] workforce solutions
13 department a written complaint that shall state the name and
14 address of the person alleged to have engaged in the
15 discriminatory practice, all information relating to the
16 discriminatory practice and any other information that may be
17 required by the commission. All complaints shall be filed with
18 the division within three hundred days after the alleged act
19 was committed.

20 B. The director shall advise the respondent that a
21 complaint has been filed against the respondent and shall
22 furnish the respondent with a copy of the complaint. The
23 director shall promptly investigate the alleged act. If the
24 director determines that the complaint lacks probable cause,
25 the director shall dismiss the complaint and notify the

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1 complainant and respondent of the dismissal. The complaint
2 shall be dismissed subject to appeal as in the case of other
3 orders of the commission.

4 C. If the director determines that probable cause
5 exists for the complaint, the director shall attempt to achieve
6 a satisfactory adjustment of the complaint through persuasion
7 and conciliation. The director and staff shall neither
8 disclose what has transpired during the attempted conciliation
9 nor divulge information obtained during any hearing before the
10 commission or a commissioner prior to final action relating to
11 the complaint. An officer or employee of the [~~labor~~] workforce
12 solutions department who makes public in any manner information
13 in violation of this subsection is guilty of a misdemeanor and
14 upon conviction shall be fined not more than one thousand
15 dollars (\$1,000) or imprisoned not more than one year.

16 D. A person who has filed a complaint with the
17 [~~human rights division~~] bureau may request and shall receive an
18 order of nondetermination from the director without delay after
19 the division's receipt of the complaint and in jointly filed
20 cases, after the federal complaint has been closed. The order
21 of nondetermination may be appealed pursuant to the provisions
22 of Section 28-1-13 NMSA 1978.

23 E. In the case of a complaint filed by or on behalf
24 of a person who has an urgent medical condition and has
25 notified the director in writing of the test results, the

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1 director shall make the determination whether probable cause
2 exists for the complaint and shall attempt any conciliation
3 efforts within ninety days of the filing of the written
4 complaint or notification, whichever occurs last.

5 F. If conciliation fails or if, in the opinion of
6 the director, informal conference cannot result in conciliation
7 and the complainant has not requested a waiver of right to
8 hearing pursuant to the provisions of Subsection J of this
9 section, the commission shall issue a written complaint in its
10 own name against the respondent, except that in the case of a
11 complaint filed by or on behalf of a person who has an urgent
12 medical condition, who has notified the director in writing of
13 the test results and who so elects, the director shall issue an
14 order of nondetermination, which may be appealed pursuant to
15 the provisions of Section 28-1-13 NMSA 1978. The complaint
16 shall set forth the alleged discriminatory practice, the
17 secretary's ~~[regulation]~~ rule or the section of the Human
18 Rights Act alleged to have been violated and the relief
19 requested. The complaint shall require the respondent to
20 answer the allegations of the complaint at a hearing before the
21 commission or hearing officer and shall specify the date, time
22 and place of the hearing. The hearing date shall not be more
23 than fifteen or less than ten days after service of the
24 complaint. The complaint shall be served on the respondent
25 personally or by registered mail, return receipt requested.

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1 The hearing shall be held in the county where the respondent is
2 doing business or the alleged discriminatory practice occurred.

3 G. Within one year of the filing of a complaint by
4 a person aggrieved, the commission or its director shall:

5 (1) dismiss the complaint for lack of probable
6 cause;

7 (2) achieve satisfactory adjustment of the
8 complaint as evidenced by order of the commission; or

9 (3) file a formal complaint on behalf of the
10 commission.

11 H. Upon the commission's petition, the district
12 court of the county where the respondent is doing business or
13 the alleged discriminatory practice occurred may grant
14 injunctive relief pending hearing by the commission or pending
15 judicial review of an order of the commission so as to preserve
16 the status quo or to ensure that the commission's order as
17 issued will be effective. The commission shall not be required
18 to post a bond.

19 I. For purposes of this section, "urgent medical
20 condition" means any medical condition as defined by an
21 appropriate medical authority through documentation or by
22 direct witness of a clearly visible disablement that poses a
23 serious threat to the life of the person with the medical
24 condition.

25 J. The complainant may seek a trial de novo in the

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1 district court in lieu of a hearing before the commission,
2 provided the complainant requests from the director, in
3 writing, a waiver of complainant's right to hearing within
4 sixty days of service of written notice of a probable cause
5 determination by the director. The director shall approve the
6 waiver request and shall serve notice of the waiver upon the
7 complainant and respondent. The complainant may request a
8 trial de novo pursuant to Section 28-1-13 NMSA 1978 within
9 ninety days from the date of service of the waiver. Issuance
10 of the notice shall be deemed a final order of the commission
11 for the purpose of appeal pursuant to Section 28-1-13 NMSA
12 1978."

13 SECTION 7. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2025.

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