

HOUSE BILL 418

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

INTRODUCED BY

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AN ACT

RELATING TO MOBILE HOMES; PROHIBITING INITIAL RENTAL AGREEMENTS
SHORTER THAN TWENTY-FOUR MONTHS; CLARIFYING NOTICE
REQUIREMENTS; INCREASING THE PERIOD IN WHICH A WRIT OF
RESTITUTION MAY BE SERVED AFTER JUDGMENT; PROHIBITING LANDLORDS
FROM UNREASONABLY RESTRICTING THE SALE OF A MOBILE HOME;
ELIMINATING A PARTY'S OPTION TO TERMINATE A DISPUTE RESOLUTION
PROCESS; REQUIRING LANDLORDS TO DISCLOSE A MAILING ADDRESS IN A
TERMINATION ACTION; INCREASING THE NOTICE PERIOD FOR NONPAYMENT
OF RENT; PROHIBITING LANDLORDS FROM INCREASING RENT DURING LAND
USE CHANGE NOTICE PERIODS; REQUIRING LANDLORDS TO PROVIDE
NOTICE OF LAND USE CHANGE HEARINGS; REVISING CIVIL REMEDIES;
INCREASING THE AMOUNT A TENANT MAY RECOVER; PRESCRIBING CIVIL
PENALTIES.

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

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1 SECTION 1. Section 47-10-3 NMSA 1978 (being Laws 1983,
2 Chapter 122, Section 3, as amended) is amended to read:

3 "47-10-3. TENANCY--REQUIREMENTS--NOTICE TO QUIT.--

4 A. No tenancy or other lease or rental occupancy of
5 space in a mobile home park shall commence without a written
6 lease or rental agreement. [~~and~~] The initial term of a written
7 agreement shall not be shorter than twenty-four months in
8 duration. A tenancy shall not be terminated except for cause
9 provided pursuant to Section 47-10-5 or 47-10-6 NMSA 1978. No
10 tenancy in a mobile home park shall be terminated until a
11 notice to quit has been served upon the mobile home resident.
12 The notice to quit shall be in writing directed to the resident
13 and in the form specified in this section. The form of notice
14 shall be deemed legally sufficient if it states:

15 (1) the name of the landlord or of the mobile
16 home park;

17 (2) the mailing address of the property;

18 (3) the location or space number upon which
19 the mobile home is situated;

20 (4) the county in which the mobile home is
21 situate; and

22 (5) the reason for the termination of the
23 tenancy and the date, place and circumstances of any acts
24 allegedly justifying the termination.

25 B. The notice to quit shall be served by delivering

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1 the notice to the mobile home tenant personally or by posting
2 the notice at the main entrance of the mobile home. If service
3 is made by posting the notice, a copy of the notice shall also
4 be sent by certified mail to the mobile home tenant, return
5 receipt requested. The date of a posting shall be included on
6 the posted notice and on the copy mailed to the mobile home
7 tenant and shall constitute the effective date of the notice.

8 C. For terminations initiated pursuant to
9 Subsections A, B and C of Section 47-10-5 NMSA 1978, the tenant
10 shall be given a period of not less than thirty days from the
11 end of the rental period during which the termination notice
12 was served to cure any violation or remove any mobile home from
13 the premises [~~but which is automatically extended to sixty days~~
14 ~~where the tenant must remove a multisection mobile home~~]. For
15 terminations initiated pursuant to Subsection D of Section
16 47-10-5 NMSA 1978, the resident shall be given a period of not
17 less than thirty days from the end of the rental period during
18 which the termination notice was served to remove a mobile home
19 from the premises, but this period is automatically extended to
20 sixty days where the tenant must remove a multisection mobile
21 home. In those situations where a multisection mobile home is
22 being leased to or occupied by a person other than its owner
23 and in a manner contrary to the rules and regulations of the
24 landlord, [~~then, in that event~~] the tenancy may be terminated
25 by the landlord upon giving a thirty-day notice to cure or quit

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1 instead of a sixty-day notice.

2 D. No lease shall contain any provision by which
3 the tenant waives [~~his~~] the tenant's rights under the Mobile
4 Home Park Act, and any such waiver shall be deemed to be
5 contrary to public policy and shall be unenforceable and void.
6 Any lease, however, may provide for the termination of the
7 tenancy in accordance with the provisions of Subsection C of
8 this section.

9 E. No tenancy shall be terminated by a mobile home
10 park owner solely because of the size or age of the mobile
11 home.

12 F. A landlord that uses a rental agreement
13 containing provisions that violate the provisions of the Mobile
14 Home Park Act shall be liable for damages provided pursuant to
15 Section 47-10-23 NMSA 1978."

16 SECTION 2. Section 47-10-4 NMSA 1978 (being Laws 1983,
17 Chapter 122, Section 4) is amended to read:

18 "47-10-4. ACTION FOR TERMINATION.--

19 A. The action for termination shall be commenced
20 and prosecuted in the manner described in the Uniform Owner-
21 Resident Relations Act. The property description shall be
22 deemed legally sufficient if it states:

23 (1) the name and mailing address of the
24 landlord or of the mobile home park;

25 (2) the mailing address of the property;

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1 (3) the location or space number upon which
2 the mobile home is situated; and

3 (4) the county in which the mobile home is
4 situate.

5 B. Service of the summons shall be as specified in
6 Section 47-8-43 NMSA 1978. Service by posting shall be deemed
7 legally sufficient within the meaning of Section 47-8-43 NMSA
8 1978 if the summons is conspicuously affixed to the main
9 entrance of the mobile home.

10 C. Jurisdiction of courts in cases of forcible
11 entry, forcible detainer or unlawful detainer shall be as
12 specified in Section 47-8-49 NMSA 1978.

13 D. After commencement of the action and before
14 judgment, any person not already a party to the action who is
15 discovered to have a property interest in the mobile home shall
16 be allowed to enter into a stipulation with the landlord and be
17 bound thereby."

18 SECTION 3. Section 47-10-5 NMSA 1978 (being Laws 1983,
19 Chapter 122, Section 5) is amended to read:

20 "47-10-5. REASONS FOR TERMINATION.--A tenancy shall be
21 terminated pursuant to the Mobile Home Park Act only for one or
22 more of the following reasons:

23 A. material failure of the tenant to comply with
24 local ordinances and state laws and regulations concerning
25 mobile homes if the tenant receives a notice of noncompliance

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1 from the appropriate government agency and fails to cure the
2 violation within the prescribed time period;

3 B. material conduct of the tenant on the premises
4 [~~which~~] that constitutes [~~an~~] a substantial annoyance to other
5 tenants or interference with park management;

6 C. material failure of the tenant to comply with
7 written rules and regulations of the mobile home park either
8 established by the management in the rental agreement at the
9 inception of the tenancy or amended subsequently [~~thereto with~~
10 ~~the consent of the tenant or amended subsequently thereto~~
11 ~~without the consent of the tenant on thirty days' written~~
12 ~~notice if the amended rules and regulations are reasonable,~~
13 ~~except when local ordinances and state laws and regulations or~~
14 ~~emergency situations require immediate compliance. However,~~
15 ~~regulations applicable to recreational facilities may be~~
16 ~~amended at the discretion of the management] pursuant to the
17 provisions of the Mobile Home Park Act;~~

18 D. condemnation or change of use of the mobile home
19 park. When the owner of a mobile home park is formally
20 notified by an appropriate governmental agency that [~~his~~] the
21 owner's mobile home park is the subject of a condemnation
22 proceeding, the landlord shall, within seventeen days, notify
23 [~~his~~] the landlord's tenants in writing of the terms of the
24 condemnation notice [~~which he~~] that the landlord receives; or

25 E. in those cases where the zoning law allows the

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1 landlord to change the use of [~~his~~] the land without obtaining
2 the consent of the zoning authority and where such change of
3 use would result in eviction of inhabited mobile homes, the
4 landlord shall first give the owner of each mobile home subject
5 to [~~such~~] the eviction a written notice of [~~his~~] the landlord's
6 intent to evict not less than [~~six~~] twelve months prior to
7 [~~such~~] the change of use of the land, notice to be mailed to
8 each tenant. During the twelve-month period when the tenants
9 are preparing to find new home locations, rent shall not be
10 increased. In cases where the landlord must request a change
11 of use before local governmental bodies, the landlord shall
12 serve tenants written notice of the hearing for the proposed
13 change of use."

14 SECTION 4. Section 47-10-6 NMSA 1978 (being Laws 1983,
15 Chapter 122, Section 6, as amended) is amended to read:

16 "47-10-6. NONPAYMENT OF RENT.--Any tenancy or other
17 estate at will or lease in a mobile home park may be terminated
18 upon the landlord's written notice to the tenant requiring, in
19 the alternative, payment of rent and utility charges or the
20 removal of the tenant's unit from the premises, within a period
21 of not less than [~~three~~] thirty days after the date notice is
22 served or posted, for failure to pay rent when due. Rent shall
23 not be increased without sixty days' written notice to the
24 tenant."

25 SECTION 5. Section 47-10-9 NMSA 1978 (being Laws 1983,

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1 Chapter 122, Section 9, as amended) is amended to read:

2 "47-10-9. REMEDIES.--

3 A. Upon granting judgment for possession by the
4 landlord in [~~a forcible entry and detainer action~~] an action
5 pursuant to Section 47-10-4 NMSA 1978, the court shall issue
6 the writ of restitution as provided in Section 47-8-46 NMSA
7 1978.

8 B. The notice of judgment shall state that at a
9 specified time, not less than [~~forty-eight hours~~] ten days from
10 the entry of judgment, the sheriff will return to serve a writ
11 of restitution and superintend the peaceful and orderly removal
12 of the mobile home under that order of court. The notice of
13 judgment shall also advise the mobile home owner to prepare the
14 mobile home for removal from the premises by removing the
15 skirting, disconnecting utilities, attaching tires and
16 otherwise making the mobile home safe and ready for highway
17 travel.

18 C. Should the mobile home owner fail to have the
19 mobile home safe and ready for physical removal from the
20 premises or should inclement weather or other unforeseen
21 problems occur at the time specified in the notice of judgment,
22 the landlord and the sheriff may by written agreement extend
23 the time for the execution of the writ of restitution to allow
24 time for the landlord to arrange to have the necessary work
25 done or to permit the sheriff's execution of the writ of

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1 restitution at a time when weather or other conditions will
2 make removal less hazardous to the mobile home.

3 D. If the mobile home is not removed from the
4 landlord's land on behalf of the mobile home owner within the
5 time permitted by the writ of restitution, the landlord and the
6 sheriff shall have the right to take possession of the mobile
7 home for the purposes of removal and storage. The liability of
8 the landlord and the sheriff in that event shall be limited to
9 gross negligence or willful and wanton disregard of the
10 property rights of the mobile home owner. The responsibility
11 to prevent freezing and to prevent wind and weather damage to
12 the mobile home lies exclusively with those persons who have a
13 property interest in the mobile home.

14 E. Utility charges, other charges incurred by the
15 landlord for which the resident is liable to the landlord
16 pursuant to the provisions of a rental agreement, including
17 amounts awarded to the landlord in an action brought pursuant
18 to this section, rents and reasonable removal and storage
19 charges may be paid by any party in interest. Those charges
20 constitute a lien that will run with the mobile home. The lien
21 may be foreclosed in the same manner as a landlord's lien
22 created pursuant to Section 48-3-5 [~~NSMA~~] NMSA 1978.

23 F. Prior to the issuance of the writ of
24 restitution, the court shall make a finding of fact that the
25 mobile home is or is not subject to the security interest of a

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1 first lienholder. A written statement on the mobile home
2 resident's owner's application for tenancy identifying a
3 lienholder by name and address shall be prima facie evidence of
4 the existence of the interest of the lienholder. If the
5 application for tenancy contains no information or states that
6 no liens exist, the landlord shall obtain a written title
7 search statement from the motor vehicle division of the
8 taxation and revenue department and the matter contained in
9 that document shall be conclusive evidence of the existence or
10 nonexistence of security interests in the mobile home.

11 G. If the court finds there is a security interest
12 in favor of a first lienholder on the mobile home subject to
13 the writ of restitution or if the mobile home has been
14 abandoned by the resident or possession of the mobile home has
15 been surrendered to the landlord by the resident, then, upon
16 receipt of the writ of restitution, the landlord shall notify
17 the first lienholder in writing that the landlord has obtained
18 a writ of restitution for the mobile home park space where the
19 mobile home is located or that the mobile home has been
20 abandoned or surrendered by the resident. The notice shall be
21 provided in accordance with the provisions of Subsection J of
22 this section and shall:

23 (1) state that an action for restitution has
24 been filed against the resident and the effective date of a
25 writ of restitution, if issued, or the date the mobile home was

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1 abandoned or voluntarily surrendered by the resident;

2 (2) disclose the amount of the utility
3 charges, other charges incurred by the landlord as provided in
4 the rental agreement, rents and reasonable removal and storage
5 charges, accruing daily rent calculated pursuant to this
6 section and the date upon which the resident is required to
7 make regular payments to the landlord; and

8 (3) attach a copy of the lease and the
9 landlord's rules and regulations that apply to the resident.

10 H. Notwithstanding the provisions of ~~[the]~~
11 Subsection E of this section, the landlord shall be entitled to
12 collect from the first lienholder only the utility charges,
13 other charges incurred by the landlord as provided in the
14 rental agreement and rents and reasonable removal and storage
15 charges accruing from ~~[and after]~~ the date the landlord
16 provides the first lienholder the written notice prescribed
17 under Subsection G of this section. The first lienholder shall
18 notify the landlord within thirty days of receipt of the notice
19 whether it intends to pay the rents and charges collectible
20 under this subsection or remove the mobile home. The rents and
21 charges due under this subsection shall be prorated to the date
22 the mobile home is removed or the date a new lease with a new
23 resident becomes effective, and the first lienholder shall not
24 be liable for any rents and charges thereafter. The maximum
25 rent payable to the landlord under this subsection is a daily

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1 rate equal to one-thirtieth of the then-current lot rental
2 amount that would have been payable by the resident under the
3 lease. The maximum daily rent may be increased over time in
4 accordance with the notice requirements under the applicable
5 provisions of the Mobile Home Park Act. The first lienholder
6 shall have thirty days from the date notice is provided by the
7 landlord to pay the rent and charges accruing to the notice
8 date. Thereafter, the first lienholder shall pay the rent and
9 charges in accordance with the resident's lease. If the first
10 lienholder desires to remove the mobile home prior to a payment
11 due date, the first lienholder shall pay the rent and charges
12 accrued to the date of removal prior to removing the mobile
13 home.

14 I. If the first lienholder fails to pay the rent
15 and charges due as provided in Subsection H of this section,
16 the landlord may give the first lienholder notice of the
17 nonpayment in accordance with Section 47-10-6 NMSA 1978. If
18 the first lienholder fails to make payment within the time
19 period specified in the notice, the landlord may proceed
20 against the first lienholder by exercising the remedies granted
21 it under the Mobile Home Park Act. The landlord may also seek
22 any other remedies to which it is entitled by law. The
23 prevailing party in any action brought in an event to seek
24 relief under this section, including an action for damages, is
25 entitled to an award for reasonable attorney fees and costs

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1 incurred in the suit. Notwithstanding anything in this section
2 to the contrary, the judgment obtained in such an action, if in
3 favor of the landlord, constitutes a lien against the mobile
4 home having priority over the lien of the first lienholder.
5 The lien may be foreclosed pursuant to the procedures
6 pertaining to a landlord's lien created in Section 48-3-5 NMSA
7 1978.

8 J. Any notice required by this section between the
9 first lienholder and landlord shall be in writing and either
10 hand delivered or mailed by certified mail, return receipt
11 requested. The notice shall be effective the date of delivery
12 or mailing. If hand delivered, the notice shall be delivered
13 at the principal office or place of business of the addressee
14 during regular business hours to the person in charge of the
15 office or place of business.

16 K. If the mobile home is sold to third parties who
17 intend to remain in the park, they will not be allowed to
18 reside in the mobile home unless the parties have been
19 qualified by the landlord as residents. Until the purchasers
20 and the landlord enter into a written lease agreement, the
21 landlord may refuse to recognize the sale and treat any persons
22 living in the mobile home as trespassers. The landlord shall
23 not unreasonably withhold, condition or delay the approval of a
24 purchaser.

25 L. If the first lienholder has paid in full all

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1 money due under Subsection H of this section, it [~~shall be~~] is
2 unlawful for the landlord to refuse to allow the first
3 lienholder to remove the mobile home. If the landlord refuses
4 to allow the first lienholder to remove the mobile home, the
5 landlord is liable to the first lienholder for each day the
6 landlord unlawfully maintains possession of the mobile home, at
7 a daily rate equal to one-thirtieth of the monthly payment
8 required by a contract between the first lienholder and
9 resident. In all disputes between the landlord and the first
10 lienholder, the court shall award reasonable attorney fees and
11 costs to the prevailing party. In the event the mobile home
12 has not been resold within six months of the landlord providing
13 notice pursuant to Subsection G of this section, the landlord
14 may request the first lienholder to remove the mobile home
15 within thirty days of the request. Notice of the request shall
16 be given to the first lienholder in accordance with Subsection
17 J of this section."

18 SECTION 6. Section 47-10-17 NMSA 1978 (being Laws 1983,
19 Chapter 122, Section 17, as amended) is amended to read:

20 "47-10-17. ALTERNATIVE DISPUTE RESOLUTION--WHEN
21 PERMITTED--COURT ACTIONS.--

22 A. In any civil dispute between the management and
23 a resident of a mobile home park arising out of the provisions
24 of the Mobile Home Park Act, except for nonpayment of rent or
25 utility charges or in cases in which the health or safety of

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1 other residents is in imminent danger, the controversy may be
2 submitted to alternative dispute resolution by request of
3 either party prior to the filing of a court action or a
4 forcible entry and detainer action. The cost of the
5 alternative dispute resolution services shall be divided
6 equally among the disputing parties.

7 B. The agreement, if one is reached, shall be
8 presented to the court as a stipulation. [~~Either party to the~~
9 ~~dispute resolution process may terminate the process at any~~
10 ~~time without prejudice.~~]

11 C. If either party subsequently violates the
12 stipulation, the other party may apply immediately to the court
13 for relief.

14 D. Any alternative dispute resolution pursuant to
15 this section shall be performed by a professionally certified
16 mediator approved by all disputing parties."

17 SECTION 7. Section 47-10-23 NMSA 1978 (being Laws 1993,
18 Chapter 147, Section 9) is amended to read:

19 "47-10-23. PRIVATE REMEDIES--CIVIL PENALTIES--
20 ENFORCEMENT.--

21 A. For each violation by a landlord of the
22 provisions of Sections 47-10-19 through 47-10-22 NMSA 1978, a
23 landlord [~~may~~] shall be [~~charged a civil penalty not to exceed~~
24 ~~five hundred dollars (\$500)] liable to the tenant for two times
25 the amount of the total monthly rent.~~

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B. The attorney general may investigate alleged violations of the provisions of the Mobile Home Park Act and, upon petition to the court, may recover on behalf of the state a civil penalty in court not to exceed two times the amount of the total monthly rent for each violation.

~~[B.]~~ C. The remedies provided in this section are not exclusive and do not limit the rights or remedies that are otherwise available to a resident ~~[under any other law]."~~