

Chainbreaker Collective

EVICION PROTECTION HOTLINE: 505. 577. 5481

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Moratoriums: Evictions & COVID-19

What Is An Eviction Moratorium?

A moratorium is a temporary pause on evictions for renters during the COVID-19 emergency. The City of Santa Fe, the New Mexico Supreme Court, and the Centers for Disease Control (CDC) of the United States federal government all have eviction moratoriums in place for renters who can't pay their rent during the pandemic. To find out how these moratoriums may apply to you and what other rights you may have as a renter, please call Chainbreaker's Eviction Protection Hotline at (505) 577-5481.

How Do The Moratoriums Protect Me?

The federal Centers for Disease Control (CDC) Moratorium protects certain "covered persons" from eviction, who must sign and present a declaration to their landlord to be protected by the CDC Moratorium. Are you a covered person? Call Chainbreaker's Eviction Protection Hotline at (505) 577-5481 to find out more.

The New Mexico Supreme Court Moratoriums apply automatically to New Mexico residential renters and mobile home park owners. During the Moratorium period, people may still be taken to court for eviction proceedings, but this Moratorium prevents law enforcement from removing persons from their residence even if a judge has granted an eviction order. The Mayor of the City of Santa Fe prohibited landlords from evicting residential and commercial property tenants who are unable to pay rent due to the COVID emergency. If a landlord seeks to evict a tenant due to inability to pay rent, the Santa Fe City Attorney's Office and the City may seek criminal enforcement of the Mayor's Order. *

When do The Moratoriums End?

The Centers for Disease Control (CDC) Moratorium ends December 31, 2020. The New Mexico Supreme Court Moratorium remains in place until the Court decides to lift its order. The City of Santa Fe Moratorium would also end when the Court lifts its order. Chainbreaker is currently working closely with the City to make sure the local moratorium remains in effect as long as necessary and is as strong or stronger than the state or federal versions.

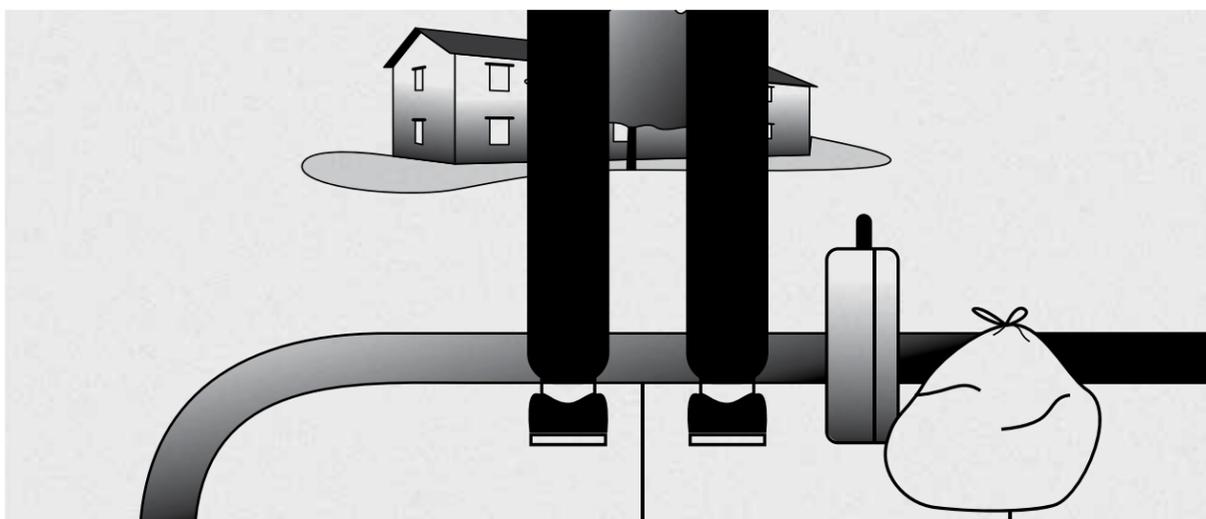
What Is An Illegal Eviction?

In order to evict you, the first thing your landlord must do is:

1. Give you a written 3-day notice of eviction. (If you receive a 3. day notice, you can still stay in your house.)
2. The landlord would need to take you to court.
3. A judge has to order the eviction.
4. Finally, the sheriff's department enforces the eviction by coming to remove you from your home.

A landlord cannot evict you on their own. The courts must be involved. If your landlord tries to evict you without taking you to court, they are breaking the law.

Regardless of the reason, for an eviction to be legal, your landlord must give you the opportunity to present your side of the story to a judge. Always show up to the court hearing to present your side of the story with any relevant documents. If a landlord attempts a "self-help" eviction (changing locks or shutting off utilities) without taking you to court first, that is illegal and a violation of your rights.



What Are Some Examples Of Illegal Evictions?

- Changing, adding, or removing locks
- Removing or dismantling fixtures (toilets, windows, doors, etc.)
- Blocking entrances
- Shutting off utilities (hot or cold water, electricity, telephone service, etc.)
- Removing the renter's property

In these cases, you have rights, and can even sue the landlord for damages. Questions? Please call Chainbreaker's Eviction Protection Hotline at (505) 577-5481.

What Are Some Examples Of Forced, But Still Legal, Evictions?

Whether you have a long-term lease, or a month-to-month rental agreement, with a 30-day notice, your landlord could:

- Simply decide to not renew your lease, forcing you to move
- Increase your rent. There are few limits to how much your landlord can increase your rent.
- Enforce rules and regulations more strictly, and use those as grounds for eviction. Rules and regulations must be in writing, and presented to you when you first received your rental agreement.

If you have questions, please call Chainbreaker's Eviction Protection Hotline at (505) 577-5481.

I Am Behind On Rent And My Landlord Is Threatening To Evict For Non-Payment Of Rent. How Do The Moratoriums Protect Me and Change The Eviction Process? What Is Different Now?

During the Moratoriums, your landlord can still give you a 3-day Notice of Eviction and take you to court – even if you are behind on your rent. As always, you should show up to the court hearing to present your side of the story with any relevant documents, and you should ask the judge to apply the protections of the moratorium to

your case. But, even if the judge orders the eviction due to non-payment of rent, the Moratorium protects you by preventing the Sheriff's office from carrying out the eviction order. The Sheriff cannot enforce the judge's order and remove you from the residence until the New Mexico Supreme Court lifts the Moratorium. The landlord cannot remove you from your home without the Sheriff.

Can My Rent Be Raised During The Pandemic?

Yes. Your landlord can always raise the rent, so long as they give you a 30-Day Notice, prior to the end of your rental term.

Does A Moratorium Cancel Back Rent?

No, a moratorium does not cancel the amount of rent owed. You will still need to pay all your back rent once the Moratoriums end.

What Kinds Of Fees Can A Landlord Charge For Late Rent?

Landlords may charge late fees, but only if late fees are written into the original rental agreement. Landlords cannot charge more than 10% of the rent in fees and must give you written notification of any fees. Anything else is illegal and the tenant has rights. Questions? Please call Chainbreaker's Eviction Protection Hotline at (505) 577-5481.

What Other Rights Do I Have As A Renter?

Unfortunately, very few protections for renters exist in New Mexico. While other states have enacted policies like landlord licensure, regular health code inspections, and 'just cause' evictions, these policies remain unaddressed by local and state legislators. Chainbreaker is pushing for stronger tenant protections, and we're looking for more folks to contribute to these efforts. Interested? Call Chainbreaker's Eviction Protection Hotline at (505) 577-5481.

