

KNOW YOUR RIGHTS

Stay in your home during the COVID-19 crisis

Evictions

If you rent a house, mobile home, or apartment and cannot pay your rent, you might have a right to stay in your home during the coronavirus crisis. **Special court rules are now in place that allow you to stay in your home even if you cannot afford rent.** These rules are temporary. When the rules change, you might be required to move out of your home with short notice.

There are different rules in place for *any* residents that receive or who live in properties that receive federally subsidized housing or federally backed mortgages. From now until July 25, 2020, landlords cannot evict tenants from their home for non-payment of rent or other fees if *any* residents participate in a federally subsidized housing program or if the property has a federally backed mortgage. Landlords also cannot charge fees or penalties for failure to pay rent in these properties.



If your landlord tries to evict you

You might have to go to the court or your hearing might happen by phone. The court will send you instructions.

- If you are not sure whether the home you live in has a federally backed mortgage or if the property you live on participates in a federal subsidized housing program, you can ask about this in court.
- If your landlord doesn't have a federally backed mortgage or if none of the tenants participate in a federally subsidized housing program, the court can still stop the eviction. But, you must give proof that you cannot afford to pay rent.

How to prove you can't pay rent:

Your own statement explaining why you are unable to pay rent:

Examples: "I was laid off from my job. I couldn't afford my rent this month" or "I can't work because I have a medical condition that makes me high-risk for getting the coronavirus."

Documents that prove you are unable to pay rent:

For example, paychecks that show how your work hours have been cut and how your pay has been reduced.

- If you submit documents, call the court before your hearing to find out how to get them to the judge.
- If you are unable to get documents to the judge before your hearing or need more time to look for a lawyer, you can call and ask the court to reschedule your hearing to a later date.

A witness can testify that you cannot pay your rent:

For example, your boss or co-worker could testify that you're no longer working or that your hours have been cut.

- Call the courthouse before your hearing for guidance on witness testimony.

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What happens after your hearing?

- If the judge rules to evict you because you did not pay your rent, the court will enter a judgment against you that describes how much you owe your landlord. You will not be required to move out of your home immediately. You can stay in your home for as long as the court keeps its special rules on evictions during the coronavirus crisis.
- If you are staying in your home, you should make regular rent payments if you are able.
- If the judge rules against you, you have a right to appeal. You have 15 days from the day the court ends these special rules to turn in a notice of appeal to the district court. Filing an appeal will automatically delay your eviction.



If you need help paying rent



- Families with children that have low income might be able to receive cash assistance through the NM Human Services Department. Apply for cash assistance here: www.yes.state.nm.us
- Families living in Albuquerque might be able to receive city funded rental assistance. Find more information here: <https://www.cabq.gov/help/rental-assistance>
- Catholic Charities rental assistance for Albuquerque residents: Leave a message at 505-724-4689 with your name, number and preferred language. A case manager will call you back.

**For questions or help with an eviction case filed against you,
call New Mexico Legal Aid at 505-633-6694
or the New Mexico Center on Law and Poverty at 505-255-2840.**