

New Mexico

Landlord-Tenant Compliance Guide

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■■ IMPORTANT LEGAL DISCLAIMER

This guide provides a summary of key compliance requirements for residential landlord-tenant relationships in New Mexico. It is not legal advice and should not be relied upon as a substitute for consultation with a qualified attorney. Laws change frequently; always verify current requirements with official state sources or legal counsel. enCompliance.com provides this information as-is and makes no warranties regarding accuracy or completeness.

■ Severity Indicators:

- **Critical** - Must comply (legal requirement)
- **Important** - Should follow (best practice)
- **Standard** - Good to know (general info)

■ This guide covers 100 compliance requirements across 19 categories

■ Table of Contents

- [1. ADDITIONAL COMPLIANCE](#) (8 rules)
- [2. CORE LEASE REQUIREMENTS](#) (7 rules)
- [3. CRITICAL COMPLIANCE NOTES](#) (5 rules)
- [4. ENTRY & ACCESS](#) (6 rules)
- [5. EVICTION PROCEDURES](#) (6 rules)
- [6. FAIR HOUSING & DISCRIMINATION](#) (5 rules)
- [7. FINANCIAL TERMS](#) (8 rules)
- [8. LOCAL ORDINANCES](#) (6 rules)
- [9. PET POLICIES](#) (3 rules)
- [10. PRIVACY & TENANT RIGHTS](#) (3 rules)
- [11. PROPERTY CONDITIONS & MAINTENANCE](#) (9 rules)
- [12. PROPERTY MANAGEMENT & LICENSING](#) (3 rules)
- [13. PROPERTY TYPES](#) (8 rules)
- [14. REPORTING & DOCUMENTATION](#) (5 rules)
- [15. RETALIATION](#) (3 rules)
- [16. RULES & REGULATIONS](#) (3 rules)

[17. SECURITY DEPOSITS](#) (6 rules)

[18. SPECIAL CIRCUMSTANCES](#) (4 rules)

[19. SUBLETTING & ASSIGNMENT](#) (2 rules)

1. ADDITIONAL COMPLIANCE

- 1. Insurance Requirements (General contract law; may be required by lenders)

■ *Legal Reference:* [General contract law; may be required by lenders](#) (click to view statute)

- 2. Tax Obligations (IRS regulations, NM taxation)

■ *Legal Reference:* [IRS regulations, NM taxation](#) (click to view statute)

- 3. Lead Paint Compliance (Federal law (42 USC § 4852d))

■ *Legal Reference:* [Federal law \(42 USC § 4852d\)](#) (click to view statute)

- 4. ADA Compliance (Americans with Disabilities Act (ADA))

■ *Legal Reference:* [Americans with Disabilities Act \(ADA\)](#) (click to view statute)

- 5. Environmental Compliance (Various federal and state environmental laws)

■ *Legal Reference:* [Various federal and state environmental laws](#) (click to view statute)

- 6. Data Privacy (Various federal and state laws)

■ *Legal Reference:* [Various federal and state laws](#) (click to view statute)

- 7. Advertising Compliance (Federal Fair Housing Act, Truth in Advertising)

■ *Legal Reference:* [Federal Fair Housing Act, Truth in Advertising](#) (click to view statute)

- 8. Employment Laws (Federal and state employment laws)

■ *Legal Reference:* [Federal and state employment laws](#) (click to view statute)

2. CORE LEASE REQUIREMENTS

- 1. Lease Formation & Disclosures (NMSA § 47-8-19)

■ *Legal Reference:* [NMSA § 47-8-19](#) (click to view statute)

- 2. Written Lease Requirements (NMSA § 47-8-15(c))

■ *Legal Reference:* [NMSA § 47-8-15\(c\)](#) (click to view statute)

● **3. Lease Language Requirements (NMSA § 47-8-16)**

■ *Legal Reference:* [NMSA § 47-8-16](#) (click to view statute)

● **4. Lease Addendums (Various NMSA § 47-8 sections)**

■ *Legal Reference:* [Various NMSA § 47-8 sections](#) (click to view statute)

● **5. Lease Renewal (NMSA § 47-8-15(c), § 47-8-37)**

■ *Legal Reference:* [NMSA § 47-8-15\(c\), § 47-8-37](#) (click to view statute)

● **6. Lease Termination (NMSA § 47-8-37)**

■ *Legal Reference:* [NMSA § 47-8-37](#) (click to view statute)

● **7. Early Termination (NMSA § 47-8-27.1, § 47-8-33)**

■ *Legal Reference:* [NMSA § 47-8-27.1, § 47-8-33](#) (click to view statute)

3. CRITICAL COMPLIANCE NOTES

● **1. Attorney Consultation (N/A - Professional recommendation)**

■ *Legal Reference:* [N/A - Professional recommendation](#) (click to view statute)

● **2. Continuing Education (New Mexico Real Estate Commission requirements)**

■ *Legal Reference:* [New Mexico Real Estate Commission requirements](#) (click to view statute)

● **3. Emergency Preparedness (Local ordinances may apply)**

■ *Legal Reference:* [Local ordinances may apply](#) (click to view statute)

● **4. COVID-19 Considerations (Various emergency orders (subject to change))**

■ *Legal Reference:* [Various emergency orders \(subject to change\)](#) (click to view statute)

● **5. Professional Standards (New Mexico Real Estate Commission Code of Ethics)**

■ *Legal Reference:* [New Mexico Real Estate Commission Code of Ethics](#) (click to view statute)

4. ENTRY & ACCESS

● **1. Landlord Right of Entry (NMSA § 47-8-24)**

■ *Legal Reference:* [NMSA § 47-8-24](#) (click to view statute)

● **2. Notice Requirements for Entry (NMSA § 47-8-24)**

■ *Legal Reference:* [NMSA § 47-8-24](#) (click to view statute)

● **3. Emergency Entry (NMSA § 47-8-24)**

■ *Legal Reference:* [NMSA § 47-8-24](#) (click to view statute)

● **4. Showing Property (NMSA § 47-8-24)**

■ *Legal Reference:* [NMSA § 47-8-24](#) (click to view statute)

● **5. Tenant Refusal of Entry (NMSA § 47-8-24(E))**

■ *Legal Reference:* [NMSA § 47-8-24\(E\)](#) (click to view statute)

● **6. Unlawful Entry (NMSA § 47-8-24(F))**

■ *Legal Reference:* [NMSA § 47-8-24\(F\)](#) (click to view statute)

5. EVICTION PROCEDURES

● **1. Notice for Nonpayment of Rent (NMSA § 47-8-33(D))**

■ *Legal Reference:* [NMSA § 47-8-33\(D\)](#) (click to view statute)

● **2. Notice for Lease Violations (NMSA § 47-8-33(C))**

■ *Legal Reference:* [NMSA § 47-8-33\(C\)](#) (click to view statute)

● **3. Notice for Substantial Violation (NMSA § 47-8-33(I))**

■ *Legal Reference:* [NMSA § 47-8-33\(I\)](#) (click to view statute)

● **4. Eviction Process (NMSA § 47-8-43)**

■ *Legal Reference:* [NMSA § 47-8-43](#) (click to view statute)

● **5. Self-Help Eviction Prohibited (NMSA § 47-8-26)**

■ *Legal Reference:* [NMSA § 47-8-26](#) (click to view statute)

● **6. Abandoned Property (NMSA § 47-8-34, § 47-8-34.1)**

■ *Legal Reference:* [NMSA § 47-8-34, § 47-8-34.1](#) (click to view statute)

6. FAIR HOUSING & DISCRIMINATION

● **1. Federal Fair Housing Act (Federal law (42 USC § 3604))**

■ *Legal Reference:* [Federal law \(42 USC § 3604\)](#) (click to view statute)

● **2. New Mexico Human Rights Act (NMSA § 28-1-7)**

■ *Legal Reference: [NMSA § 28-1-7](#) (click to view statute)*

● **3. Familial Status (Federal Fair Housing Act)**

■ *Legal Reference: [Federal Fair Housing Act](#) (click to view statute)*

● **4. Reasonable Accommodations (Federal Fair Housing Act, ADA)**

■ *Legal Reference: [Federal Fair Housing Act, ADA](#) (click to view statute)*

● **5. Reasonable Modifications (Federal Fair Housing Act)**

■ *Legal Reference: [Federal Fair Housing Act](#) (click to view statute)*

7. FINANCIAL TERMS

● **1. Rent Amount & Payment (NMSA § 47-8-15)**

■ *Legal Reference: [NMSA § 47-8-15](#) (click to view statute)*

● **2. Rent Increases (No specific statute; general contract law)**

■ *Legal Reference: [No specific statute; general contract law](#) (click to view statute)*

● **3. Late Fees (No specific statute; general contract law)**

■ *Legal Reference: [No specific statute; general contract law](#) (click to view statute)*

● **4. NSF/Bounced Check Fees (No specific New Mexico statute)**

■ *Legal Reference: [No specific New Mexico statute](#) (click to view statute)*

● **5. Application Fees (No specific statute)**

■ *Legal Reference: [No specific statute](#) (click to view statute)*

● **6. Move-In Fees (No specific statute)**

■ *Legal Reference: [No specific statute](#) (click to view statute)*

● **7. Pet Fees & Deposits (No specific statute; federal Fair Housing Act applies)**

■ *Legal Reference: [No specific statute; federal Fair Housing Act applies](#) (click to view statute)*

● **8. Utilities (NMSA § 47-8-20, § 47-8-26)**

■ *Legal Reference: [NMSA § 47-8-20, § 47-8-26](#) (click to view statute)*

8. LOCAL ORDINANCES

- 1. City-Specific Requirements (Various local ordinances)
■ Legal Reference: [Various local ordinances](#) (click to view statute)
- 2. Rental Registration (Local ordinances)
■ Legal Reference: [Local ordinances](#) (click to view statute)
- 3. Rental Inspections (Local ordinances)
■ Legal Reference: [Local ordinances](#) (click to view statute)
- 4. Business Licenses (Local ordinances)
■ Legal Reference: [Local ordinances](#) (click to view statute)
- 5. HOA/COA Rules (NMSA § 47-8-3, § 47-16 (Condominium Act))
■ Legal Reference: [NMSA § 47-8-3, § 47-16 \(Condominium Act\)](#) (click to view statute)
- 6. Zoning Compliance (Local zoning ordinances)
■ Legal Reference: [Local zoning ordinances](#) (click to view statute)

9. PET POLICIES

- 1. Pet Agreements (No specific statute; general contract law)
■ Legal Reference: [No specific statute; general contract law](#) (click to view statute)
- 2. Service Animals & ESAs (Federal Fair Housing Act, ADA)
■ Legal Reference: [Federal Fair Housing Act, ADA](#) (click to view statute)
- 3. Pet Damage (General property law)
■ Legal Reference: [General property law](#) (click to view statute)

10. PRIVACY & TENANT RIGHTS

- 1. Quiet Enjoyment (NMSA § 47-8-24(F), general common law)
■ Legal Reference: [NMSA § 47-8-24\(F\), general common law](#) (click to view statute)
- 2. Privacy Rights (NMSA § 47-8-24)
■ Legal Reference: [NMSA § 47-8-24](#) (click to view statute)

● **3. Tenant Screening Records (Federal Fair Credit Reporting Act (FCRA))**

■ *Legal Reference: [Federal Fair Credit Reporting Act \(FCRA\)](#) (click to view statute)*

11. PROPERTY CONDITIONS & MAINTENANCE

● **1. Habitability Standards (NMSA § 47-8-20)**

■ *Legal Reference: [NMSA § 47-8-20](#) (click to view statute)*

● **2. Repair Requests (NMSA § 47-8-27.1, § 47-8-27.2)**

■ *Legal Reference: [NMSA § 47-8-27.1, § 47-8-27.2](#) (click to view statute)*

● **3. Rent Abatement (NMSA § 47-8-27.2)**

■ *Legal Reference: [NMSA § 47-8-27.2](#) (click to view statute)*

● **4. Tenant Maintenance Responsibilities (NMSA § 47-8-22)**

■ *Legal Reference: [NMSA § 47-8-22](#) (click to view statute)*

● **5. Smoke Detectors (Local ordinances may apply)**

■ *Legal Reference: [Local ordinances may apply](#) (click to view statute)*

● **6. Carbon Monoxide Detectors (Local ordinances may apply)**

■ *Legal Reference: [Local ordinances may apply](#) (click to view statute)*

● **7. Lead-Based Paint (Federal law (42 USC § 4852d))**

■ *Legal Reference: [Federal law \(42 USC § 4852d\)](#) (click to view statute)*

● **8. Mold (No specific New Mexico statute)**

■ *Legal Reference: [No specific New Mexico statute](#) (click to view statute)*

● **9. Bedbug Disclosure (No specific New Mexico statute)**

■ *Legal Reference: [No specific New Mexico statute](#) (click to view statute)*

12. PROPERTY MANAGEMENT & LICENSING

● **1. Property Manager Licensing (NMSA § 61-29-1 et seq. (Real Estate License Law))**

■ *Legal Reference: [NMSA § 61-29-1 et seq. \(Real Estate License Law\)](#) (click to view statute)*

● **2. Trust Accounts (New Mexico Real Estate Commission regulations)**

■ *Legal Reference:* [New Mexico Real Estate Commission regulations \(click to view statute\)](#)

● **3. Record Retention (New Mexico Real Estate Commission regulations)**

■ *Legal Reference:* [New Mexico Real Estate Commission regulations \(click to view statute\)](#)

13. PROPERTY TYPES

● **1. Single-Family Homes (NMSA § 47-8-1 through § 47-8-51)**

■ *Legal Reference:* [NMSA § 47-8-1 through § 47-8-51 \(click to view statute\)](#)

● **2. Multi-Family Buildings (NMSA § 47-8-1 through § 47-8-51)**

■ *Legal Reference:* [NMSA § 47-8-1 through § 47-8-51 \(click to view statute\)](#)

● **3. Mobile Homes (NMSA § 47-8-1 through § 47-8-51; Special provisions in UORRA)**

■ *Legal Reference:* [NMSA § 47-8-1 through § 47-8-51; Special provisions in UORRA \(click to view statute\)](#)

● **4. Condominium Rentals (NMSA § 47-7-1 et seq. (Condominium Act), NMSA § 47-8)**

■ *Legal Reference:* [NMSA § 47-7-1 et seq. \(Condominium Act\), NMSA § 47-8 \(click to view statute\)](#)

● **5. Subsidized Housing (Federal HUD regulations, NMSA § 47-8)**

■ *Legal Reference:* [Federal HUD regulations, NMSA § 47-8 \(click to view statute\)](#)

● **6. Student Housing (NMSA § 47-8-1 through § 47-8-51)**

■ *Legal Reference:* [NMSA § 47-8-1 through § 47-8-51 \(click to view statute\)](#)

● **7. Short-Term Rentals (Local ordinances; NMSA § 47-8 may not apply)**

■ *Legal Reference:* [Local ordinances; NMSA § 47-8 may not apply \(click to view statute\)](#)

● **8. Commercial Property (NMSA § 47-8-9 - UORRA excludes commercial)**

■ *Legal Reference:* [NMSA § 47-8-9 - UORRA excludes commercial \(click to view statute\)](#)

14. REPORTING & DOCUMENTATION

● **1. Rent Payment Records (General business practice)**

■ *Legal Reference:* [General business practice \(click to view statute\)](#)

● **2. Maintenance Logs (General business practice; supports NMSA § 47-8-20 compliance)**

■ *Legal Reference:* [General business practice; supports NMSA § 47-8-20 compliance \(click to view statute\)](#)

● **3. Inspection Reports (NMSA § 47-8-18 (related to deposits))**

■ *Legal Reference: [NMSA § 47-8-18 \(related to deposits\)](#) (click to view statute)*

● **4. Communication Records (General business practice)**

■ *Legal Reference: [General business practice](#) (click to view statute)*

● **5. Financial Records (New Mexico Real Estate Commission (for licensed brokers))**

■ *Legal Reference: [New Mexico Real Estate Commission \(for licensed brokers\)](#) (click to view statute)*

15. RETALIATION

● **1. Prohibited Retaliation (NMSA § 47-8-39)**

■ *Legal Reference: [NMSA § 47-8-39](#) (click to view statute)*

● **2. Retaliatory Actions Prohibited (NMSA § 47-8-39)**

■ *Legal Reference: [NMSA § 47-8-39](#) (click to view statute)*

● **3. Exceptions to Retaliation (NMSA § 47-8-39)**

■ *Legal Reference: [NMSA § 47-8-39](#) (click to view statute)*

16. RULES & REGULATIONS

● **1. House Rules (NMSA § 47-8-23)**

■ *Legal Reference: [NMSA § 47-8-23](#) (click to view statute)*

● **2. Parking Rules (NMSA § 47-8-23)**

■ *Legal Reference: [NMSA § 47-8-23](#) (click to view statute)*

● **3. Guest Policies (NMSA § 47-8-23, general contract law)**

■ *Legal Reference: [NMSA § 47-8-23, general contract law](#) (click to view statute)*

17. SECURITY DEPOSITS

● **1. Security Deposit Limits (NMSA § 47-8-18)**

■ *Legal Reference: [NMSA § 47-8-18](#) (click to view statute)*

● **2. Security Deposit Storage (NMSA § 47-8-18)**

■ *Legal Reference: [NMSA § 47-8-18](#) (click to view statute)*

● **3. Security Deposit Return (NMSA § 47-8-18(C))**

■ *Legal Reference: [NMSA § 47-8-18\(C\)](#) (click to view statute)*

● **4. Allowable Deductions (NMSA § 47-8-18(C), § 47-8-22)**

■ *Legal Reference: [NMSA § 47-8-18\(C\)](#), [§ 47-8-22](#) (click to view statute)*

● **5. Itemization Requirements (NMSA § 47-8-18(C))**

■ *Legal Reference: [NMSA § 47-8-18\(C\)](#) (click to view statute)*

● **6. Penalties for Wrongful Withholding (NMSA § 47-8-18(D))**

■ *Legal Reference: [NMSA § 47-8-18\(D\)](#) (click to view statute)*

18. SPECIAL CIRCUMSTANCES

● **1. Fire or Casualty Damage (NMSA § 47-8-28)**

■ *Legal Reference: [NMSA § 47-8-28](#) (click to view statute)*

● **2. Domestic Violence Protections (NMSA § 40-13-1 et seq. (Protection from Domestic Abuse))**

■ *Legal Reference: [NMSA § 40-13-1 et seq. \(Protection from Domestic Abuse\)](#) (click to view statute)*

● **3. Military Service Members (Federal SCRA (Servicemembers Civil Relief Act))**

■ *Legal Reference: [Federal SCRA \(Servicemembers Civil Relief Act\)](#) (click to view statute)*

● **4. Death of Tenant (NMSA § 47-8-34.2)**

■ *Legal Reference: [NMSA § 47-8-34.2](#) (click to view statute)*

19. SUBLETTING & ASSIGNMENT

● **1. Subletting (General contract law; NMSA § 47-8-15)**

■ *Legal Reference: [General contract law; NMSA § 47-8-15](#) (click to view statute)*

● **2. Assignment of Lease (General contract law)**

■ *Legal Reference: [General contract law](#) (click to view statute)*

Severity Indicators:

- Critical requirement (must comply)
- Important guideline (should follow)
- Standard information (good to know)

■■ LOCAL ORDINANCES & MUNICIPAL REQUIREMENTS

Note: The following requirements are specific to certain municipalities or counties within the state and may differ from or supplement statewide regulations. Always verify local requirements with your city or county government.

● **1. City-Specific Requirements (Various local ordinances)**

■ *Legal Reference:* [Various local ordinances](#)

For the most current information, always consult official state sources.

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■ Questions or need legal review? Contact: **support@enCompliance.com**

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