



## **City of Santa Fe** **NEWS RELEASE**

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### **Clarification to Prohibit Eviction of Tenants**

**Santa Fe, March 19, 2020**--The Mayor is prohibiting the eviction of residential and commercial property tenants who, because of the public health emergency, are unable to pay rent on time.

This order is only related to inability to pay due to the public health emergency. Eviction for any other reason is not impacted.

This eviction prohibition, during the emergency, is an opportunity for individuals to find a housing situation that is affordable for them and works within their financial capacities or future capacities given the public health emergency.

The temporary suspension of evictions is based only on the emergency crisis. This order does not prohibit eviction, but allows the parties to pursue other options, such as payment plans or alternative housing arrangement. It may simply delay the eviction.

Rent owed is not waived, nor is the pause on evictions a non-billable grace period. During the delay, rent charges will continue to accrue and be owed. Tenants should work with their landlord to make payment arrangements.

#### **Q: Is the Mayor Suspending State Law?**

**A:** No, State Law is still in effect. Seeking to evict is just temporarily suspended.

#### **Q: I recently am unemployed. Is the Mayor going to issue an order that allows me to stop making mortgage payments?**

**A:** No, this order is specific to evictions.

#### **Q: Does the eviction freeze prevent landlords from increasing rent during the emergency as well?**

**A:** No, this is specific to eviction and not to rent increases.

**Q: Is there a place to get information on how landlords will handle people not paying their rent?**

**A:** No, they can still handle alerting tenants to overdue rent in the same way. Rent is not free, nor will this be a non-billable grace period. Rent charges will continue to accrue and to be owed. Tenants need to work with their landlord to make payment arrangements.

**Q: If you were already delinquent in rent, does this apply to you?**

**A:** No, the order is specific to delays in payment caused by the emergency.

**Q: If you were given an eviction notice prior to March 18, 2020 does this apply to you?**

**A:** No, this order is specific to the emergency crisis. It is not retroactive.

**Q: Can you please give us some clarity of what this means for landlords who actually have to pay the mortgage?**

**A:** The order did not address mortgage payments, only evictions. New Mexico's Congressional Delegation has also asked banks to cease foreclosures at this time.

**Q: What does that mean for the owners of these houses that depend on the income?**

**A:** The order does not address this situation.

**Q: How long is this for? Is there a timeframe?**

**A:** The Emergency Proclamation is in effect until Monday, March 23, 2020 and it may be reestablished then. The Proclamation can be extended at Governing Body on Wednesday, March 25, 2020.

**Q: Do I still have to pay my rent?**

**A:** The Order does not change any lease terms. In other words, rent owed is not waived, nor is the pause on evictions a non-billable grace period. Rent charges will continue to accrue and be owed. Tenants need to work with their landlord to make payment arrangements.

If you know that you are not going to be able to afford to pay your past-due rent after the emergency, you should seek alternative housing options.

**Q: What if I am out of a job and can't afford my rent?**

**A:** The order does not waive rent owed, nor is the pause on evictions a non-billable grace period. Rent charges will continue to accrue and be owed. Tenants need to work with their landlord to make payment arrangements.

If you know that you are not going to be able to afford to pay your past-due rent after the emergency, you should seek alternative housing options.

**Q: If my tenant is causing damage to my property, can I evict them?**

**A:** This order only applies to inability to pay due to the public health emergency. If you are seeking eviction for any other reason than inability to pay due to the emergency, the order does not impact the eviction.

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