

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 442

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

AN ACT

RELATING TO MOBILE HOMES; AMENDING DEFINITIONS; PROVIDING RENT
FAIRNESS; CREATING THE MOBILE HOME PARKS WORK GROUP;
PRESCRIBING DUTIES; REVISING AND EXPANDING PRIVATE REMEDIES;
REQUIRING RESIDENTS TO PROVIDE WRITTEN NOTICE OF UTILITY
INTERRUPTIONS; PRESCRIBING CIVIL PENALTIES.

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

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

"47-10-2. DEFINITIONS.--As used in the Mobile Home Park
Act:

A. "landlord" or "management" means the owner or
[any] a person responsible for operating and managing a mobile
home park or an agent, employee or representative authorized to
act on the management's behalf in connection with matters

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1 relating to tenancy in the park;

2 B. "mobile home" means a single-family dwelling
3 built on a permanent chassis designed for long-term residential
4 occupancy and containing complete electrical, plumbing and
5 sanitary facilities designed to be installed in a permanent or
6 semipermanent manner with or without a permanent foundation,
7 which dwelling is capable of being drawn over public highways
8 as a unit or in sections by special permit, and includes a
9 manufactured home. "Mobile home" does not include a
10 recreational travel trailer or a recreational vehicle, as those
11 terms are defined in Section 66-1-4.15 NMSA 1978;

12 C. "mobile home park", "trailer park", ~~[or]~~ "park"
13 or "manufactured home park" means a parcel of land used for the
14 continuous accommodation of twelve or more occupied mobile
15 homes and operated for the pecuniary benefit of the owner of
16 the parcel of land, ~~[his]~~ the owner's agents, lessees or
17 assignees. "Mobile home park" does not include mobile home
18 subdivisions ~~[or property zoned for manufactured home~~
19 ~~subdivisions]~~;

20 D. "mobile home space", "space", "mobile home lot"
21 or "lot" means a parcel of land within a mobile home park
22 designated by the management to accommodate one mobile home and
23 its accessory buildings and to which the required sewer and
24 utility connections are provided by the mobile home park;

25 E. "premises" means a mobile home park and existing

1 facilities and appurtenances therein, including furniture and
2 utilities where applicable, and grounds, areas and existing
3 facilities held out for the use of the residents generally or
4 the use of which is promised to the resident;

5 F. "rent" means any money or other consideration to
6 be paid to the management for the right of use, possession and
7 occupation of the premises;

8 G. "rental agreement" means a written agreement,
9 including those conditions implied by law, between the
10 management and the resident establishing the terms and
11 conditions of a tenancy, including reasonable rules and
12 regulations promulgated by the park management. A lease is a
13 rental agreement;

14 H. "resident" means [~~any~~] a person or family of
15 [~~such~~] the person owning a mobile home that is subject to a
16 tenancy in a mobile home park under a rental agreement;

17 I. "tenancy" means the right of a resident to use a
18 space or lot within a park on which to locate, maintain and
19 occupy a mobile home, lot improvements and accessory structures
20 for human habitation, including the use of services and
21 facilities of the park;

22 J. "utility services" means electric, gas, water or
23 sewer services, but does not include refuse services;

24 K. "first lienholder" means a person or [~~his~~] the
25 person's successor in interest who has a security interest in a

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1 mobile home, whose interest has been perfected pursuant to the
2 provisions of Section 66-3-201 NMSA 1978 and whose interest is
3 prior to any other security interest in the mobile home; and

4 L. "abandoned" means absence of the resident from
5 the mobile home, without notice to the landlord, in excess of
6 seven continuous days, providing such absence occurs after the
7 mobile home lot rent is delinquent."

8 SECTION 2. A new section of the Mobile Home Park Act is
9 enacted to read:

10 "[NEW MATERIAL] RENT FAIRNESS.--After July 1, 2025, a
11 landlord may increase a resident's rent only once within a
12 twelve-month period. The rent increase shall be based only on
13 the rent in effect as of March 1, 2025. The rent from July 1,
14 2025 to June 30, 2026 shall not increase by more than three
15 percent of the prior rent amount. After June 30, 2026, the
16 total annual rent increase shall not exceed five percent except
17 as may be based on recommendations of the mobile home parks
18 work group or the annual rate of inflation."

19 SECTION 3. Section 47-10-20 NMSA 1978 (being Laws 1993,
20 Chapter 147, Section 6, as amended) is amended to read:

21 "47-10-20. COST OF UTILITY SERVICES--ACCESS TO RECORDS.--

22 A. [~~Mobile home park owners~~] A landlord shall be
23 responsible for maintaining all park-owned exterior utility
24 lines from the mobile home hookups to the main lines in the
25 park, except lines that are damaged by a resident.

1 B. When a landlord purchases utility services for
2 residents, the charge for utility services billed to residents
3 shall not exceed the cost per unit amount paid by the landlord
4 to the suppliers of the utility services.

5 C. A landlord shall provide a resident with
6 reasonable access to records of meter readings, if any, taken
7 at the resident's mobile home space.

8 D. A resident shall provide written notice to a
9 landlord of interruptions in utility service upon discovery of
10 the interruption or as soon as is practicable."

11 SECTION 4. Section 47-10-23 NMSA 1978 (being Laws 1993,
12 Chapter 147, Section 9) is amended to read:

13 "47-10-23. PRIVATE REMEDIES--CIVIL PENALTIES--
14 ENFORCEMENT.--

15 A. For each violation by a landlord of the
16 provisions of [~~Sections 47-10-19 through 47-10-22 NMSA 1978~~]
17 the Mobile Home Park Act, except for violations of Section
18 47-10-20 NMSA 1978, a landlord may be [charged a civil penalty
19 not to exceed five hundred dollars (\$500)] liable for two times
20 the amount of the total monthly rent.

21 B. For each violation due to a landlord's failure
22 to comply with Section 47-10-20 NMSA 1978 that persists for
23 eight hours or longer, a resident may abate rent by withholding
24 one hundred fifty dollars (\$150) per day beginning the day the
25 violation is first observed by the resident until the violation

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1 is cured. If the violation lasts for more than seven days, the
2 resident may withhold two hundred fifty dollars (\$250) per day
3 until the violation is cured. The resident may withhold rent
4 only after providing written notice pursuant to Subsection D of
5 Section 47-10-20 NMSA 1978.

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

9 D. Each violation by a landlord of Sections
10 47-10-19, 47-10-21 and 47-10-22 NMSA 1978 is an unfair or
11 deceptive trade practice pursuant to the Unfair Practices Act
12 that is actionable pursuant to the Unfair Practices Act."

13 SECTION 5. TEMPORARY PROVISION--MOBILE HOME PARKS WORK
14 GROUP CREATED--DUTIES.--

15 A. The "mobile home parks work group" is created
16 and consists of representatives appointed by the superintendent
17 of regulation and licensing, in addition to that
18 superintendent, from the following state entities or
19 classifications:

- 20 (1) the regulation and licensing department;
- 21 (2) the New Mexico mortgage finance authority;
- 22 (3) the public regulation commission;
- 23 (4) the governor's office of housing;
- 24 (5) the chair of the opportunity enterprise
25 and housing development review board or the chair's designee;

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1 (6) the attorney general;

2 (7) a landlord of a mobile home park or the
3 landlord's representative; and

4 (8) a resident of a mobile home park or the
5 resident's representative.

6 B. The mobile home parks work group shall:

7 (1) function from the date of its appointment
8 until July 1, 2027;

9 (2) develop recommendations for a regulatory
10 framework for mobile home park tenancies after installation of
11 homes in a park;

12 (3) develop recommendations regarding rent
13 increases, taking into account relevant resident circumstances,
14 rates of inflation and fair rates of return to landlords while
15 maintaining safe park conditions and necessary improvements;

16 (4) elicit relevant testimony in forming its
17 recommendations; and

18 (5) report findings, conclusions and
19 recommendations to the appropriate interim legislative
20 committees that study housing and property issues. The mobile
21 home parks work group shall provide recommendations based on
22 its first report by December 1, 2025 and its recommendations
23 based on its second report by September 1, 2026.

24 C. The mobile home parks work group shall be
25 chaired by the superintendent of regulation and licensing and

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1 may appoint one or more co-chairs. The work group shall meet
2 at the call of the chair or at the request of one-third of its
3 membership and as necessary to carry out its duties.

4 D. Members of the work group shall receive no
5 compensation, perquisite or allowance.

6 E. The regulation and licensing department shall
7 provide the necessary staff and administrative support to the
8 mobile home parks work group.

9 SECTION 6. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2025.