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## KOB-4 interviews Serge Martinez: Landlords, tenants feel impact of state eviction moratorium

Serge A. Martinez

*University of New Mexico - School of Law*

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<https://www.kob.com/albuquerque-news/landlords-tenants-feel-impact-of-state-eviction-moratorium/5955943/>

# Landlords, tenants feel impact of state eviction moratorium

By Patrick Hayes

KOB-4

December 18, 2020

ALBUQUERQUE, N.M. —The State Supreme Court paused evictions for New Mexicans who prove that they are unable to pay rent during the public health emergency. However, some landlords are [using a legal loophole to evict tenants by not allowing them to renew their lease.](#) “It is some of the most stressful lawyer work because you must balance providing excellent legal services while allowing students to learn, grow and do the work. You have to let them spread their wings a little, let them make a few mistakes,” said Martin.

Jake Garrison, a local real estate attorney, said the state’s eviction moratorium has created a tough situation for both tenants and landlords.

“The whole pandemic has affected landlords and tenants, and there’s really no party that’s not affected by this. Everybody is suffering,” he said.

Garrison said people need a place to live. Meanwhile, landlords need the income to support their families.

“In New Mexico, I have found, in my practice, certainly there are landlords who are owners of large apartment complexes that are owned by banks or conglomerates, but the majority of landlords, especially in Albuquerque, appear to be sort of mom-and-pop situations where perhaps they own an investment property, or it’s their first home they renovated and now they’re using the property for income or supplemental retirement income,” Garrison said.

Some people have said the State Supreme Court doesn’t do enough for tenants, and have asked them to change the order so residents can’t be evicted even after their lease is up.

“A lot of folks in New Mexico have month-to-month leases that come up for renewal every 30 days or so, and even folks that have longer leases, it’s been nine months since the Supreme Court issues their order so a large percentage of leases in New Mexico have come up for renewal in that time period,” said Serge Martinez, a professor at UNM School of Law.

If a landlord tried evicting someone, that person will get a summons to go to court. Officials said people have to participate and have proof that they’re unable to pay their rent in order to stay where they’re at.

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