EVICTIONS IN THE COVID-19 ERA:
A threat to family and community health in Santa Fe

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This research brief is the first in a series of three examining the looming eviction crisis in Santa Fe. In this first brief, we describe Santa Fe’s housing insecurity problem before COVID-19, and the experiences of residents during the pandemic. We also highlight gaps in eviction moratoria at the local, state, and federal levels.

The second brief elucidates to what extent evictions have impacted Santa Fe renter households in 2020. The final brief presents solutions for local officials to keep families housed by strengthening moratoria and tenant protections.
Executive Summary

Thousands of Santa Feans are experiencing a crisis within a crisis as the COVID-19 pandemic intensifies: They are at significant risk of being evicted as federal, state, and local eviction moratoria expire and leave families vulnerable to homelessness and myriad associated health impacts.

Santa Fe’s residents struggled to access stable and affordable housing long before the pandemic. Almost half of all renters are rent burdened, spending at least 30% of their income on rent. And almost all low income renter households in Santa Fe (96%) experience rent burden. Numerous factors, including the rising cost of housing, stagnant income and wages, historically high vacancy rates, opportunistic rent increases, and a lack of regulations to protect renters create an affordable housing dilemma.

Santa Fe’s tourism industry was hit hard by the recession and experienced the greatest employment loss. Workers in this sector are disproportionately paid low wages, and now—as many are left without work—are unable to afford rent for themselves and their loved ones. Low income households have endured an especially challenging year. According to the US Census Bureau’s Household Pulse Survey, which measures experiences of households during the COVID-19 pandemic, low income households in New Mexico are more likely to:

- Experience loss of employment income since March 2020 (58%)
- Expect loss of employment income in December 2020 (55%)
- Fall behind on rent (31%), and report no confidence paying next month’s rent (22%)
- Experience difficulty paying for usual household expenses (87%)
- Feel nervous, anxious, or on edge (81%), or down, depressed, or hopeless (77%)

As many as 5,700 Santa Fe renter households could be evicted as the city, state, and federal moratoria expire. And even the current soon-to-expire policies aren’t sufficient, as landlords continue to push families out of their homes. Current policies also allow for tenant fines and require renters to pay back rent, which is untenable for families who have lost employment and income.

Communities of color have long been disproportionately impacted by housing insecurity, and during the COVID-19 crisis are more likely to experience eviction. Evictions will put these families at greater risk of contracting COVID-19, homelessness, poor mental and physical health, as well as long-term housing and financial instability, and will exacerbate health inequities.

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Many vulnerable New Mexican households will likely experience eviction

The City of Santa Fe led the way in imposing an eviction moratorium before the New Mexico Supreme Court and the federal government. Now, there is a critical opportunity for Santa Fe’s local leadership to extend and expand the local eviction moratorium, and to broaden and strengthen the protections for tenants in a way best suited to the unique needs of our community.

This research brief is the first in a series examining the coming eviction crisis in Santa Fe. We describe Santa Fe’s housing insecurity problem before COVID-19, the risks residents face in light of the current crisis, and the experience of residents in the context of COVID-19. We also highlight gaps in eviction moratoria at the local, state, and federal levels.

The second brief will describe the scale of pandemic-era evictions despite the presence of moratoria. The third and final brief will offer strategies to improve housing security for Santa Feans, during the COVID-19 pandemic and beyond, including expanding the local moratorium to alleviate burdens on renters, and enacting policies to increase transparency and accountability in landlord-tenant agreements.
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Eviction threatens the health and livelihoods of Santa Feans

“Before COVID-19, I never really had problems paying my bills except here and there. I worked at a restaurant and was laid off, but even if I’m rehired, I won’t work nearly as many hours as I did before. Now, I have to choose between rent and groceries. I’ve been applying for help, but it’s not enough to catch up on everything that’s due. Meanwhile, I’ve been asking friends to borrow money and I never had to do that before. It’s just so stressful.”

— Hospitality worker and tenant in the Hopewell-Mann neighborhood

Researchers estimate that between 24-31% of Santa Fe renter households are at risk of being pushed out of their homes this winter.¹⁻⁴ And yet, housing insecurity is not new for Santa Feans. For years now, families have grappled with insufficient wages, few economic opportunities, rising rent costs, limited affordable housing options, and a lack of renter protections to ensure stable and affordable housing.⁵,⁶

The pandemic has only exacerbated the existing affordable housing crisis in Santa Fe. With cases of COVID-19 spiking across the country, public health experts are advising that people stay home as the primary way to stay safe and mitigate the virus's spread. Indeed, recent research has linked the lifting of eviction moratoria with a rise in COVID-19 cases.⁸ Having a place to reliably call home at this time is a vital and effective way to prevent the spread of COVID-19 and save lives. If it’s not addressed urgently, housing insecurity in the midst of the pandemic will have serious consequences for public health.

The impending lapse of eviction moratoria is a threat that looms large for many renters. In March 2020, the City of Santa Fe and the New Mexico Supreme Court established orders to halt evictions through the end of the COVID-19 crisis. These local and state orders lack a clear end date, which leaves much to interpretation; the orders could be lifted at any time, leaving renters vulnerable to eviction. Additionally, the federal eviction moratorium imposed by the Centers for Disease Control and Prevention in September 2020 has a slated end date of January 31, 2021. Without an expansion of and extension to these policies, thousands of Santa Feans will be at risk of eviction, and at increased risk of contracting COVID-19.

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Housing insecurity is detrimental to health

**Housing insecurity** is a broad term to describe a lack of secure or stable housing that is experienced through: poor housing quality, paying a large percentage of income for housing, homelessness, overcrowding, and unsafe or unhealthy neighborhood conditions. An abundance of scientific evidence indicates that these conditions converge to impact the health status of individuals and communities.

**Evictions** are a major cause of housing insecurity. Eviction is a legal process where a landlord removes a tenant from a rented property. While a short-lived event, evictions can lead to further housing insecurity and harm families’ long-term physical, mental, social, and financial wellbeing.

**Historical and contemporary policies** have led to ongoing structural inequities in access to housing. As a result, housing has been denied to communities of color and low income communities via policies including redlining, exclusion from wealth-building opportunities, and housing discrimination. About 40% of Black and Latino renter households are housing insecure, compared to 25% of the general population. In New Mexico, current housing inequities stem from a history of racially restrictive real estate covenants that preceded waves of gentrification, resulting in segregation and displacement of low income families and communities of color.

The housing crisis in Santa Fe predates the pandemic

About half of Santa Fe renters were already rent burdened prior to the COVID-19 pandemic

Of the 35,593 occupied housing units in Santa Fe, nearly 40% are occupied by renters. The median renter household income of $41,375 is lower than the income needed to afford a two-bedroom home ($42,280) in Santa Fe. An average working renter — for example, a single parent with a teenager — would need to work 58 hours a week to afford a two-bedroom home. As a result, families end up working multiple jobs, doubling and tripling-up with other families, and opting for poorer quality housing. For many renters, living comfortably is out of reach.
Figure 1: Half of Santa Fe Families are Rent Burdened

About 60% of Santa Fe renters spend a quarter of their income on rent. Almost half are rent burdened, meaning they spend 30% or more of their income on rent (see Figure 1).\textsuperscript{15,17,18} And a little over 1 in 5 are \textit{severely} rent burdened, meaning they pay more than half of their income on housing.\textsuperscript{18} Low income renters disproportionately experience rent burden, and rent burden has increased over time (see Figure 2).\textsuperscript{6}

Figure 2: Rent Burden Has Increased Over Time

\textit{Source: Santa Fe Homeless and Housing Needs}
For Santa Feans, affordable housing is a primary concern

According to a 2017 survey of residents conducted by the City of Santa Fe:

- 74% worried that their rent was going to go up to an amount they couldn't afford
- 25% worried about being evicted
- 17% moved out of a home in the past year when they didn't want to

Just a year prior, in 2016, about 400 eviction claims were filed by landlords in Santa Fe County, with 40% resulting in evictions. According to survey participants, the primary reason for being evicted was that rent increased beyond what residents could pay. A deeper analysis revealed inequities: low income families, families with children, large families, those with a disability, and Spanish speakers were more likely to be evicted by their landlords than others.

The employment and housing market isn’t viable for renters

Local health care providers and leaders describe the local housing problem as “severe.” Additionally, housing advocates note that a lack of stable, well-paying jobs is a barrier for economic mobility and financial stability in Santa Fe. Unstable jobs with inadequate pay leave renters with little money to choose from the few housing options available.

The tourism industry in Santa Fe, which has been hit hard by the current recession, is the second largest employer in the city: Leisure and hospitality workers make up over 16% of the city's workforce. These service-providing jobs are among the most common and lowest-paid occupations. With a large segment of Santa Fe's population earning relatively low wages, many residents lack a strong financial foundation to lean on when it comes to paying for expensive housing.

“As a working single mom, I've been having to make difficult decisions. I lost my job in April and I've been struggling ever since. I ran out of savings in June. I have to keep the internet on so my kids can keep up in school. I have to keep my phone on so I can keep looking for work or I might lose my unemployment benefits. My family is more than happy to let me move back in, and I'd love for my child to spend more time with her grandparents, but any job I could get would put them at risk of exposure. There are no good choices right now.”

- A single mother and mobile home tenant, Airport Road Corridor

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Low wages are just one part of the story. There is a limited supply of housing in Santa Fe, and the housing supply that is available is largely unaffordable for low and moderate-low income households. According to a city-wide survey, 90% of city residents identified affordable housing as an important priority. \(^{25}\) A combination of factors have converged to create a rental housing market that isn’t livable for most working class families in Santa Fe, including:

- Gentrification and displacement \(^{14}\)
- Housing supply not meeting the demands of population growth
- Record-setting surges in home price sales \(^{26}\)
- The conversion of housing supply to short term rentals \(^{7}\)
- Real estate speculators and purchasers taking up housing supply
- Lack of regulation and enforcement of landlord’s legal obligations
- Difficulty bringing prosecution of predatory and retaliatory landlord practices
- Lack of licensing program for rental units to comply with health and safety codes
- Lack of comprehensive education and support to fully enforce the federal Fair Housing Act

### Santa Fe enacts restrictions on short term rentals

Real estate speculation limits the availability of housing, driving up the price of rent. Santa Fe has experienced a striking 380% increase in the number of short term rental units (STRs), over the past three years. This increase is likely a result of STR owners applying for licensure in advance of the City tightening its enforcement. While the total number of STR permits has long been capped at 1,000, estimates place actual numbers closer to 1,400 STRs, an estimated 500 of which are evading the city’s licensure requirement.\(^{27}\) In November 2020, the Santa Fe City Council began considering enacting restrictions on STRs, including limiting the number of STR permits to one per person. While tenants struggled to find long-term housing, the City struggled to enforce its ordinances through criminal proceedings.

On December 9, 2020, as this report prepared for publication, the Santa Fe City Council enacted stricter and additional restrictions on STRs while pledging to take proactive steps to identify landlords who are violating the ordinances. The newly-enacted restrictions limit future STR licenses to one per person and place caps on the frequency of rentals in residential areas. More importantly, violations of the STR ordinances are now a civil, rather than criminal, offense.

But the problems that have plagued proper enforcement of the City’s STR ordinances are similar to those facing tenants of long term rentals. Currently, long-term renters lack the protections being discussed for short term tenants, like tying landlord licensure to continued compliance with health and safety codes, easing the process of reporting violations, and enacting enforcement through health inspectors rather than law enforcement and criminal proceedings.
Santa Fe’s most vulnerable residents are most impacted by the pandemic

Low income workers are hit hardest by the loss of jobs

Workplace closures during emergency health orders meant thousands of Santa Feans lost their jobs. As of October 2020, the unemployment rate has not recovered to pre-lockdown times and sits at 7.7% (see Figure 3). The leisure and hospitality industry, a major source of employment in Santa Fe, is severely impacted. In April 2020, the industry lost more than half its jobs (50.3%) compared to the year prior. Despite a slight rebound by October 2020, the data still show that almost one-third of industry jobs (30.4%) were eliminated compared to a year ago. Because jobs in this industry often pay low wages, it's likely that low income households disproportionately lost employment due to the pandemic.

The US Census Bureau Household Pulse Survey describes the housing and financial circumstances of New Mexicans since March 2020 (see Appendix A for details on research methodology). The data reveal striking racial and economic inequities:

- Almost half (48%) of New Mexicans lost employment income since March 2020
- Latino residents (53%), families with children (58%), and households with an income of less than $35,000 (56%), lost employment income at a greater proportion compared to New Mexicans generally
- There is no clear end in sight: 30% of residents anticipate loss of employment income into December 2020. This is particularly true for Latino residents (34%), families with children (37%), and households earning less than $35,000 (50%)
Figures 4 and 5 reveal deepening economic inequities: a greater proportion of low income households report a loss of employment income since March 2020, and anticipate income loss in December 2020.

**Figure 4: Loss of Employment Income Since March 2020**  
*Source: Household Pulse Survey, 10/28/2020–11/09/2020*

![Bar chart showing loss of employment income by household income level since March 2020.](chart1.png)

**Figure 5: Expected Loss of Income in December 2020**  
*Source: Household Pulse Survey, 10/28/2020–11/09/2020*

![Bar chart showing expected loss of income in December 2020 by household income level.](chart2.png)
A majority of families are struggling to get by during the pandemic

About 3 in 5 New Mexican residents report some difficulty in paying for their typical household expenses since the pandemic started. Latino residents (68%), families with children (69%), and low income households earning less than $35,000 (83%) fare worse (see Figure 6).¹

**Figure 6: Low Income Households Struggle to Pay for Household Expenses**


As many as a third of renters in New Mexico are behind on rent. Additionally, an assessment of nearly 400 families in Santa Fe by the non-profit organization Communities in Schools of New Mexico, revealed that 35% weren’t able to pay for rent, and found that families from different households are resorting to doubling- and tripling-up to share housing, in order to keep a roof over their heads.³

“If I get evicted, I don’t have enough money saved up to move and put down a new deposit, even if another landlord was willing to rent to me. If I move in with a friend, I won’t be on the lease and we can then be evicted for that. What would we do then?”

– An adult and single occupancy tenant near Downtown Santa Fe

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Communities of color, those who lost employment income, those who are unemployed, and households earning less than $35,000 are more likely to report inability to pay rent. These groups are also disproportionately more likely to report no confidence in ability to pay next month's rent. As these already vulnerable residents fall deeper into financial distress and debt, existing racial and economic inequities will worsen.¹

As many as 5,700 Santa Fe renter households could face eviction in the coming months

Predicting exactly how many Santa Fe renters will face eviction in the coming months is challenging. Housing researchers and advocates have attempted to quantify the scale of the coming eviction crisis in a variety of ways — and all estimates indicate significant impact. In part 2 of this series, drawing on newly-available local data, we illuminate how many renter households were evicted in 2020, even despite current moratoria policies in place.

Through self-report on the Household Pulse Survey, 27% of renters in New Mexico express that it's very likely or somewhat likely that they'll have to leave their homes due to eviction (see Figure 7). Those who are out of work (57%) and seniors were more likely to report this assessment of their housing situation (59%).¹

Figure 7: Most vulnerable New Mexico households will likely experience eviction

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The Terner Center for Housing Innovation identified workers in industries who likely lost their employment as a proxy for those who will face eviction. These industries (entertainment, restaurants and food services, retail, and service-oriented) are all embedded in Santa Fe's tourism industry, which employs a major portion Santa Fe's workforce and pays lower than average wages. Of the 18,300 total renter households in Santa Fe, 5,700 households — or 31% of renters — have a worker in one of the key industries that is most impacted by job loss, and are therefore at risk of eviction due to loss of employment income.

Another estimate analyzing New Mexico's 3rd Congressional District, which includes Santa Fe and other northern counties, indicates that 10,200 renter households may be impacted by eviction in a “base case” scenario, described as the situation in which workers in only some industries lose work. In a “stress case” scenario, where a wider range of workers lose employment, a staggering 16,900 renter households in the district could experience eviction. Some state level estimates put eviction risk at 24-25% for renter households in New Mexico, translating to an estimate of 2,961-3,084 renter households facing eviction in Santa Fe (see Appendix A for details on research methodology).

Three communities in Santa Fe will likely experience disproportionate evictions

An examination of eviction risk factors (see Appendix A for details on research methodology) at the census tract level using the 2018 American Community Survey reveals that residents of the Downtown area, the Hopewell-Mann neighborhood, and the Airport Road Corridor may be at greatest risk of eviction during the COVID-19 pandemic.

The majority of households that reside in these neighborhoods identify as Hispanic, primarily Spanish-speaking, and low income. Additionally, between 25% and 51% of these census tracts experience rent cost burden according to the 2018 ACS data. In our second brief, we analyze evictions data from court records to determine which communities have been most impacted by eviction filings and evictions, despite the presence of eviction moratoria.
Eviction harms family health and wellbeing

Families are hurting right now, and with a wave of evictions in the coming months, the health consequences will be severe. According to the Household Pulse Survey:\^1

- Three in four New Mexicans who experienced loss of employment income since March 2020 reported poor health as of November 2020
- 65% of those anticipating income loss in the weeks ahead also reported poor health
- Almost all (94%) of people who reported difficulty paying for household expenses during the pandemic reported poor health
- Most of those who experienced loss of employment income (82%) reported feeling nervous, anxious or on edge. Almost 3 in 4 aren't able to stop or control worrying

The impacts of eviction are far-reaching. Research demonstrates that the experience of eviction carries health, social, and financial implications. Additionally, families that have an eviction claim filed against them will face difficulty qualifying for future housing, as landlords often conduct background checks on potential tenants. Many evicted tenants do not receive their deposits back, making it even harder to come up with the money necessary to move into a new home. The viability of long-term housing stability is at stake for thousands of families.

Both the threat and experience of eviction cause poor health

Living under the threat of eviction is associated with poor health. A literature review on the threat of evictions (see Appendix A for details on research methodology) highlights that individuals experiencing this risk suffered from poor physical and mental health impacts, including depression, anxiety, distress, suicide, poor self-rated health, physical symptoms (like stomach cramps), chronic disease, high blood pressure, obesity, and food insecurity.\^34 Additional social and behavioral outcomes include alcohol and drug abuse, exposure to violence, and problems at work. Some research studies found that communities of color, low income communities, and women disproportionately experienced these health harms.

When families are evicted and forced to leave their homes, they experience many of these same health impacts and more, according to a recent review.\^11 Material hardship, poor mental health, and hospitalizations can occur years after eviction takes place, signifying the long-term harms that people experience.\^35,36 And those who had been evicted from their homes were found to be more than one and a half times more likely to die from any cause than those who had not been evicted — even after controlling for demographic, socioeconomic and health conditions before the eviction.\^37 Eviction is also harmful to the health of children and future generations, due to associated pregnancy outcomes like low birth weight and infant mortality.\^36,38
Recent research links eviction to heightened risk of COVID-19 infection and mortality. States where eviction moratoriums were lifted also saw a rise in COVID-19 cases and deaths.\(^8\) As families are evicted, they are faced with few or no options for accessible housing. They may turn to shelters, or move in with neighbors, friends, or extended family. Shelters, transitional housing, and other crowded spaces pose a risk factor for the spread of COVID-19 as people aren't able to physically distance, or to isolate from others if they do contract the virus.

**Evictions exacerbate inequities in children’s educational outcomes**

As many as 80% of New Mexico’s school children face severe barriers to accessing educational resources and opportunities.\(^39\) And with the transition to remote learning during the pandemic, these youth — disproportionately low income, Native American, English learners, and students with disabilities — are falling further behind due to lack of access to computers and high-speed internet.

Unstable housing, particularly due to eviction, can be disruptive to children’s learning outcomes. Moving from place to place means that families have to start over each time—switching schools, missing classes and assignments, leaving and making new friends, and setting up utilities and a stable internet connection at home.\(^40\) Research shows that high student mobility affects standardized test scores, graduation rates, and behavioral outcomes in children. For every school change a child endures, the harm are amplified.\(^41\)

**People who are evicted are more likely to experience homelessness**

Families who face eviction are likely to face homelessness and are therefore at greater risk of contracting COVID-19, as physically distancing and practicing proper hygiene can be difficult or impossible in shelters.\(^35\) The virus has been seen to quickly spread in shelters and transitional housing, infecting as many as 66% of residents and 30% of staff.\(^42\)

Homelessness is a chronic issue in Santa Fe. As of August 2020, 349 households in the area were homeless. Of these, 176 are considered chronically homeless. Chronic homelessness impacts already vulnerable communities, particularly communities of color and those who have disabilities.\(^6\)
With an adequate response to the pandemic, the risks of COVID-19 can be warded off. The City of Santa Fe responded proactively and early on in the pandemic to assist vulnerable communities by converting dormitory rooms at a city-owned campus to serve as safe housing where people could be socially distant and quarantine if they needed to recover from infection. Additionally, federal and local funds were mobilized to house people experiencing homelessness in hotel rooms, allowing local shelters to reduce their population densities. The support also includes three meals per day and access to social services and case management, bolstering positive health outcomes across the population. As a direct result, Santa Fe has not experienced a virus outbreak at its homeless shelters.

“Last year, I escaped a domestic violence situation with the support of a local shelter. I was beginning to get on my feet when the pandemic started, but then I lost work and now everything is uncertain again. I’m ok with my expenses right now, but I’m behind on rent. I don’t know how I will pay what I owe in rent and late fees when the moratorium is over. I’m not the only one struggling, so shelters will be full. I’d have nowhere else to go.”

– Apartment tenant in the Airport Road Corridor

Current eviction moratoria fail to shield families from displacement

Three eviction moratoria are currently in place at local, state, and national levels. However, these current policies are not comprehensive enough to keep families housed. The current moratoria only protects tenants from nonpayment of rent, and renters in active lease term agreements — which will continue to expire over time. As a result, landlords can still navigate various channels to evict tenants. Additionally, existing New Mexico state law on landlord/tenant relations is inadequate to protect renters at risk for eviction during the pandemic.

New Mexico’s rental market prioritizes landlords over tenants

The State of New Mexico poses few restrictions and oversight of the rental housing market — all of which translates to a lack of protections for renters. Existing state laws, which largely favor landlords, range from simply inadequate to clearly hostile for renters.
For example, there is no state law that provides protection against predatory rent increases. This means that landlords can set rent at whatever amount they choose at the end of the rental term, and are restricted only from retaliatory rental increases, which must be argued in court. The city of Santa Fe also does not license or regulate landlords. A lack of proactive housing enforcement means landlords aren’t held accountable for health and safety code violations.

Additionally, the state doesn’t offer an official translation of rental agreements in Spanish and doesn’t verify or ensure that these documents are available in a preferred language — which is a concern in a city and state where over a third of residents speak Spanish at home.

Robust and fair renter protection policies are necessary to keep families housed and protect public health. Without adequate renter policies, families are more likely to face housing insecurity and homelessness in times of economic hardship or during an emergency situation like the current COVID-19 public health crisis. Without such protections, landlords can circumvent eviction moratoria by continuing to increase rent costs, and imposing late fees for missed or late rent payments. Although this would not be seen as an eviction in the eyes of the law, the effect is the same in that it forces tenants to vacate against their desire to stay — at a time when families are out of work, and amidst a public health crisis.

Deeper analysis of current municipal and state policies and regulations, as well as an examination of which entities have jurisdiction over various policies will be presented in the third brief of this series. The third brief will also propose changes to existing policies and regulations, and offer recommendations for new policies that can be pursued by policy makers to help lessen the impacts of the coming eviction crisis and promote public health.
Current eviction moratoria have many gaps

In March 2020, the City of Santa Fe and the Supreme Court of New Mexico enacted orders to pause evictions for tenants impacted by COVID-19. In September 2020, the Centers for Disease Control and Prevention (CDC) put forth a national eviction moratorium covering states without an existing moratorium, or states where the moratorium is not as strong as the federal order.  

Table 1: Eviction moratoria at city, state, federal levels

<table>
<thead>
<tr>
<th>Order, effective date</th>
<th>Scale</th>
<th>Description of moratorium order</th>
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<tbody>
<tr>
<td>City of Santa Fe Mayor’s office</td>
<td>City</td>
<td>The Mayor of Santa Fe took initiative to prohibit eviction of residential, as well as commercial properties. Tenants unable to pay rent due to the COVID-19 pandemic were protected in this order. The City's protections remain in place until the orders of the New Mexico Supreme Court are lifted. The local order specifically prohibits landlords from providing notice of eviction to tenants.</td>
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<tr>
<td>Start: March 23, 2020 End: Indefinite</td>
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<tr>
<td>New Mexico Supreme Court</td>
<td>State</td>
<td>The New Mexico Supreme Court imposed two state-level eviction moratoria (including one for mobile homes) that would pause evictions for tenants indefinitely until the pandemic is over. The Supreme Court's moratoria are broader than the City's and protect all tenants unable to pay rent, whether or not that inability to pay is related to COVID-19 pandemic. With no end date identified for these policies, they can be lifted at the Court's discretion at any time.</td>
</tr>
<tr>
<td>Start: March 24, 2020 (residential rentals) &amp; March 26, 2020 (mobile homes) End: Indefinite</td>
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| Centers for Disease Control and Prevention | Federal   | Under the federal order, tenants must sign and present a declaration to their landlord, affirming under penalty of perjury that they are protected from eviction because they meet a set of criteria including if they:  
- Fall within specific income limits  
- Are unable to pay full rent due to substantial loss of income  
- Attempt to make timely partial payments  
- Don't have an alternative housing option  
- Make best use effort to obtain government assistance. |
| Coronavirus Aid, Relief, and Economic Security (CARES) Act | Federal   | Renters who receive federally subsidized housing assistance through public housing, the Housing Choice Voucher program, and Low Income Housing Tax Credit Housing are prohibited from receiving an eviction claim for nonpayment of rent or other fees/charges. |
| Start: March 27, 2020 End: July 24, 2020  |           |                                                                                                                                                                                                                                |
Despite these policies' intent to keep families housed, many families continue to experience eviction. The Regional Housing Legal Services, a housing and community development policy center, indicates that New Mexicans are currently only protected for one phase of the five phases of eviction (see the box below). Landlords can begin the eviction process by providing notice of eviction to tenants and filing an eviction claim.

When a landlord files an eviction claim, regardless of the outcome, the filing remains on public record. This can affect families' ability to secure future housing, and thus impact long-term housing stability. Court hearings on eviction claims can also still be scheduled and held before a judge. And landlords are still able to report missed or late payments to credit agencies, impacting renters’ credit and their long-term ability to access housing.

Figure 8: The Eviction Process in New Mexico

Eviction Lab, a team of housing researchers at Princeton University, gives New Mexico a very low score (0.53 out of 5.00) in its COVID-19 Housing Policy Scorecard. This is because there are few tenant protection measures, and despite the current eviction moratoria, landlords can still file to evict tenants, charge late fees, and raise rents.
Under current laws, the burden of ensuring landlords abide by eviction moratoria falls squarely on renters themselves. Landlords are not required to notify their tenants about local, state, or federal policies. Instead, tenants must learn about the policies on their own, and bring them to the attention of their landlords by providing hard copies of the orders. Under the City's moratorium, tenants must initiate contact with the City Attorney's office. Once landlords begin the eviction process, the responsibility again falls on tenants to attend hearings before a judge and provide proof that they're unable to pay rent.

Low income communities and communities of color who are already most vulnerable to eviction are further burdened by the responsibility to enforce the eviction moratoria. For those who have language and technology access barriers, the process is particularly inaccessible. Undocumented residents may also fear interacting with the legal system to defend their protections under the moratoria, as Santa Fe's “sanctuary” status does not preclude landlords from reporting or threatening to report individuals to Immigration and Customs Enforcement (ICE).

“I’ve been having a really hard time paying my rent, but it’s hard to get assistance because I am undocumented. Even when there is help available to me, it’s hard to know how to access it safely. Will I be retaliated against if I make a mistake? Will my family be even more vulnerable?”

– A head of household and tenant in the Hopewell-Mann neighborhood

Landlords are leveraging gaps in the current moratoria to evict families. For example, landlords can carry out evictions for reasons other than nonpayment, including expiring lease agreements and violation of lease agreements. Court records show that in the first few weeks of October 2020, landlords filed 16 eviction claims in Santa Fe, mostly due to unpaid rent, and some due to end of lease agreements — which researchers expect to climb as more and more leases expire over time. Additionally, families who have a month-to-month agreement (as many seasonal and temporary workers do) or those whose annual agreement expired during the pandemic may be forced out via rent increases.

Families who are forced to double- or triple-up in single-family homes as a result of eviction are at increased risk of successive eviction. Over-occupancy is considered a substantial lease violation, which landlords can use as grounds for eviction during and despite the moratoria. Additionally, some families are experiencing eviction because their informal rental agreements do not qualify under the current orders. The number of families impacted by terminated informal rental agreements due to lack of landlord licensing and regulation in Santa Fe remains unclear. In the next brief in this series, we use evictions data from public records requests as a best estimate to describe the scale of evictions in 2020, as well as the reasons for eviction.
The CDC’s vague eviction moratorium eligibility criteria are left open to interpretation by landlords and judges who can and do apply the law to their benefit—often at the expense of tenants. For example, landlords can challenge a tenant’s declaration of income loss and question whether tenants are meeting “best efforts” to seek government assistance. Landlords can also question whether tenants have alternative housing options as part of an attempt to argue for exemption from the eviction moratoria.

On December 2, 2020, New Mexico Courts expanded the online debt mediation program to automatically initiate negotiations between parties and to require landlord participation. Previously, only landlords could initiate mediation, and many declined to do so, opting instead to proceed directly to the eviction process. In New Mexico, there is also no guaranteed legal counsel for renters to seek advice or assistance in the face of potential eviction. With thousands of landlords poised to file complaints and initiate eviction proceedings, courts and legal advocates will be further stretched beyond capacity, diminishing the supply and quality of legal representation available to tenants.

When the current eviction moratoria lift, renters will face debt and limited housing opportunities

Perhaps the most concerning limitation of the current eviction moratoria is that renters will still be required to pay back rent when the moratoria are lifted. The current orders do not specify a grace period to pay back rent and late fees. With so many Santa Feans out of work due to the pandemic, many still lack a source of income to repay this accumulating back rent.

Renter families may also face legal troubles when the eviction moratoria are lifted. For example, renters who sign and submit the CDC’s declaration form to their landlords must agree to a set of statements. Renters must oblige with the understanding that landlords will require full payments not paid during the moratoria, and a failure to pay is considered grounds for eviction in accordance with local and state laws.
Eviction risks warrant deeper analysis — preventing them requires immediate action

Thousands of Santa Fe renter households, particularly those who are already vulnerable to intense housing pressures, are stuck in an impossible situation as the final days of 2020 approach. Many people lost their jobs as a result of the pandemic, and are now trying their best to hang onto their homes. Unable to pay rent, these families are reliant on compassionate landlords and robust eviction moratoria to stay afloat. And yet, the current policies are limited in their effectiveness and are prone to manipulation due to their ambiguity.

Understanding precisely how many renter households experienced eviction in 2020 with moratoria intact is a challenging feat, as acquiring this public data has been difficult. After months of attempts, the New Mexico Courts gave permission to our partners at the University of New Mexico School of Law to access the requested dataset. In a second brief, to be released in early January 2021, we reveal the scale to which landlords have initiated and carried through evictions that force families from their homes amidst an economic recession and global public health crisis.

In the coming weeks, the City of Santa Fe can intervene to remedy an unprecedented looming housing crisis, more daunting than any city has ever previously seen. By establishing a moratorium on evictions early on in the pandemic to protect the public’s health, local leadership has demonstrated commitment to its residents. Now, as COVID-19 cases surge and death tolls rise, the City can again take a critical stand to protect residents from homelessness and poor health.

In the final brief of this series, to be released in February 2021, we will elaborate on strategies that policymakers can enact to establish a robust eviction moratorium and to improve renter protections — for the duration of the pandemic, the recovery process ahead, and beyond.
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**Human Impact Partners (HIP)** transforms the field of public health to center equity and build collective power with social justice movements.

**Chainbreaker Collective** is a membership-based economic and environmental justice organization that works to expand access to affordable transportation and sustainable communities for working people in Santa Fe, NM. Chainbreaker has over 700 dues paying members in Santa Fe, the bulk of whom are residents of neighborhoods experiencing disinvestment and vulnerable to gentrification and eviction.

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The views and opinions expressed in the brief are not necessarily those of the sponsors. Additionally, the current brief may not reflect the most current status of national, state, and local eviction moratorium orders or the evolving scale of evictions experienced by Santa Fe residents.

HumanImpact.org/SantaFeEviction
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Appendix A

Details on research methodology

Page 10: The Household Pulse Survey data is available at the state level and for select cities, not including Santa Fe. We use state-level data to extrapolate experiences for residents of Santa Fe.

Page 14: According to 2019 American Community Survey 1-Year estimates data profiles, there are 12,337 renter occupied housing units in Santa Fe. An eviction risk of 24% and 25% is equivalent to (0.24*12,337 and 0.25*12,337) 2,961 and 3,084 households in Santa Fe.

Page 14: Risk factors for eviction were determined based on characteristics of groups who were likely to report difficulty paying for household expenses, being behind on rent, and likelihood of eviction (self reported on the Household Pulse Survey). These risk factors are reflective of Hispanic race/ethnicity and poverty-related factors. The factors, accessible through the American Community Survey at the census tract level, are:

- 50%+ Hispanic race/ethnicity
- $42,000 or lower median household income (this salary is what is needed to afford a 2-bedroom unit in the Santa Fe)
- 20%+ children in poverty
- 20%+ seniors in poverty
- 33%+ Spanish speaking adults
- 20%+ Foreign-country place of birth
- 30%+ residents with a median gross rent as 30%+ of household income (also known as rent burden)

Page 15: This review described a threat of eviction as “a consequence of economic issues such as mortgage or rent arrears, foreclosure (the legal process that leads to a repossession or eviction), and/or evictions.”

Page 20: The landlord serves the tenant with a written notice. There are 3 types of notices:

- 3-day: if tenant doesn’t pay rent on time or has a committed serious crime on premises
- 7-day: if the lease is violated or tenant isn’t following certain legal obligations
- 30-day: if landlord wants to terminate the lease for any other reason, notice is presented prior to the end of the rental term, whether a yearly or month to month agreement

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