

**23-022**

City Council Action and Executive Summary

Type of Action:☒ **Resolution**☐ **Ordinance**☐ **TIDD Resolution****District:** ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A**1st Reading:****Adopted:**

August 15, 2022

Drafter:

Sergio Ruiz

Department:

City Manager's Office

Program:Council and Community
Support**Line of Business:**Council and Community
Support**Title:****A RESOLUTION IN SUPPORT OF NEW MEXICO LEGISLATION TO PROTECT
TENANTS FROM INCOME DISCRIMINATION BY LANDLORDS.****TYPE OF ACTION:** ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial****PURPOSE(S) OF ACTION:**

Support tenant protection from income discrimination.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Legislation and municipal ordinances need to be established that would prohibit landlords from discriminating against tenants, based upon their economic status.

It is an unlawful discriminatory practice to deny, directly or indirectly, any individuals the full and equal enjoyment of housing, including the rental of a dwelling, services, facilities, and privileges, based on the source of income of the individual; and the legislation shall prohibit discrimination against tenants who are recipients of social security income, disabled, veterans, or recipients of Section 8 housing vouchers.

Source of income (SOI) discrimination contributes to the perpetuation of racially segregated communities and neighborhoods with concentrated poverty.

The legislation shall develop programs to recruit landlords and assist low-income tenants in finding units in high opportunity areas; and once tenancy begins, the landlord must keep the unit in habitable condition by complying with housing codes materially affecting health and safety, making repairs necessary to keep the premises safe, and other obligations.

Security deposits cannot be charged more than one month's rent if the rental period is for less than one year. If it is over a year and the security deposit is more than one month's rent, the landlord must pay annual interest on the amount. At the end of the tenancy, the landlord has 30 days to return the deposit along with a written list of deductions taken out; and a landlord may not raise rent during lease term (1 year lease) unless lease allows.

A landlord may not retaliate against a tenant for exercising tenant rights; and the owner shall provide a written rental agreement to each resident prior to the beginning of occupancy.

Housing agencies, advocates, and enforcement agencies should play a key role in ongoing, repeated communication about the law's requirements to landlords and tenants; and there needs to be increased efforts

to combat income discrimination through aggressively investigating and prosecuting landlords who refuse to rent to tenants.

The City Council calls on the New Mexico legislature to develop landlord/tenant reform that allows for the protection of tenants from landlord income discrimination.

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☐ No

☒ N/A

Does this action align with Elevate Las Cruces?

☐ Yes

☐ No

☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution in support of the New Mexico legislation to protect tenants from landlord income discrimination.
2. Vote "No"; this will not approve the Resolution in support of the New Mexico legislation to protect tenants from landlord income discrimination.
3. Vote to "Amend"; this could amend the Resolution based on direction from Council to staff.
4. Vote to "Table"; this could delay the adoption of the Resolution in support of the New Mexico legislation to protect tenants from landlord income discrimination.

RESOLUTION 23-022

A RESOLUTION IN SUPPORT OF NEW MEXICO LEGISLATION TO PROTECT TENANTS FROM INCOME DISCRIMINATION BY LANDLORDS.

The City Council is informed that:

WHEREAS, legislation and municipal ordinances need to be established that would prohibit landlords from discriminating against tenants, based upon their economic status; and

WHEREAS, it is an unlawful discriminatory practice to deny, directly or indirectly, any individuals the full and equal enjoyment of housing, including the rental of a dwelling, services, facilities, and privileges, based on the source of income of the individual; and

WHEREAS, the legislation shall prohibit discrimination against tenants who are recipients of social security income, disabled, veterans, or recipients of Section 8 housing vouchers; and

WHEREAS, source of income (SOI) discrimination contributes to the perpetuation of racially segregated communities and neighborhoods with concentrated poverty; and

WHEREAS, the legislation shall develop programs to recruit landlords and assist low-income tenants in finding units in high opportunity areas; and

WHEREAS, once tenancy begins, the landlord must keep the unit in habitable condition by complying with housing codes materially affecting health and safety, making repairs necessary to keep the premises safe, and other obligations; and

WHEREAS, security deposits cannot be charged more than one month's rent if the rental period is for less than one year. If it is over a year and the security deposit is more than one month's rent, the landlord must pay annual interest on the amount. At the end of the tenancy, the landlord has 30 days to return the deposit along with a written list of deductions taken out; and

WHEREAS, a landlord may not raise rent during lease term (1 year lease) unless lease allows; and

WHEREAS, a landlord may not retaliate against a tenant for exercising tenant rights; and

WHEREAS, the owner shall provide a written rental agreement to each resident prior to the beginning of occupancy; and

WHEREAS, housing agencies, advocates, and enforcement agencies should play a key role in ongoing, repeated communication about the law's requirements to landlords and tenants; and

WHEREAS, there needs to be increased efforts to combat income discrimination through aggressively investigating and prosecuting landlords who refuse to rent to tenants; and

WHEREAS, the City Council calls on the New Mexico legislature to develop landlord/tenant reform that allows for the protection of tenants from landlord income discrimination.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

THAT the City Council affirms its support for landlord/tenant policies to include source of income as a “protected class”, ensuring that landlords and other housing providers cannot discriminate against renters in making housing decisions based on their use of a voucher or a rental subsidy. The law shall cover the use of vouchers and rental subsidies, as well as social security income, disability benefits, veterans’ benefits, child support, alimony, and other legal non-wage income. The law shall require housing providers to treat individuals equally regardless of their source of income, and

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS