

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 478

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO MUNICIPALITIES; AMENDING SECTIONS OF THE MUNICIPAL
CODE TO PROVIDE FOR PAYMENTS AND LIENS FOR CERTAIN WATER
UTILITIES.

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

SECTION 1. Section 3-23-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-22-1, as amended) is amended to read:

"3-23-1. MUNICIPAL UTILITY--SERVICE CHARGES--DEPOSITS--
DISCONTINUANCE OF WATER SERVICE FOR NONPAYMENT OF CHARGES--
SUPPLEMENTAL METHOD.--

A. A municipality, including an entity established
pursuant to Section 72-1-10 NMSA 1978, may require a reasonable
payment in advance or a reasonable deposit for water,
electricity, gas, sewer service, geothermal energy, refuse
collection service or street maintenance.

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1 B. If payment of any price, rent, fee or other
2 charge for water, sewer service, refuse collection or street
3 maintenance is not made within thirty days from the date the
4 payment is due, the water service may be discontinued and shall
5 not be again supplied to the person liable for the payment
6 until the arrears with interest and penalties have been fully
7 paid.

8 C. The provisions of this section are intended to
9 afford an additional method of enforcing payment of charges for
10 water, sewer service, refuse collection or street maintenance
11 furnished by the municipality."

12 **SECTION 2.** Section 3-23-6 NMSA 1978 (being Laws 1965,
13 Chapter 300, Section 14-22-6, as amended) is amended to read:

14 "3-23-6. CHARGE FOR SERVICE OF MUNICIPAL UTILITY BECOMES
15 A LIEN AGAINST THE PROPERTY SERVED--EXCEPTION.--

16 A. Any charge imposed by ordinance for service
17 rendered by a municipal utility, including an entity
18 established pursuant to Section 72-1-10 NMSA 1978, except as
19 indicated in Subsection C of this section, shall be:

20 (1) payable by the owner, personally, at the
21 time the charge accrues and becomes due; and

22 (2) a lien upon the tract or parcel of land
23 being served from such time.

24 B. The lien shall be enforced in the manner
25 provided in Sections 3-36-1 through 3-36-5 NMSA 1978. In any

1 proceedings where pleadings are required, it shall be
2 sufficient to declare generally for the municipal utility
3 service. Notice of the lien shall be filed in the manner
4 provided in Section 3-36-1 NMSA 1978, and the effect of such
5 filing shall be governed by Section 3-36-2 NMSA 1978.

6 C. Subsection A of this section shall not apply if
7 an owner notifies the municipality that utility charges [~~which~~]
8 that may be incurred by a renter will not be the responsibility
9 of the owner. Such notification shall be given in writing
10 prior to the initiation of the debt and shall include the
11 location of the rental property."

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