The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 184

HOUSE BILL 320

Introduced by

REPRESENTATIVE ALONZO BALDONADO AND SENATOR CLEMENTE SANCHEZ
CHAPTER 104

AN ACT

RELATING TO HOMEOWNER ASSOCIATIONS; LIMITING HOMEOWNER ASSOCIATIONS FROM ENACTING OR ENFORCING CERTAIN RESTRICTIONS RELATING TO FLAG FLYING.

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

SECTION 1. Section 47-16-1 NMSA 1978 (being Laws 2013, Chapter 122, Section 1) is amended to read:

"47-16-1. SHORT TITLE.--Chapter 47, Article 16 NMSA 1978 may be cited as the "Homeowner Association Act"."

SECTION 2. A new section of the Homeowner Association Act is enacted to read:

"FLAGS.--An association shall not adopt or enforce a restriction related to the flying or displaying of flags that is more restrictive than the applicable federal or state law or county or municipal ordinance."

SECTION 3. Section 47-16-15 NMSA 1978 (being Laws 2013, Chapter 122, Section 15) is amended to read:

"47-16-15. APPLICABILITY.--

A. Except as provided in Subsections B and C of this section, the Homeowner Association Act shall apply to all homeowner associations created and existing within this state.

B. Sections 47-16-9, 47-16-10 and 47-16-14 NMSA 1978 do not apply to homeowner associations created before July 1, 2013; provided that any amendment to the community
documents of an association created before July 1, 2013 shall comply with the Homeowner Association Act.

C. Except as provided in Sections 47-16-4 and 47-16-8 NMSA 1978 and Section 2 of this 2015 act, the Homeowner Association Act does not invalidate existing provisions of the articles of incorporation, declaration, bylaws or rules of a homeowner association created before July 1, 2013.

D. The Homeowner Association Act does not apply to a condominium governed by the Condominium Act."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.
Approved by me this 9th day of April, 2015

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO