

The Legislature  
of the  
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 104

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

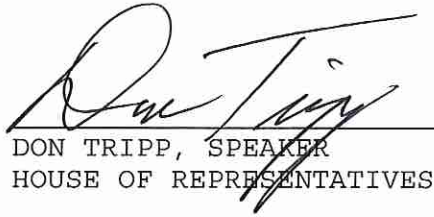
1 documents of an association created before July 1, 2013 shall  
2 comply with the Homeowner Association Act.


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

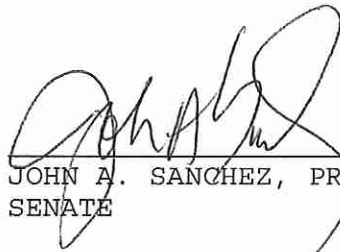
9 D. The Homeowner Association Act does not apply to  
10 a condominium governed by the Condominium Act."

11 SECTION 4. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2015. \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

  
DON TRIPP, SPEAKER  
HOUSE OF REPRESENTATIVES

  
DENISE RAMONAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES

  
JOHN A. SANCHEZ, PRESIDENT  
SENATE

  
LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 9<sup>th</sup> day of April, 2015

  
SUSANA MARTINEZ, GOVERNOR  
STATE OF NEW MEXICO