

1 WHEREAS, in light of the foregoing, and the Court being sufficiently
2 advised, Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice David K.
3 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

4 NOW, THEREFORE, IT IS ORDERED that the amendments to Attachment
5 2 to Order No. 22-8300-010 are APPROVED and attached to this order;

6 IT IS FURTHER ORDERED that the above-mentioned amendments shall be
7 effective **December 18, 2023**;

8 IT IS FURTHER ORDERED that amended Attachment 2 to Order No. 22-
9 8300-010 shall expire and be withdrawn on September 30, 2025, or upon notification
10 to the Court of the exhaustion of the HAF program funds, whichever occurs first;

11 IT IS FURTHER ORDERED that the Notice to Defendant of the Homeowner
12 Assistance Fund and Ability to Request a Stay While Applying for HAF referenced
13 in Form 4-227 NMRA (*see* amended Attachment 2 to Order No. 22-8300-010)
14 should be substantially in the form posted on the New Mexico Judiciary website;
15 and

1 IT IS FURTHER ORDERED that the remaining provisions of Order No. 22-
2 8300-010 and Attachment 1 to Order No. 22-8300-010 shall remain in effect.

3 IT IS SO ORDERED.



4 WITNESS, the Honorable C. Shannon Bacon, Chief
5 Justice of the Supreme Court of the State of New Mexico,
6 and the seal of said Court this 18th day of December, 2023.

A handwritten signature in cursive script that reads "Elizabeth A. Garcia".

Elizabeth A. Garcia, Chief Clerk of the Supreme Court
of the State of New Mexico

NOTICE TO DEFENDANT
RE: NEW MEXICO HOMEOWNER ASSISTANCE FUND (HAF)
AND ABILITY TO REQUEST A STAY WHILE APPLYING FOR HAF

If you meet certain income eligibility requirements and if your loan meets certain eligibility criteria, you may be able to get help with past-due mortgage payments through the New Mexico Homeowner Assistance Fund (HAF), which was funded through money allocated under the American Rescue Plan Act of 2021. The HAF program will provide housing grants to income-eligible households experiencing financial hardship associated with the COVID-19 health crisis. The grants are to fund mortgage payments, taxes, and insurance up to an amount approved under the HAF program, to maintain housing and/or reduce housing cost delinquency. Requests are processed in the order received and funded based on funding availability. If you are awarded a grant, the assistance payment is disbursed directly to the mortgage lender or servicer. The assistance does not need to be repaid. Households are eligible to receive assistance if they: (1) attest that they experienced a financial hardship after January 21, 2020 associated with the COVID-19 pandemic; (2) provide income documentation and have incomes equal to or less than 150% of the area median income or 100% of the median income of the United States, whichever is greater; and (3) currently own and occupy a primary residence in New Mexico. The original loan balance must not exceed \$417,000.

If you are interested in finding out if you are eligible for the HAF, you will need to contact the New Mexico Mortgage Finance Authority (MFA) HAF program. The MFA may be contacted by the following means:

Telephone: (505) 308-4206 or (866) 488-0498

Website: <https://www.housingnm.org/static/homeowner-assistance-fund>

NOTE: If you wish to ask the court in your foreclosure case to place a litigation “stay” (which stops the litigation from moving forward) while you are applying for HAF, you will need to file a written motion and file it with the court. A HAF Motion, proposed HAF Order, and HAF Notice of Decision on your HAF application are provided to you with this notice.

You must send a copy of your motion request and proposed order to the plaintiff’s lawyer and all other parties named in the case. If the court grants your request to stay the litigation of the case to allow you to apply to the Homeowner Assistance Fund, the stay of litigation does not stay referral to and participation in court-ordered mediation or settlement facilitation.