



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-024900 Institutional Residential Housing; Trailer Court Facilities	Issued: 10/05/90 Effective: 01/01/90	Reviewed: 07/31/23 Revised: 7/31/18
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. Internal Revenue Code Section 119 and related regulations pursuant to the Tax Reform Act of 1986.
- B. Internal Revenue Code Section 132 (j) and related regulations pursuant to the Tax Reform Act of 1986.
- C. NMSA 1978, Sections 9-3-5 and 33-1-6, as amended.

REFERENCES:

- A. Policy *CD-010100*.
- B. Department of Finance and Administration Directives re "Compliance with IRS Rules and Regulations" (1) undated; (2) dated February 13, 1990; and (3) dated March 21, 1990.
- C. Fair Labor Standard Act (FLSA), 29 U.S.C. Sections 200, et. seq.

PURPOSE:

- A. To provide standards, guidelines and rules for the management and occupancy of institution resident housing and trailer court facilities.
- B. To provide for assignment of housing or trailer court facilities to Department employees for whom acceptance of such benefits is required to enable the employee to properly perform the duties of his or her employment.
- C. To address State-provided utility services associated with assignment of residential housing or trailer court facilities to employees.

APPLICABILITY:

All Corrections Department employees, their relatives, and any other approved occupants assigned institution residential housing or trailer court space facilities.

FORMS:

- Assignment of Residential House or Trailer Court Facilities** form (*CD-024901.1*).
- Condition of Residential Property Checklist** form (*CD-024901.2*).
- Inventory of Residential Housing and Trailer Court Facilities Vacant and Occupied Properties** form (*CD-024901.3*).

ATTACHMENTS:

None

DEFINITIONS:

- A. Approving Authority: Director of Adult Prisons, Deputy Director of Adult Prisons and Warden are the persons authorized to approve assignment of residential housing or trailer court facilities, using **Assignment of Residential or Trailer Court Facilities** form (CD-024901.1).
- B. Assignment of Residential Housing or Trailer Court Facilities: Written determination and requirement, using the **Assignment of Residential House/Trailer Court Facilities** form (CD-024901.1) that residential housing or trailer court facilities are furnished to the employee on Department business premises for the convenience of the Department and as a condition of employment.
- C. Residential Housing: Lodgings (living quarters) located within the perimeter of State-owned prison grounds not available to the general public.
- D. Trailer Court Facilities: Mobile homes and/or spaces located within the perimeter of State-owned prison grounds not available to the general public.
- E. Relative: A legal spouse; natural parents; adoptive parents; stepparents or foster parents; grandparents; brothers and sisters; and children, natural or adopted, stepchildren or grandchildren. The term does not include aunts, uncles, or cousins unless a bona fide foster relationship exists, nor does it include persons with a common-law relationship.

POLICY:

The Corrections Department shall establish, maintain and govern the assignment, use and maintenance of State-owned residential houses and trailer space facilities located within its institutional grounds.



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AUTHORITY:

Policy *CD-024900*

PROCEDURES:

A. Criteria for Assignment of Residential Housing/Trailer Court Facilities to Department Personnel:

1. Residential housing and trailer court facilities may be assigned to Department personnel on the basis of the following criteria:
 - a. Lodging assigned to an employee by the Department may be on the business premises of the Department, which means within the perimeter of an institution or prison grounds.
 - b. Lodging assigned to employees shall only be for the convenience of the Department, where it is in the best interest of and benefit to the State of New Mexico for the employee to be available for duty at all times; or where the employee could not perform the services required of him or her unless the employee is assigned lodging by the Department.
 - c. The employee shall be required to accept such lodging as a condition of employment, which means that the employee is required to accept the lodging in order to enable the employee to properly perform the duties of his or her employment. The employee accepting lodging under these circumstances does so with the understanding that the lodging is assigned so the employee is available for emergency call back at all times or because the employee would not be able to perform his or her duties without lodging being assigned.
2. Employees to whom lodging is assigned may be required to respond to emergency situations on a 24-hour basis.
3. Assignment to institution residential housing or trailer court facilities will be approved by the Approving Authority for those employees who, in the opinion of the Approving Authority, significantly contribute to the effective operation of the institution according to the criteria of Paragraph A.1, above. A review/inspection of assigned housing shall be conducted by the Warden or designee upon occupying or vacating the premise, using form *CD-024901.2*.

4. Employees meeting the criteria for assignment to residential housing or trailer court facilities must provide the following information prior to occupancy: a list of all occupants, all occupants' ages, and information regarding any household pets, using the **Assignment for Residential House or Trailer Court Facilities- Part 2** form (*CD-024901.1*).
5. Approval of assigned residential housing or trailer court facilities, a determination shall be made by the Approving Authority or designee that such lodging assigned by the Corrections Department meets the requirements of paragraph, A.1 above. Such approval shall be provided in written notification by the facility or higher authority of this determination using the **Assignment of Residential House or Trailer Court Facilities** form (*CD-024901.1*). The completed form shall be filed at the Adult Prison Division Directors' office with a copy filed at the facility with the Warden.
6. Each facility Warden or designate shall maintain an inventory listing of all housing, trailers or trailer spaces whether occupied or vacant using (*CD-024901.3*) **Inventory of Residential Housing and Trailer Court Facilities-Vacant and Occupied**. The Master listing should be maintained in Office of the Director of Adult Prisons.

B. Taxable Benefits

The assignment of residential housing or trailer court facilities (as determined by the Internal Revenue Service) is an additional taxable benefit to employees, unless the employee meets the established criteria listed under Paragraph A above.

C. Rules Governing All Occupants of Residential Housing or Trailer Court Facilities:

1. Boarding of non-relatives members is prohibited without prior approval of the approving authority. Boarding of non-approved occupants may be grounds for employee disciplinary action or termination of the employee's residential assignment.
2. Visits from former inmates are not permitted. Former employees discharged by the Corrections Department must have the Approving Authority's authorization for visitation. Violation of this prohibition may be grounds for employee disciplinary action or termination of the employee's residential assignment.
3. Firearms and ammunition are permitted under certain written conditions by the Approving Authority, or designee. Such firearms and ammunition must be properly secured under lock and key.
4. Garbage and trash will be picked up by the institution from the receptacles provided. All garbage will be placed in plastic bags.

5. Dogs and other pets will be kept in the occupant's yard, on a leash, or in a fenced area, at all times. No more than two (2) pets will be allowed for each family without prior written authorization by the Approving Authority. (Any exception will require written authorization from the Warden). Owners will adhere to all state and local laws regarding immunizations, tags, etc. Pets shall be kept under control of the occupant at all times and not be permitted to roam free on the grounds. Violations will be grounds for terminating the employee's residential assignment.
6. Alcoholic beverages and prescription drugs shall be in a secure area inaccessible to inmates at all times and shall not be consumed in the presence of inmates. Drugs, syringes, and hypodermic needles must be completely destroyed before they are placed in trash containers
7. Posted speed limits on the institution grounds shall be obeyed. A valid State driver's license is required by anyone who drives on the grounds. All motorized vehicles must be properly licensed and operated in a safe fashion and free of noise-making devices that may disturb other residents. To prevent land erosion, off-road vehicles, such as all-terrain or four-wheelers, will not be used off of designated roadways.
8. There will be no non-operational vehicles, abandoned trailers, junk parts or "non-junk" parts located on institutional grounds.
9. The parking of vehicles on roads or lawns is not permitted. Driveways are provided for this purpose.
10. There will be no parking of recreational vehicles, utility vehicles or trailers, junk vehicles or any non-operational vehicles in vacant lots.
11. Each complex may designate an area for the purpose of parking and storage of recreational, utility vehicle or utility trailer parking.
12. Proper key control for private vehicles and living quarters will be exercised at all times. Keys must be removed from vehicles that are parked. Car doors will be locked when not in use.
13. Each occupant, dependents, and guests shall use good judgment in selecting proper attire during the hours when inmates are in the area. Contact with inmates should be limited to instructions or normal directives through the inmate's work supervisor.
14. Each house or trailer court facility shall be maintained in a neat, orderly fashion. Toys will not be permitted to be strewn over the lawn.
15. Employees will be responsible for the actions of their children, pets or other approved occupants while on State property. Acts of vandalism by any member (or approved non-member) of the authorized occupant's family may result in terminating the employee's residential assignment. The employee will also be charged for any labor and

material used to correct such vandalism and may be subject to disciplinary and criminal prosecution.

16. Each employee residing on the institutional grounds is required to respond on a 24-hour basis to official emergency requests as directed by the Warden or designee. Failure to comply with an emergency request may result in terminating the employee's residential assignment. The employee must report to the ranking supervisor at the institution when reporting for an emergency assignment.
17. It is the responsibility of each occupant to keep radios, stereos, TVs, and other sound-making equipment at a low enough volume so as not to disturb other occupants in the residential housing or trailer court facilities areas. Legitimate complaints from neighbors or violations of this procedure may constitute grounds for terminating the employee's residential assignment.
18. Upon separation for any reason with the Corrections Department, the employee has thirty (30) days to vacate the assigned residential housing or trailer court space.

D. Resident Housing Occupants' Additional Rules:

1. Keys for assigned residence shall be issued by the Deputy Warden of Administration. The employee occupant is responsible for returning keys when vacating the premises and for leaving quarters in clean condition.
2. A signed inventory shall be required for State furnishings, such as stoves, refrigerators, etc. The signed inventory form shall be filed in the Office of the Facility Business Manager.
3. Occupants will supply their own basic maintenance supplies (e.g., soap, light bulbs, cleaning supplies, etc.). All routine interior cleaning and maintenance is the responsibility of the occupant. Any exception must have prior approval by the Director of Adult Prisons.
4. Painting, alterations and additions to permanent structures must be vetted by the Department's Facilities Manager in addition to the Approving Authority or designee, and approved by the Facilities Management Division of the General Services Department pursuant to sections 15-3B-4 NMSA 1978., or designee, is given. Television antennas are not provided by the institution. Adjustment of furnaces, water heaters, and gas stoves by occupants of department housing is prohibited. Service calls to report problems should be made to the institution's physical plant services, whenever they occur.
5. Outside yards and facilities of each resident will be maintained in an acceptable manner. Lawns will be mowed, landscaped, and weeds/debris will be removed. Each spring the institution will be responsible for cleaning each yard; thereafter, it will be the responsibility of the occupants to maintain individual lawns and yards.

E. Trailer Court Facilities Occupants' Additional Rules:

1. Hook up of all utilities will be the responsibility of the employee.
2. The employee will obtain and pay for a mobile home inspection permit. Every trailer unit must be equipped with working smoke and fire detectors.
3. Within thirty (30) days of occupancy, trailers are to be skirted at the occupant's expense. Failure to do so may result in terminating the employee's residential assignment.
4. Institution maintenance staff will NOT perform hook up of utilities or perform repairs on privately owned property.
5. There will be no alterations to assigned trailer space without prior written approval from the Approving Authority or designee.
6. Abandoned trailers may become the property of the State following due process.

F. Conduct:

Each employee residing on institutional grounds will be responsible for proper conduct that will not interfere with the privacy of other residents or the operation of the institution. Any destruction of State property will be paid by the employee, if such destruction is a result of the negligence or willfulness of the employee, his or her approved relatives or his or her guests. Failure to meet this condition may be grounds for terminating the employee's residential assignment.

G. Repairs:

1. Any major repairs needed on the residence or any other State property will require a written work request from the occupant. All work requests will be sent to the Warden. The Warden or designee will determine if the repairs needed are due to normal wear.
2. If it is determined the repairs needed are due to abuse or misuse, repairs will be made and the responsible occupant will be charged the cost for such repairs. Costs will include labor and materials. Major or continuous abuse of State property may result in terminating the employee's residential assignment.

H. Mail:

1. Employees and their families may not receive mail at the institution mail room. It will be the employee's responsibility to ensure mail delivery by postal authorities.

I. Fire Department:

Every employee living on the grounds may become a member of the institution Volunteer Fire Department, where applicable. The Warden or designee may appoint members to the Fire Department, if there are not sufficient volunteers to effectively operate the Fire Department. The Institutional Fire Chief will schedule periodic training sessions for volunteers and appointed members.

J. As a condition of living in residential housing employees will be required to participate in “Special Events” that occur on grounds. Employee’s will not be otherwise compensated for these activities. Examples of events will include the Old Main facility tours and inmate rodeo events. Special events will occur after normal working hours and employee’s (Lieutenants and above), will be asked to participate in security and chaperoning functions.

K. Acknowledgment by Employee:

A copy of this policy shall be given to the authorized employee occupant. The employee will acknowledge receipt of such information by executing a copy of the **Assignment of Residential or Trailer Court Facilities** form (*CD-024901.1*).

L. Utility/Maintenance:

No Utility or maintenance reimbursement will be required except for damages caused by neglect or intentional misconduct by the employee, his or her family, or his or her guests.

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Assignment of Residential House or Trailer Court Facilities

It has been determined that for the convenience of the Corrections Department, the individual listed on the acknowledgement section meets the criteria set forth in policy CD-024900, Procedure II.A.1 and shall reside on facility grounds as a condition of employment.

House/Trailer Space # _____ is located at (Facility): _____.

Date of occupancy: _____.

Approving Authority:

Warden: _____ : _____
(Print Name) (Signature) Date

Director of APD:(or designee): _____ / _____
(Print Name) (Signature) Date

.....
Acknowledgment

I, _____ do hereby acknowledge receipt of a copy of Corrections
(Print name)

Department policy (CD-024900), **Institution Residential Housing; Trailer Court Facilities**. I acknowledge and agree that residing on the grounds is for the convenience of the Corrections Department and is a condition of my employment. I certify I have read, understand and agree to the terms and conditions of set forth in said policy. I further certify I understand and agree to abide by the rules set out within said policy governing occupation of living quarters or trailer space assignment.

Employee: _____ / _____ / _____
(Print name) (Signature) (Title)

Date: _____

NOTE: Employee should retain a copy of this Residential House/ Trailer Court Space Agreement and Assignment for personal income tax purposes as the assignment of housing or trailer court space may be a non-taxable benefit.

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Assignment of Residential House or Trailer Court Facilities-Part 2

PHASE I: Occupants Information

Employee Name: _____ Rank or Title: _____

Date: _____ Number of Family Members: _____

	NAME	RELATIONSHIP	AGE
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Number of Pets: _____ Exception Requested _____

Type of Pets: 1. _____ 2. _____

I am requesting (Check One) House Trailer Space Space/House #: _____

List the prospective benefit(s) to the Penitentiary if you were approved for a house/trailer space:

Employees requesting to occupy a trailer space are required to provide the following documentation:

- Proof of Insurance
- Copy of Mobile Home Registration
- Copy of Mortgage/Loan Contract if Financed
- Copy of the Mobile Home Inspection Permit

Upon completion of Phase I, it shall be forwarded to the Warden for review.

PHASE II: Warden Review:

Approved Disapproved

Date: _____ Warden Signature: _____

Exceptions: _____

Condition of Residential Property Checklist

Warden or designee must complete the checklist within three days of employee tenant moving in. Each must sign and keep a copy. Upon employee tenant moving out the warden or designee must complete the condition of the property.

Property Address

Employee-Tenant (Print Name)

Warden/Designee (Print Name)

Employee-Tenant (Print Name)

Item	Location	Condition Move-In	Condition Move-Out	Comments
Windows/Screens	Kitchen			
	Living room			
	Bedroom(s)			
Doors	Kitchen			
	Living room			
	Bedroom(s)			
	Bathroom			
Light Fixtures	Kitchen			
	Living room			
	Bedroom(s)			
	Bathroom			
Floor Coverings	Kitchen			
	Living room			
	Bedroom(s)			
	Bathroom			
Walls/Ceiling	Kitchen			
	Living room			
	Bedroom(s)			
	Bathroom			
Baseboards/Moldings	Kitchen			

	Living room			
	Bedroom(s)			
	Bathroom			
Cabinets/Drawers	Kitchen			
	Bathroom			
Sinks and Plumbing	Kitchen			
	Bathroom			
Towel Racks	Bathroom			
	Kitchen			
Toilet	Bathroom			
Shower/Tub	Bathroom			
Mirror/Medicine Cabinet	Bathroom			
Closet	Bedroom(s)			
Doorbell	Other			
Mailbox	Other			
Yard	Other			
External Door(s)/Locks	Other			
Outside Light(s)	Other			
Smoke Alarms	Other			
Fire Extinguisher	Other			
Appliances	Other			
Heating/Cooling System	Other			
Parking Area	Other			

Condition Rating: Excellent; Good; Poor

Move-in Inspection Date

Warden/Designee (Print Name)

Signature

Employee-Tenant Signature

Move-Out Inspection Date

Warden/Designee (Print Name)

Signature

Employee-Tenant Signature

