

KSC, TITLE 11. LAND & ENVIRONMENT

Chapter 5. Homestead

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Section 11.501. Designation.

The Governor may designate for homesteading purposes an area of public land suitable for dwelling, agriculture or grazing, not required for Government use or reserved for other purposes, for allotment to an eligible person with the right to acquire title pursuant to this chapter.

Section 11.502. Regulation.

By regulation the Governor determines:

- (1) the maximum area of land allowable for each dwelling, agriculture, or grazing homestead;
- (2) standards and requirements for the use, occupation and development of the homestead; and
- (3) the total amount of land which a person, clan, lineage, family or group of persons may own.

Section 11.503. Eligibility.

In addition to other requirements provided by law or regulation the following determines homesteading eligibility:

(1) A person is eligible for homesteading if he has attained the age of eighteen, and is a domiciliary. A person may not acquire a homestead interest in a parcel of land which exceeds the maximum established area. A person may not acquire more than one homestead, except that a qualified person may have one dwelling homestead and one farming homestead. A person who owns land, the size of which equals or exceeds the maximum established homestead area may not acquire a homestead.

(2) A clan, lineage, family or group of persons who collectively possess land rights by tradition recognized by the Governor is eligible if the Director of the Department of Agriculture, Land and Fisheries, taking cognizance of the tenure tradition, recommends to the Governor that the clan, lineage, family or group of persons is eligible for a homestead. A clan, lineage, family or group of persons may not acquire a homestead which exceeds the established maximum area.

Background

Subsection (2) was amended by State Law 7-1.

Section 11.504. Application.

The Director of the Department of Agriculture, Land and Fisheries receives an application for a permit

to homestead land. The sworn application states:

- (1) facts upon which the applicant relies to establish his eligibility to homestead;
- (2) a description by metes and bounds of the property sought for homestead; and
- (3) other data required by regulation.

Background

Amended by State Law 7-1.

Section 11.505. Approval.

The Director of the Department of Agriculture, Land and Fisheries verifies the applicant's eligibility and presents the essential facts of the application to the Governor for his approval or disapproval.

Background

Amended by State Law 7-1.

Section 11.506. Issuance.

Upon approval of an application, the Governor issues a permit to enter upon, use and improve the land in accordance with regulation. The permit describes the land and contains a reservation of a public road, right of way, or easement, and mineral rights and uses essential to the public welfare.

Section 11.507. Conditions.

- (1) The homesteader enters upon and commences the use and improvement of the land in accordance with a homestead permit within one hundred twenty days after receipt of a permit. If the homesteader does not enter the land as required, the permit expires and is null and void, and the homesteader thereby waives all rights in the land.
- (2) Within six months of entry the homesteader places at all corners of the land markers obtained from the Department of Agriculture, Land and Fisheries, and maintains all boundaries clear of weeds, trash and underbrush.
- (3) During the period of occupancy the homesteader complies with laws and regulations concerning the use, occupation and development of the land.

Background

Subsection (2) was amended by State Law 7-1.

Section 11.508. Deeds.

The Governor issues a deed of conveyance on behalf of the Government for homestead land entered pursuant to this chapter upon the expiration of three years from the date of entry and the Director of the Department of Agriculture, Land and Fisheries certification that the homesteader has complied with all law and regulation relating to the homestead. The Governor issues the deed of conveyance within two years of the time the homesteader becomes eligible to receive the deed of conveyance. A deed of conveyance conveys to the homesteader all Government rights to the land and improvements, except rights reserved by law or by permit.

Background

Amended by State Law 7-1.

Section 11.509. Transfer.

A person may not sell, assign, lease, transfer or encumber a homestead permit; except that, if a homesteader dies before the issuance of a deed of conveyance, all rights in the permit inure to the benefit to the person the homesteader has designated in a writing filed in the Department of Agriculture, Land

and Fisheries. If the homesteader did not make a designation the Director of the Department of Agriculture, Land and Fisheries revokes the permit, and the land, with all appurtenances, reverts to the Government.

Background

Amended by State Law 7-1.

Section 11.510. Revocation.

If, after the issuance of a permit and before the expiration of three years following entry of the homestead land, the Land Management Officer or other person shows to the satisfaction of the Governor that the homesteader has abandoned the land or has failed to comply with applicable law and regulation, after the homesteader has a fair opportunity to oppose the allegation, the Governor revokes a permit and the land reverts to the Government. The Governor may allow the homesteader an extension of the three year period for unavoidable cause.

Section 11.511. Waiver.

Upon recommendation of the Land Management Officer the Governor may waive a homesteading regulation, if the public interest requires.

Section 11.512. Certificate.

(1) Certification pursuant to [Section 11.508](#) gives a homesteader a right to issuance of a deed of conveyance of the Government's right, title and interest in the homestead land. Following certification the Governor promptly issues a certificate of compliance to the homesteader. A certificate of compliance is an instrument evidencing an interest in real property. The holder may sell, lease, or in any other way alienate the interest. A transferee succeeds to a right of a transferor to the extent the transferor has transferred it to him.

(2) Upon issuance of a certificate of compliance [Sections 11.509](#) and [11.510](#) cease to apply and homestead rights cease. This section does not deprive the certificate holder of the full right of possession and use of the land which is the subject of the permit and certificate, or of the rights provided in this section.