



HOUSE OF REPRESENTATIVES  
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 2008

Public Law No. 16-50  
H. B. No. 16-146, HS1, SD1

AN ACT

To establish a Village and Agricultural Homesteading Program in the Northern Islands; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           **Section 1. Short Title.** This Act may be cited as the Northern Islands Village and  
2 Agricultural Homesteading Act of 2008.

3           **Section 2. Findings.**

4           (a)     The Legislature finds that many indigenous Chamorro and Carolinian settled  
5 in the islands north of Saipan, also known as the Northern Islands, prior to the occupation of  
6 the Mariana Islands by the Spaniards, Germans and Japanese. In all those years, their  
7 descendants have continued to identify themselves as "people from the Northern Islands",  
8 with hope to return and stay. And for the many individuals and families who are now  
9 residing there, the Northern Islands is home for them.

10           (b)     The Legislature further finds that the residents of the Northern Islands, either  
11 currently residing or have resided in the Northern Islands, are still without deed or title to the  
12 property they have lived on for decades; and, no persons who are qualified to receive village  
13 and agricultural homestead lots have been issued homestead permits by the Marianas Public  
14 Lands Authority (MPLA) or its successors pursuant to Article XI, § 5(a) of the Constitution  
15 of the Northern Mariana Islands.

16           (c)     The Legislature further finds that the residents of the Northern Islands have  
17 had Representative in the Mariana Islands District Legislature during the Marianas District  
18 Administration of the Trust Territory Government. And pursuant to Article V, § 2 of the  
19 NMI Constitution, they now elect their Mayor; including voting in the third senatorial district

1 for Senators and Representatives in the Northern Marianas Commonwealth Legislature, and  
2 for Saipan and Northern Islands Municipal Council, and for Resident Representative to the  
3 United States, and for Governor. This means that the Government has always recognized the  
4 people residing in the islands north of Saipan as legal residents of those islands.

5 (d) The Legislature further finds that the House Resolution No. 12-028 adopted  
6 by the House of Representative, Twelfth Northern Marianas Commonwealth Legislature, on  
7 March 16, 2000, and the Municipal Council Resolution 6SMC-2RS-16, adopted by the Sixth  
8 Saipan and Northern Islands Municipal Council on April 24, 2000, were petitions of strong  
9 support urging the Board of Public Lands to expedite the issuance of homestead lots on the  
10 islands north of Saipan to the residents of these islands.

11 (e) The Legislature further finds that there are public lands available in the  
12 Northern Islands that may be designated by the Department of Public Lands for village and  
13 agricultural homesteading programs, and for public facilities, and commercial activities to  
14 meet the needs of the residents of the Northern Islands.

15 (f) The Legislature further finds that it is in the best interest of the  
16 Commonwealth that residents of the Northern Islands who meet the requirements of the  
17 Homestead Waiver Act be issued deed and title to the properties they have lived on for  
18 decades by the Department of Public Lands.

19 (g) The Legislature further finds that the situation of the islands north of Saipan,  
20 which lack transportation and communication services, makes it extremely difficult for the  
21 residents of these islands to communicate and/or commute to the island of Saipan to get  
22 materials and supplies; and to take care of their other needs, such as, to claim for the  
23 properties they have lived on for years. Considering their situation, the residents of these  
24 islands should not be given time limitation pertaining to the Waiver of Homestead  
25 Requirements.

26 (h) The Legislature further finds that it is in the best interest of the  
27 Commonwealth that any person who are qualified to receive homestead lot, and express  
28 interest to reside in the Northern Islands should be allowed to apply and receive a village lot  
29 and agricultural lot homestead permits, provided however, that the issuance of such permits

1 by the Department of Public Lands shall be given priority first to those persons who meet the  
2 residency requirement as determined by the Board of Election Office and registered to vote in  
3 the Northern Islands.

4 (i) The Legislature further finds that by virtue of the adoption of the Northern  
5 Mariana Islands Constitution by the people of the Northern Mariana Islands, it was intended,  
6 pursuant to Article II, Section 2(a) of the Constitution, for the islands north of Saipan to  
7 become the Fourth Senatorial District, having three members of the Senate which shall be  
8 elected at large after the population of the those islands exceeds one thousand persons, and  
9 pursuant to Section 3(b), for these islands to become a separate district electing one  
10 representative when the population of these islands equals or exceeds the number of persons  
11 represented by any member of the House of Representative in the Commonwealth.

12 (j) The Legislature further finds that the way to meet the intend and objective of  
13 Article II, Section 2(a) and Section 3(b) of the Constitution is for the Department of Public  
14 Lands to implement the waiver of homestead requirement and the issuance of village and  
15 agricultural homestead lot to qualify persons in the islands north of Saipan without any  
16 further delay.

17 (k) The Legislature acknowledged, when it passed House Bill 14-31 which  
18 became Public Law 14-66, that the Marianas Public Lands Authority (MPLA) is mandated to  
19 carry out the intent of the Homestead Waiver Act in processing public land claims pursuant  
20 to 2 CMC § 4323. The Legislature also acknowledged that MPLA carried out its mandate by  
21 establishing a list of certain persons who may qualify for title to public land under 2 CMC §  
22 4323. The Legislature further acknowledged that certain persons were not included on the  
23 list and such claims would have been time barred. As such, Public Law 14-66 amended the  
24 time limitation from 12 to 25 years after February 1, 1981. Once again, the Legislature finds  
25 that land title claims pursuant to 2 CMC § 4323 could not be reviewed on their merits  
26 because of the time limitation.

27 **Section 3. Purpose:** It is the purpose of this Act:

28 (a) To establish the Northern Islands Village and Agricultural Homesteading  
29 Program for the residents of the islands north of Saipan who are currently residing or have

**HOUSE BILL NO. 16-146, HS1, SD1**

1 resided on those islands without any approved village or agricultural homestead lots, and to  
2 any qualified person interested to reside in the islands north of Saipan.

3 (b) To enable the residents of the islands north of Saipan who are holder of a  
4 homestead permit to avail of housing loan pursuant to 2 CMC § 4336 and 2 CMC § 4337;  
5 allowing them to borrow money and build a safe, decent, and sanitary home for their  
6 families.

7 (c) To initiate and promote economic development in the islands north of Saipan  
8 through long-term commercial land leases to sustain a more permanent settlements and to  
9 make the islands north of Saipan socially and economically active and eventually contributes  
10 to the CNMI economy.

11 (d) To provide the Department of Public Lands with sufficient authority and  
12 flexibility to implement and administer this Act.

13 (e) To allow the Department of Public Lands to review claims that may be  
14 qualified under 2 CMC § 4323 on their merits by removing the time limitation provision  
15 established under 2 CMC § 4324(c).

16 **Section 4. Amendment.** Subject to codification by the Law Revision Commission, a  
17 new Article 9 is hereby added to Title 2, Division 4 of the Commonwealth code to read as  
18 follows:

19 "Article 9. The Northern Islands Homestead Act.

20 § 101. Short Title.

21 § 102. Designation of Agricultural Homestead Area.

22 § 103. Establishment of Area; Requirements for Use of Property.

23 § 104. Establishment of the Northern Islands Homesteading Program.

24 § 105. Eligibility to Homestead.

25 § 106. Authorization to Mortgage.

26 § 107. Deeds of Conveyance.

27 § 108. Time Limitation.

28 § 109. Rules and Regulation.

1           Section 101. Short Title: This Act may be cited as the ‘Northern Islands  
2 Homestead Act of 2008.’

3           Section 102. Designation of Homestead Areas: Such areas of public lands in  
4 the Northern Islands as may be suitable for village, and agricultural homesteading  
5 purposes, and which are not required for government use or reserved for other  
6 purposes by any other provision of law, shall be designated by the Department of  
7 Public Lands on behalf of the Commonwealth Government for village, and  
8 agricultural homesteading purposes. Such areas may, in accordance with the  
9 provisions of this Act, be allotted to qualified persons for the purpose of establishing  
10 and developing village lots or agricultural lots with the right to acquire title upon the  
11 fulfillment of the conditions prescribed in this Act.

12           Section 103. Establishment of Area; Requirements for Use of Property:

13           (a) Subject to Article XI, § 5 of the Commonwealth Constitution, the  
14 Department of Public Lands shall determine and establish:

15                   (1) The maximum size of land allowable for homesteading of  
16 village or agricultural lot to persons qualified pursuant to this Act.

17                   (2) Standards and requirements for the use, occupation and  
18 development of village or agricultural homestead lots.

19           (b) The Department of Public Lands shall file a copy of each of its  
20 determinations under this section with the Commonwealth Recorder’s Office.

21           Section 104. Establishment of the Northern Islands Homesteading Program:  
22 Village and agricultural homesteading program are hereby established within the  
23 Department of Public Lands; the implementation of the program shall be as provided  
24 by rules and regulations which shall include but not limited to:

25           (a) Establishment of eligibility’ criteria for designated village and  
26 agricultural homesteading lots which provide:

27                   (1) An applicant must be of person of Northern Marianas Descent  
28 as defined in Article XII, Section 4, of the Constitution of the Northern  
29 Mariana Islands;

1 (2) An applicant is not eligible for more than one village or  
2 agricultural homestead lot;

3 (3) An applicant must be eighteen (18) years old or older who is  
4 either single, married, widowed, divorced, or unmarried with or without  
5 dependents; and,

6 (4) An applicant or his or her spouse must not own or have an  
7 interest in any village or agricultural homestead lot or have been a recipient of  
8 a village or agricultural homestead lot in the Commonwealth,

9 (5) An applicant must be presently residing in the Northern Islands  
10 for at least one year and is registered to vote in Northern Islands elections at  
11 least three years immediately prior to applying.

12 (b) Establishment of Northern Islands Village and Agricultural  
13 Homestead Subdivisions, consistent with modern village and agricultural and other  
14 rural planning standards and which take into consideration lot requirements,  
15 roadways, housing, utilities, such as power and water distribution system; provided,  
16 however, that lot distributions and assignments may commence on or before the  
17 availability of infrastructures if the following conditions have been met:

18 (1) Completion of the environmental impact assessment and  
19 related Studies and receipt of appropriate permits to start the homesteading  
20 program from the government permitting and regulatory agencies;

21 (2) Completion of village or agricultural homestead design,  
22 surveying, identification and marking of physical boundaries, and  
23 identification of lot legal descriptions;

24 (3) Completion of land clearing and grading to enable access to the  
25 homestead lots and to identify and designate primary and secondary road  
26 systems; and,

27 (c) Establishment of reasonable filing fees and other related charges;

28 (d) Establishment of inspection and compliance procedures for each  
29 designated village or agricultural homestead lots; provided, however, that the

1 homesteader shall be granted a certificate of compliance three (3) years after the  
2 issuance of a homestead permit and upon fulfillment of the requirements as  
3 established by the Department of Public Lands.

4 Section 105. Eligibility to Homestead: In addition to those requirements set  
5 forth in section 4389, eligibility to enter upon or acquire rights to public land under  
6 this Act shall also be determined in accordance with 2 CMC § 4303.

7 Section 106. Authorization to Mortgage: The Department of Public Lands is  
8 hereby authorized to mortgage village or agricultural homestead lots on behalf of the  
9 homesteaders who are eligible to receive housing loans under Article VII, Section  
10 702(c) of the Covenant, or eligible to receive loans under the Rural Development  
11 Program or from private or public lending institutions.

12 Section 107. Deeds of Conveyance: Deeds of conveyance shall be issued by  
13 the Department of Public Lands for homestead land entered under the provisions of  
14 this article; provided, that no such deed shall be issued until the expiration of three  
15 years from the date of entry and the execution of a certification by the Department of  
16 Public Lands certifying that the homesteader has complied with all deed of  
17 conveyance within two years of the time the homesteader becomes eligible to receive  
18 the deed of conveyance under the provisions of this article. Such deed of conveyance  
19 shall convey to the homesteader any and all rights of the Commonwealth government  
20 to the property, excepting such rights as are reserved by law or by permit.

21 Section 108. Rules and Regulations: The Department of Public Lands shall  
22 adopt rules and regulations implementing the provisions of this Act.”

23 **Section 5. Amendment**. 2 CMC § 4324(c) is amended to read as follows:

24 “(c) No time limitation shall be imposed by the Department of Public Lands  
25 for submission of requests or applications for deeds and permits pursuant to this  
26 article.”

27 **Section 6. Severability**. If any provision of this Act or the application of any such  
28 provision to any person or circumstance should be held invalid by a court of competent

1 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
2 circumstances other than those to which it is held invalid shall not be affected thereby.

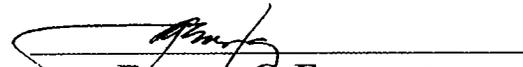
3 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be  
4 construed as affecting any existing right acquired under contract or acquired under statutes  
5 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
6 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
7 The enactment of this Act shall not have the effect of terminating, or in any way modifying,  
8 any liability civil or criminal, which shall already be in existence at the date this Act becomes  
9 effective.

10 **Section 8. Effective Date.** This Act shall take effect, upon approval by the Governor  
11 or upon its becoming law without such approval.

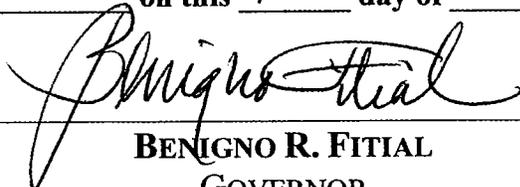
**CERTIFIED BY:**

**ATTESTED TO BY:**

  
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**ARNOLD I. PALACIOS**  
SPEAKER OF THE HOUSE

  
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**EVELYN C. FLEMING**  
HOUSE CLERK

APPROVED on this 15<sup>th</sup> day of JANUARY, 2009

  
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**BENIGNO R. FITIAL**  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS