

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4333. First, Second, and Third Senatorial Districts Village Homesteading Program: Establishment.

A village homesteading program is hereby established in the Department of Public Lands (DPL). The implementation of the program shall be as provided by rules and regulations that are consistent with this Act. The program shall include but not be limited to:

(a) Establishment of eligibility criteria for designated village homestead lots in the First, Second, and Third Senatorial Districts which provide that:

(1) An applicant must be of Northern Marianas descent as defined in N.M.I. Const. art. XII, § 4;

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

(3) An applicant must be 18 years old or older who is:

(i) Married, widowed, or unmarried with dependent children; or

(ii) Single.

(4) An applicant or his or her spouse must not own or have any possessory interest in any village lot or have been a recipient of a village homestead lot.

(5) Any applicant who has met all the above requirements and who had been a recipient of a village homestead lot may be eligible to receive a village homestead lot if he or she has been divested of a village homestead lot by a court decree pursuant to a divorce proceeding which awarded that village homestead lot to either the children or the applicant's former spouse.

(6) Except as provided in subsection (5) of this section, an applicant is not eligible for a village homestead lot if the applicant:

(i) Has been a recipient of a village homestead lot under the Department of Public Lands program or any previous homestead program; or

(ii) Has an ownership in a village lot, including an owner of land who has divested himself or herself of his or her possessory right through lease.

(7) In determining whether an applicant, has an interest in a village lot thereby making the applicant not eligible for a village homestead lot, the following shall be considered:

(i) Whether an applicant has an undivided possessory interest in land, through inheritance or otherwise, that meets the definition of a village lot, or

(ii) Whether an applicant has conveyed his or her interest in land to a corporation, trust or other entity owned, in whole or in part, by him or her.

(8) For purposes of this section, "possessory interest in land" shall mean an existing possessory interest in land at the time prior to and up to the date of the approval of the homestead permit, excluding interest in land acquired after the date the application is approved. Additionally, possessory interest in land does not include a future interest in land such as a remainder interest (e.g. a life estate remainder interest, Deed upon Death, Deed of Gift subject to an unexpired Lease, or other conveyance with the remainder interest to the applicant).

(b) Establishment of village homestead subdivisions that are consistent with modern urban planning standards and which take into consideration lot

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

requirements, roadways, housing, utilities, and water distribution; provided, however, that any village subdivision approved prior to January 9, 1978, the effective date of the Commonwealth Constitution, shall not be affected by this article.

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

(d) Establishment of inspection and compliance procedures for each designated village homestead program; provided, however, that the homesteader shall be granted a certificate of compliance three years after the issuance of a homestead permit and upon fulfillment of the requirements as established by the Department of Public Lands. DPL may revoke a permit, if after the three-year period, the homesteader has not fulfilled the requirements and no certificate of compliance has been issued; no permit may be revoked, however, if public water, electrical power, and sewer services were not extended to the homestead lot within a reasonable time before the end of the three-year period.

(e) Establishment of priorities for the issuance of a permit, based on a fair drawing of lots by lottery, for a village homestead lot which takes into consideration but is not limited to the applicant's immediate needs for housing, number of dependents, and income. The village lot lottery shall be based on the dates the applications were approved, not based on the applicant's age.

(f) DPL shall designate public lands in the First, Second, and Third Senatorial Districts that are suitable for village homestead purposes, which are not required for government use or reserved for other purposes as may be included in the DPL Land Use Plan.

Source: PL 1-42, § 3; amended by PL 6-6, § 2; PL 7-24, § 1; (d) amended by PL 14-43, § 2; (d) global amendment by PL 15-2, § 4; subsections (a), (e), and (f) amended by PL 23-34, § 2 (Jan. 10, 2025).

Commission Comment: With respect to the reference to the "Marianas Public Land Corporation," see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [2 CMC § 4142](#).

PL 14-43 was enacted on November 30, 2004, and contained the following purpose, in addition to severability and savings clause provisions:

Section 1. Purpose. The purpose of this Act is to require persons who have been awarded homestead lots to comply with all the terms and conditions of the permits within three years, after which the permit shall be subject to revocation. No permit may be revoked, however, if public water, electrical power, and sewer services were not extended to the homestead lot within a reasonable period before the end of three years.

PL 15-2, which was enacted on February 22, 2006, abolished the Marianas Public Lands Authority and created a Department of Public Lands in its place. PL 15-2 contained short title, legislative findings and declaration of policy,

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

repealer, global amendment, transition, severability, and savings clauses. See [1 CMC § 2801](#) for detailed information regarding PL 15-2.

In codifying PL 23-34, the statute title, and subsections (a), (e), and (f) contained language that was not current to PL 15-2. The Commission omitted the drafting marks pursuant to 1 CMC § 3806(g). Additionally, under Section 5 of PL-34, “[t]he provisions in Sections 2 and 3 of this Act shall apply retroactively to January 1, 2017 for homestead applications that were approved because of the requirements were met, including having no possessory interest in land at the time the application was approved.”