

TITLE 2: NATURAL RESOURCES  
DIVISION 4: LAND RESOURCES

**§ 4372. Eligibility for First, Second, and Third Senatorial Districts Agricultural Homesteads.**

- (a) Agricultural Homestead.
  - (1) An Applicant is not eligible for an agricultural homestead lot if the applicant:
    - (i) Has been a recipient of an agricultural homestead lot under the Department of Public Lands agricultural homestead program or any previous agricultural homestead program; or
    - (ii) Has ownership in agricultural homestead lot, including an owner of agricultural land who has divested himself or herself of his or her possessory right through a lease.
  - (b) In determining whether an applicant, has a possessory interest in an agricultural homestead lot thereby making the applicant ineligible for an agricultural homestead lot, the following shall be considered:
    - (1) Whether an applicant has a possessory undivided interest in agricultural land, through inheritance or otherwise, that meets the definition of an agricultural homestead lot, at the time prior to and up to the date of the approval of the agricultural homestead permit; or
    - (2) Whether an applicant has conveyed his or her interest, in whole or in part, in agricultural homestead land to a corporation, trust or other entity.
  - (c) For purposes of this section, “possessory interest in agricultural land” shall mean an existing possessory interest in agricultural land at the time prior to and up to the date of the approval of the agricultural homestead permit, excluding interest in land acquired after the date the application is approved. Additionally, possessory interest in agricultural land does not include a future interest in agricultural land such as remainder interest (e.g. a life estate remainder interest in agricultural land, Deed upon Death, Deed of Gift of agricultural land but subject to an unexpired Lease, or other conveyance of agricultural land with the remainder interest to the applicant).

**Source:** PL 10-2 § 5 (repealing former 2 CMC § 4372, PL 6-15, § 2); repealed and reenacted by PL 23-34, § 3 (Jan. 10, 2025).

**Commission Comment:** PL 10-2, the “Tinian Agricultural Homestead Corrections Act of 1996,” took effect March 4, 1996. According to PL 10-2, §§ 2-4:

Section 2. Findings and Purpose. The Legislature finds that a number of permits for agricultural homestead were issued following approval of [PL 6-15] by the Governor on February 21, 1989. The Legislature further finds that the final clause of Section 7 of [PL 6-15], referring to effectivity “upon the availability of the homestead development funds identified in the series bonds issued by the Commonwealth Development Authority,” was apparently overlooked both by the government, Marianas Public Land Corporation, and the homesteaders. No other reference to “homestead development funds,” “series bonds,” or the Commonwealth Development Authority appears in [PL 6-15]. Nevertheless, this technical defect now jeopardizes the right and title of agricultural homesteaders on Tinian to

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their homesteads. The Legislature further finds that any attempt to deprive Tinian agricultural homesteaders of rights in their homesteads raises serious constitutional questions of taking of property without due process of law. The homesteaders received their permits in accordance with the substantive terms of the law and relied on the permits and the attendant rights specified by the Act and other law. The purpose of this Act is to give full effect to the main intent of [PL 6-15] and to avoid constitutional difficulties.

Section 3. Amendment. Notwithstanding the language at the end of Section 7 of [PL 6-15] (“and shall take effect upon the availability of the homestead development funds identified in the series bonds issued by the Commonwealth Development Authority”), [PL 6-15] shall be deemed to have taken effect February 21, 1989, and Section 7 of [PL 6-15] is hereby amended accordingly.

Section 4. Ratification.

(a) All actions taken in conformance with the provisions of Sections 1 through 6 of [PL 6-15] and related law, and all permits or other instruments issued, executed, or delivered in conformance therewith and otherwise in compliance with Commonwealth law are hereby ratified, and no challenge, defense, claim, remedy, cause of action, or other right, based on the unamended Section 7 of [PL 6-15], shall lie against or arise from such action.

(b) Except as provided by this Act, Article 6 of Chapter 3 of Division 4 of Title 2 of the Commonwealth Code [[2 CMC §§ 4371 et seq.](#)] is hereby ratified and reenacted as positive law.

In codifying PL 23-34, the Commission omitted the drafting marks pursuant to 1 CMC § 3806(g).