

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 40103. Discrimination in the Sale or Rental of Housing and Other Prohibited Practices.

As made applicable by 2 CMC § 40102 and except as exempted by 2 CMC § 40102(b) and 2 CMC § 40106, it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, marital status, disability, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, marital status, disability, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, marital status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, disability, familial status, marital status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, marital status, or national origin.

(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(i) That buyer or renter,

(ii) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(iii) Any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

(i) That person; or

(ii) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(iii) Any person associated with that person.

(3) For purposes of this subsection, discrimination includes:

(i) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification

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on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(ii) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(iii) In connection with the design and construction of covered multifamily dwellings for first occupancy after the date of enactment of this chapter, a failure to design and construct those dwellings in such a manner that covered multifamily

(A) The public use and common use portions of such dwellings are readily accessible to and usable by

(B) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(C) All premises within such dwellings contain the following features of adaptive design:

(I) An accessible route into and through the dwelling;

(II) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(III) Reinforcements in bathroom walls to allow later installation of grab bars; and

(IV) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability by people with physical impairment or disabilities (commonly cited as “CABO/ANSI A117.1-1992”) suffices to satisfy the requirements of subsection (f)(3)(iii)(C) of this section.

(5) (RESERVED).

(6) Approval of plans, specifications, and/or construction by the CNMI, or any of its agencies, instrumentalities, subdivisions, or public corporations shall not be construed to affect the authority and responsibility of the Corporate Director to receive and process complaints or otherwise engage in enforcement activities under this chapter. Approval of plans, specifications, and/or construction by the CNMI, or any of its agencies, instrumentalities, subdivisions, or public corporations shall not be conclusive in enforcement proceedings under this chapter.

(7) As used in this subsection, the term “covered multifamily dwellings”, means:

(i) Buildings consisting of four or more units if such buildings have on or more elevators; and

(ii) Ground floor units in other buildings consisting of four or more units.

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(8) Nothing in this chapter shall be construed to invalidate or limit any CNMI wide or local law, or ordinance, that requires dwellings to be designed and constructed in a manner that affords disabled persons greater access than is required by this chapter.

(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Source: PL 11-38, § 6, modified.

Commission Comment: Subsection designations using capital letters changed to lower case roman numerals and subsection designations using lower case roman numerals changed to capital letters to comply with standard code formatting.