

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 40106. Religious Organization or Private Club Exemption.

(a) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b)(1) Nothing in this chapter limits the applicability of any reasonable CNMI wide or local law, or ordinance, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this chapter regarding familial status apply with respect to housing for older persons.

(2) As used in this section, “housing for older persons” means housing:

(i) Provided under any Commonwealth or federal program that the Corporate Director determines is specifically designed and operated to assist elderly persons (as defined in the Commonwealth or federal program); or

(ii) Intended for, and solely occupied by, persons 62 years of age or older, or

(iii) Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Corporate Director shall develop regulations which require at least the following factors:

(A) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(B) That at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(C) The publication of, and adherence to, procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(4) (i) Persons residing in such housing as of the date of enactment of this chapter who do not meet the age requirements of subsections (b)(2)(ii) or (b)(2)(iii) of this section: provided, that new occupants of such housing meet the age requirements of subsections (b)(2)(ii) or (b)(2)(iii) of this section; or

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

(ii) Unoccupied units: provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (b)(2)(ii) or (b)(2)(iii) of this section.

(5) Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Source: PL 11-38, § 9, 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.