

TITLE 2: NATURAL RESOURCES
DIVISION 4 : LAND RESOURCES

§ 4308. Deeds of Conveyance.

Deeds of conveyance shall be issued by the Department of Public Lands for homestead land entered under the provisions of this chapter; provided, that no such deed shall be issued until the expiration of three years from the date of entry and the execution of a certification by the Secretary of the Department of Public Lands certifying that the homesteader has complied with all laws, rules and regulations appertaining to the homestead. The Secretary's certification is final and not subject to review. The Secretary of the Department of Public Lands shall issue the deed of conveyance within 45 calendar days of the time the homesteader becomes eligible to receive the deed of conveyance under the provisions of this chapter, but waiving the completion of a single family residential dwelling structure requirement pursuant to 2 CMC § 4335(e). Such deed of conveyance shall convey to the homesteader any and all rights of the Commonwealth government to the property, excepting such rights as are reserved by law or by permit.

Source: [67 TTC § 208](#); amended by [PL 20-05](#) § 2 (Aug. 19, 2017), modified; amended by [PL 21-15](#), § 2 (Dec. 19, 2019), modified.

Commission Comment: With respect to the references to the “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](#).

In codifying PL 20-05, the Commission omitted drafting marks pursuant to 1 CMC § 3806(g) and changed “section 4335(e)” to “2 CMC § 4335(e)” pursuant to 1 CMC § 3806(g).

In codifying PL 21-15, the Commission omitted drafting marks pursuant to 1 CMC § 3806(g). In addition to severability and savings clause provisions, PL 21-15 included the following Findings and Purpose section:

Section 1. Findings and Purpose. The Department of Public Lands (DPL) is mandated under 2 CMC § 4306 to issue homestead permits authorizing an eligible person to enter and improve the land in accordance with the prescribed regulations. The homesteader is required under NMIAC § 145-20.4-120 improve the lot within 120 days and complete a single family residence and reside in it as a principal place of residence within two years after the homestead permit has been issued.

However, Public Law 20-05 amended 2 CMC §§ 4308 and 4335(e), which provides that the Deed of Conveyance for the homestead shall not be issued until the three years from the date of entry have expired and certification of compliance with all laws, rules and regulations pertaining to homesteads; and also authorizes the DPL to waive the requirement that the homesteader must construct a home on the homestead upon a showing that the construction permit cannot be obtained due to the lack of power, water, or waste water infrastructure.

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The Legislature finds that the long delays in allowing the homesteaders to improve their assigned lots affect long term planning with respect to building a family home in the Commonwealth. The West San Jose homestead in Tinian is a specific example in which the homestead lots were drawn in 2009, but the permits were not issued until five years later. The delay in issuing the homestead permits also delays the issuance of the Deed of Conveyance.

The purpose of this Act is to amend 2 CMC § 4308 so that the Deed of Conveyance is issued within 45 days after the three years from the date of entry requirement is completed and DPL has certified that the homesteader is in compliance with all the other requirements.