

TITLE 2: NATURAL RESOURCES
DIVISION 4 : LAND RESOURCES

§ 4335. Waiver of Homestead Requirements.

(a) The Department of Public Lands shall establish the procedure for granting deeds to persons who have established continuous use of public lands for at least 15 years as of January 9, 1978, the effective date of the Constitution.

(b) A person receiving a deed under this section shall be limited to a village homestead lot that does not exceed 1,000 square meters.

(c) A person claiming any right to public lands because of continuous use of public lands for at least 15 years as of January 9, 1978, the effective date of the Constitution, must meet the eligibility requirements as provided for under this article and its rules and regulations. Provided, however, that no time limitation shall be imposed by the Department of Public Lands for a period shorter than 12 years after December 19, 1979, for submission of requests or applications for deeds and permits pursuant to this article.

(d) The Department of Public Lands shall waive any requirement or policy requiring village homesteader(s) to re-build a second residential dwelling house upon showing by any homesteader(s) that his/her completed residential dwelling structure was destroyed or severely damaged by typhoon, tsunami or other natural or man-made disasters.

(e) The Department of Public Lands shall waive the requirement or policy of completing a single family residential dwelling structure upon showing reasonable justification that the homesteader continues to maintain the assigned lot in conformance with the Department of Public Lands requirements, or upon the homesteader providing to the department that the building permit required under [2 CMC § 7131](#) is denied because the homestead area lacks water, power, or sewage system infrastructure.

Source: [PL 1-42](#), § 5, modified; amended by [PL 5-33](#), § 10; (a) and (c) global amendments by [PL 15-2](#), § 4; (d) added by [PL 17-4](#) § 3 (June 17, 2010); (e) added by [PL 17-37](#) § 3 (Apr. 4, 2011), modified; (e) amended by [PL 20-05](#) § 3 (Aug. 19, 2017), modified.

Commission Comment: With reference to subsection (b), see [10 CMC § 3512](#). 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 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, repealer, global amendment, transition, severability, and savings clauses. See [1 CMC § 2801](#) for detailed information regarding [PL 15-2](#).

[Public Law 17-4](#) (effective June 17, 2010) included severability and savings clause provisions and the following:

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Section 1. Short Title. This Act shall be known as the “Natural Disaster Village Homestead Waiver Act of 2010”.

Section 2. Findings and Purpose. The Legislature finds that there are instances where a homesteader(s) who, after completing a residential dwelling house on his/her homestead lot, albeit constructed of tin and lumber or concrete, have had their residential dwelling house destroyed or severely damaged by typhoon. The Legislature further finds that there has been many cases where the Department of Public Lands and the former Marianas Public Lands Authority have waived homesteader(s) from re-building a second residential dwelling house and were issued quitclaim deeds. The Legislature has determined that it is unfair for the Department of Public Lands to revoke a village homestead permit because a homesteader(s) failed to re-build a second residential dwelling house in order to comply with the NMI village homestead rules and regulations, due to the destruction of the homesteader(s) dwelling house by typhoon, tsunami, or other natural or man-made disasters.

The purpose of this Act is to require the Department of Public Lands to waive the requirement or policy of re-building a second residential dwelling when it has been determined or proven that the homesteader(s) initially built a residential dwelling house that was destroyed or severely damaged by typhoon, tsunami, or other natural or man-made disaster.

[Public Law 17-37](#) (effective Apr. 4, 2011) included severability and savings clause provisions and the following:

Section 1. Short Title. This Act shall be known as the “Village Homestead Waiver Act of 2010”.

Section 2. Findings. The Legislature finds that there are instances where a homesteader invested a significant amount of time and money in the initial construction of a residential dwelling house and are having financial difficulties in completing the construction of a single family residential structure and fully complying with the NMI Village Homestead Rules and Regulations. The Legislature further finds that the ailing economy and the proposed government work hour reduction per pay period including unpaid holidays will significantly contribute to a homesteader’s inability to fully comply with the NMI Village Homestead Rules and Regulations.

The purpose of this Act is to require the Department of Public Lands to waive the requirement or policy of completing a single family residential dwelling structure within two years of issuance of village homestead permit upon showing reasonable justification or explanation by the homesteader that a minimum of Ten Thousand Dollars has been invested on the homestead lot.

In codifying [PL 20-05](#), the Commission struck “(DPL)” and replaced “DPL” with “Department of Public Lands” in (e) for consistency, and omitted drafting marks in (e) pursuant to [1 CMC § 3806\(g\)](#).