

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4339. Amendment of Department of Public Lands Regulation (§145-20.4-115); Environmental Impact Assessment Prior to Lottery of Homestead Lots.

§ 145-20.4-115 is hereby amended to read as follows:

§ 145-20.4-115(a) A lottery participant shall be issued a homestead permit to the homestead lot drawn, provided that an environmental impact assessment had been conducted and completed prior to the lottery.

Source: PL 17-26 § 2 (December 16, 2010).

Commission Comment: The Commission created the title of this section. Public Law 17-26 (effective December 16, 2010) included the following:

Section 1. Findings and Purpose. The Legislature finds that the intent of the Village Homesteading Act of 1979 was to insure the residents of the Commonwealth who are without village lots to construct safe, decent, and sanitary dwelling houses for themselves and their families. The law enabled our residents that do not have the means to acquire lots or who are without lots, the ability to obtain public lands from the Department of Public Lands designated for residential homesteads.

The Legislature further finds that qualified homesteaders participated in a lottery, the drawing of a village homestead lot, conducted by the Department of Public Lands (DPL) but were never issued a homestead permit to the homestead lot drawn because DPL proceeded with the lottery without conducting and completing an environmental impact assessment on the homestead lots. After the initial lottery of homestead lots, qualified homesteaders were shown the actual boundaries of the lot without the issuance of a homestead permit to the homestead lot drawn. It has been over a year since the lottery of homestead lots and these homesteaders have yet to enter, use and improve their homestead lots because the environmental impact assessment has not been completed. The Legislature finds this fact to be extremely disturbing. Homesteaders have been given high hopes of receiving their homestead lot by having them participate in a lottery process only to diminish their dreams of owning and building a safe, decent and sanitary dwelling for themselves and their families. The important and overall intent of the Village Homesteading Act of 1979 has been tarnished by this preventable act; therefore the Legislature finds this bill necessary to prevent such an act from occurring again.

The purpose of this Act therefore is to require the Department of Public Lands to conduct and complete an environmental impact assessment prior to having qualified homesteaders participate in the lottery of available homestead lots.