

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4355. Application for Homestead Compensation.

(a) An application for homestead compensation shall be made within two years from January 26, 1984. The application shall be made on forms provided by the DPL within 30 days from January 26, 1984. The application shall contain:

(1) All statements of fact upon which the applicant relies to establish that the applicant or his or her predecessor in interest has been inadequately compensated for a transfer of interest in or encroachment upon land caused by prior governmental action;

(2) All information necessary to determine that the applicant has met the eligibility criteria set forth in 2 CMC § 4354;

(3) All information necessary to determine the nature and extent of the interest and compensation that the applicant claims, including, if deemed necessary by the DPL, a list of the names and the nature of the interests of the heirs of his or her predecessor in interest; and

(4) Such other data as the DPL may determine necessary and consistent with the policy of this article.

(b) The DPL shall carefully consider all essential facts and information set forth by the applicant. Upon request of the applicant, the DPL shall provide the applicant a full administrative hearing upon the application, pursuant to 1 CMC §§ 9108 to 9110. If the application is supported by a preponderance of the evidence submitted, taking into account historical circumstances such as the nonavailability of counsel and the lack of accurate written land records in the Northern Marianas, the DPL shall approve the eligibility of the applicant or present evidence sufficient to rebut and prove why the applicant should be denied eligibility. The determination shall be made within six months from the date of receipt of a complete application; provided, that the DPL may extend the six month determination period for an application an additional six months if it finds compelling reasons to do so. In the event the DPL denies the eligibility of an applicant, it shall promptly state in writing its findings and conclusions, and the reasons or basis for them, on all material issues of fact, law, or discretion presented on the record. No applicant shall be denied eligibility in this program on account of the doctrine of laches or the running of the statute of limitations.

(c) Upon a determination that an applicant is eligible for the Homestead Compensation Program, the DPL shall determine the size and site of the homestead to be awarded, taking into account such factors as:

(1) The market value, quality, and quantity of the land(s) taken or encroached upon;

(2) The nature and extent of the applicant's interest in the land and the adequacy of the compensation, if any, which has been previously awarded or which may be awarded to the applicant;

(3) The period of time during which the applicant has been deprived of the use of his or her lands;

(4) The fair market value, quality, and quantity of the homestead lands that are available for distribution; and

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

(5) The compensation previously awarded to applicants who are similarly situated.

(d) The DPL shall offer an eligible applicant a compensation homestead within one year of the date upon which the applicant is certified as eligible to receive a compensation homestead. Whenever possible, and if so requested by the applicant, the DPL shall return fee simple title of the original lands in issue to the former owners or their heirs. Whenever possible, the DPL shall offer an applicant a compensation homestead on the islands of his or her choice.

(e) In the event an applicant wishes to appeal a compensation determination by the DPL, the applicant shall do so to the Commonwealth Trial Court within 60 days from the date the applicant is notified of the determination and pursuant to the provisions of the Administrative Procedure Act [1 CMC § 9101 et seq.].

Source: PL 3-103, § 6; global amendments by PL 15-2, § 4.

Commission Comment: Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”

With respect to the references to “MPLC,” see Executive Order 94-3 (effective August 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.