

TITLE 2: NATURAL RESOURCES
DIVISION 4 : LAND RESOURCES

§ 4433. NMHC: Other Powers.

To implement the powers specified in [2 CMC § 4432](#), NMHC shall have the following powers:

- (a) To adopt and use a corporate seal;
- (b) To enter into agreements, contracts and understandings with any governmental agency, federal, state or local (including the Commonwealth government) or with any persons, partnership, corporation or other legal entity, to agree to any conditions of federal financial assistance, including conditions relating to the determination of prevailing salaries or wages, or payment of not less than prevailing salaries or wages, or compliance with labor standards, in the development or operation of housing. NMHC may include in any contract stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and shall comply with any conditions which the federal government may have attached to its financial aid;
- (c) To obligate itself in any contract with the federal government for annual contributions to NMHC, to convey to the federal government possession of or title to the housing project to which the contract relates, upon the concurrence of a substantial default or breach (as defined in the contract). The contract may further provide that in case of such conveyance the federal government may complete, operate, manage, lease, convey or otherwise deal with the housing project and funds in accordance with the terms of the contract;
- (d) To act as trustee on a deed of trust pursuant to [2 CMC §§ 4611 et seq.](#), and to perform duties and functions necessary or incidental to being a trustee, including but not limited to conducting public sales and making up deficiencies after such sales;
- (e) To borrow money, to issue temporary or long term evidence of indebtedness, and to repay indebtedness. Obligations shall be issued and repaid in accordance with the provisions of [2 CMC §§ 4441](#) through [4446](#);
- (f) To pledge the assets and receipts of NMHC as security for indebtedness; and to acquire, sell, lease, exchange, transfer or assign real and personal property;
- (g) To lease or purchase real property or to take the same by gift, and to hold, manage, or sublease real property;
- (h) To acquire by condemnation any interest in real property, where the board has determined by resolution that the acquisition is necessary in connection with any housing project. The power of condemnation shall be exercised in the manner which is now or which may be hereafter provided for the exercise of such power by the Commonwealth government;
- (i) With respect to any housing, (including individual, cooperative or condominium units): to lease or rent, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or home buyers, including the establishment of priorities, and concerning the

TITLE 2: NATURAL RESOURCES
DIVISION 4 : LAND RESOURCES

occupancy, rental, care and management of housing units; and to make such further rules and regulations as the board may deem necessary and desirable to effectuate the powers granted by this chapter;

(j) To comply with the regulations and requirements of the federal government;

(k) To finance purchase of a home by an eligible homebuyer;

(l) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of the agreement, or failed to meet any of its obligations thereunder, or when termination is otherwise authorized under the provisions of such agreements; and to bring action for eviction against such tenant or homebuyer;

(m) To establish minimum or maximum income limits for admission to the housing program;

(n) To purchase insurance from any stock or mutual company for any property or against any risk or hazards;

(o) To invest such funds as are not required for immediate disbursement;

(p) To establish and maintain bank accounts as are necessary or convenient;

(q) To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as NMHC may require; and to delegate to such officers and employees such powers or duties as the board deems proper;

(r) To join or cooperate with any other public housing agency or otherwise, of any or all of the powers of NMHC and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of notes or other obligations and giving security thereof), planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects of NMHC or such other public housing agency or agencies. For such purposes, NMHC may by resolution prescribe and authorize any other public housing agency or agencies, so joining or cooperating with NMHC, to act on NMHC's behalf with respect to any or all powers, as NMHC's agent or otherwise, in the name of NMHC or in the name of such agency or agencies;

(s) To employ agents and employees of NMHC. They shall be exempt from the application of 1 CMC § 8101 et seq., the Commonwealth Civil Service Act. NMHC and the Commonwealth Development Authority (CDA) shall establish through regulations its own compensation, wage and salary scales which shall be commensurate with those paid by other public housing agencies/entities requiring comparable education, training, and experience. NMHC and CDA shall also promulgate regulations governing the selection, promotion, performance evaluation, demotion, suspension and other disciplinary action for its employees similar to the regulations of the Civil Service Commission.

(t) To adopt by regulation its own procurement policies and procedures similar to the regulations of the Department of Finance to purchase or lease supplies, goods, materials, professional services and commodities and to furnish and supply services for the operation of NMHC.

TITLE 2: NATURAL RESOURCES
DIVISION 4 : LAND RESOURCES

(u) To establish through regulation reasonably necessary travel policies and procedures for NMHC and CDA consistent with the United States Federal Travel Regulations (41 C.F.R. Subtitle F).

(v) To adopt such bylaws as the board deems necessary and appropriate; and

(w) To do any and all things necessary or convenient to effectuate the purposes and provisions of this chapter, and to carry out any of the powers given under this article.

Source: DL 5-67, § 5-4; amended by PL 1-16, § 1; amended by PL 20-87 § 6, (s)–(t) renumbered to (v)–(w) and new sections (s)–(u) enacted by PL 20-87 § 3, (Feb. 5, 2019).

Commission Comment: [Historical comments removed.]

In codifying PL 20-87 § 3, the Commission changed “Title 41 Subtitle F of the U.S. Code of Federal Regulations” to “41 C.F.R. Subtitle F” in (u) and capitalized the first words in (t) and (u) pursuant to 1 CMC §3806 (g). In codifying PL 20-87 § 6, which mandated a global amendment to Chapter 4, the Commission replaced any reference to “MIHA” with “NMHC” throughout this section.