

TITLE 145: DEPARTMENT OF PUBLIC LANDS

**SUBCHAPTER 145-20.5
NORTHERN ISLANDS AGRICULTURAL HOMESTEAD PROGRAM RULES AND
REGULATIONS**

Part 001	General Provisions	§ 145-20.5-125	Issuance	of	
§ 145-20.5-001	Authority		Agricultural Homestead Permit		
§ 145-20.5-005	Purpose	§ 145-20.5-130	Conditions	of	
§ 145-20.5-010	Definitions		Occupancy		
		§ 145-20.5-135	Homestead	Progress	
Part 100	Northern		Inspection		
Agricultural	Homestead	Islands			
Requirements			§ 145-20.5-140	Deeds of Conveyance	
			§ 145-20.5-145	Transfer	of
§ 145-20.5-101	Designation	of	Homestead Permit		
Homestead Areas			§ 145-20.5-150	Penalties	
§ 145-20.5-105	Establishment of Area		§ 145-20.5-155	Notice and Hearing	
§ 145-20.4-110	Persons Eligible to		§ 145-20.5-160	Waiver	
Homestead					
§ 145-20.5-115	Priority of Applicants				
§ 145-20.5-120	Application				
Procedure					

Subchapter Authority: NMI CONST. art. XI; PL 16-50; PL 15-2.

Subchapter History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

Part 001 - General Provisions

§ 145-20.5-001 Authority

The regulations in this subchapter are promulgated by the Department of Public Lands (“DPL”) pursuant to the authority set forth in Article XI of the Commonwealth Constitution, Public Law 16-50, and Public Law 15-2.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-005 Purpose

The purpose of these rules and regulations is to set forth the necessary procedures with respect to agricultural homestead applications; to set out in detail the standards of eligibility; to provide for certain requirements necessary to meet the goals and objectives of the agricultural program; to provide for an efficient system of notice and hearing process for applicants whose applications have been denied; and to provide a basic format for applications and other documents and instruments necessary to administer and implement the agricultural homestead program.

Modified, 1 CMC § 3806(g).

TITLE 145: DEPARTMENT OF PUBLIC LANDS

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-010 Definitions

(a) “Domicile” means that place in which a person maintains a residence with the intention of continuing that residence for an unlimited or indefinite period, and to which that person has the intention of returning whenever absent, even for an extended period.

(b) “Marriage” means a legal status requiring the issuance of a marriage license and a ceremony performed by a person authorized under Commonwealth law, or a customary marriage between citizens that is solemnized in accordance with recognized customs.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

Part 100 - Northern Islands Agricultural Homestead Program Requirements

§ 145-20.5-101 Designation of Homestead Areas

DPL may designate areas suitable for farming and agricultural activities, and shall use such designated areas for the distribution of agricultural homestead lots. No applicant may be granted an agricultural homestead lot outside of the designated area without the prior approval of the DPL Secretary.

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-105 Establishment of Area

All eligible applicants shall be entitled to a maximum area of one hectare or 10,000 square meters of agricultural land.

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-110 Persons Eligible to Homestead

All applicants for agricultural homestead lots must meet and satisfy all of the following criteria:

(a) An applicant must be 18 years of age, or over, and is a citizen of the Commonwealth of the Northern Marianas, and of Northern Marianas descent as provided for in the CNMI Constitution.

(b) An applicant must be presently residing in the Northern Islands for at least one year and must be eligible to vote in the Northern Islands elections.

(c) An applicant or his/her spouse must not own or have an interest in agricultural land within the Commonwealth of the Northern Marianas which equals or exceeds ½ hectare or 5,000 contiguous square meters.

TITLE 145: DEPARTMENT OF PUBLIC LANDS

- (d) An applicant or his/her spouse must not have been a recipient of an agricultural homestead lot from a previous agricultural homesteading program.
- (e) An applicant shall not receive more than one agricultural homestead lot.
- (f) If two applicants marry, the applicants must notify DPL of the marriage and one of the applications must be withdrawn. If an applicant marries a permittee, the applicant must notify DPL and withdraw the application. If two permittees marry, the permittees must notify DPL of the marriage and one of the permits must be canceled. If an applicant or permittee marries the recipient of an agricultural homestead lot, the permittee or applicant must notify DPL of the marriage and withdraw his/her application or cancel his/her permit.

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-115 Priority of Applicants

- (a) DPL shall prioritize the applications submitted according to the following categories:
 - (1) First Priority
 - (i) Married applicants whose primary source of income is derived from farming.
 - (ii) Single applicants whose primary source of income is derived from farming.
 - (2) Second Priority
 - (i) Married applicants whose primary income is derived from sources other than farming.
 - (ii) Single applicants whose primary income is derived from sources other than farming.
- (b) Ineligible Applicants. Those applicants who are determined ineligible to receive agricultural lots due to constitutional and statutory restrictions shall be notified in writing of such determination. The notification shall specify the reasons for ineligibility and inform the applicant of a right to appeal the determination within 30 days from the date of the notice.
- (c) In order to verify the information provided in the application and in order to accurately determine the actual need and priority for an agricultural homestead lot, DPL may require the applicant to provide additional documentation as DPL deems appropriate.
- (d) DPL shall take into consideration the date of application, so that an earlier applicant shall take precedence over a later applicant, all other factors being equal.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

TITLE 145: DEPARTMENT OF PUBLIC LANDS

§ 145-20.5-120 **Application Procedure**

- (a) All applicants for agricultural homestead shall fill out an application form provided by DPL. Applications may be submitted to the Saipan Office. Applications shall be date stamped by the DPL when received.
- (b) All applications must be signed and notarized under penalty of perjury.
- (c) All applications must be accompanied by a \$100 non-refundable application fee.
- (d) After submission of an application, DPL shall verify the eligibility of the applicant and all essential facts set forth by the applicant and if necessary, require the applicant to appear before the DPL Homestead Director or his/her designee for an interview to clarify or verify the information given in the application. Approval or disapproval of application shall be rendered no later than 90 days after receipt of a completed application.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-125 **Issuance of Agricultural Homestead Permit**

- (a) Upon approval of the application, the DPL shall issue a permit to enter upon, use, and improve the land once the agricultural tract has been surveyed, monumented, mapped, and is ready for agricultural homesteading. The DPL shall conduct a lottery wherein the eligible applicant will pick their lot by blind draw.
- (b) After an agricultural lot is drawn by an eligible applicant, the DPL shall prepare an agriculture homestead permit for the applicant, and shall give a copy of the map showing the agricultural homestead tract as surveyed and shall also physically show the tract to the homesteaders.
- (c) A permit fee of \$100 shall be paid by the homesteaders due and payable at the time the permit is executed.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-130 **Conditions of Occupancy**

- (a) The homesteader shall enter upon and commence the use and improvement of the agricultural lot consistent with a land utilization and planting program approved by DPL within 90 days after the receipt of the permit. Upon noncompliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in and to the land. Upon such occupancy, DPL shall have the right to enter and possess the land.

TITLE 145: DEPARTMENT OF PUBLIC LANDS

- (b) The homesteader shall, at all times, maintain all boundaries clear of any and all weeds, trash, and underbrush.
- (c) DPL shall show the homesteader the actual boundaries of the homestead lot. However, any subsequent request by homesteader for retracement of boundaries by DPL may be undertaken only after a \$300 fee is paid in advance.
- (d) During the period of occupancy, the homesteader shall observe and comply with all rules, regulations, and requirements concerning the use, occupation, and development of the homestead lot.
- (e) No permanent structure, e.g. reinforced concrete or hollow concrete blocked construction is allowed during the term of the permit. All temporary construction for housing of people shall provide sanitation facilities approved by the Division of Environmental Quality.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-135 Conditions of Occupancy

- (a) The DPL shall conduct inspections of the homestead at least once a year, or more often as it deems necessary to determine compliance with the homestead requirements. Notice of Inspection shall be given to the homesteader at least ten days in advance.
- (b) After each inspection, the homestead inspection team shall issue a brief report on the progress of and the compliance of the homesteader.
- (c) In the event that a homesteader is not complying with the homestead requirements, the inspection team shall so note in its report and inform the homesteader of the requirement he/she is not complying with. Appropriate written warnings shall be given to the homesteader. Such notice shall contain specific corrective actions to be taken by the homesteader to bring himself/herself into compliance with the homestead requirements.
- (d) All inspection reports shall be signed by the Homestead Inspector.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-140 Deeds of Conveyance

Deeds of conveyance shall be issued by DPL for homestead lots entered pursuant to the Northern Islands Village and Agricultural Homesteading Act of 2008 upon maturity of the permit, and only upon execution of a certification by DPL certifying that the homesteader has complied with all laws, rules, and regulations appertaining to the homestead. DPL shall issue the deed of

TITLE 145: DEPARTMENT OF PUBLIC LANDS

conveyance within six months of the time the homesteader becomes eligible to receive the deed of conveyance.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-145 Transfer of Homestead Permit

No rights in or to a homestead permit shall be sold, assigned, leased, transferred or encumbered. Except that in the event of the death of the homesteader prior to the issuance of a deed of conveyance, all rights under the permit shall inure to the benefit of such person or persons, if any, as the homesteaders shall designate in the permit or letter filed with DPL. In the event that the homesteader makes no designation, then the permit shall be revoked, and the land, together with all appurtenances thereto entered thereunder, shall revert to DPL or its successor.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-150 Penalties

(a) Grounds for Revocation of Permit. If at any time after the issuance of the homestead permit, and before the expiration of the permit period, the homesteader abandons the land or fails to comply with the laws, then the permit shall be revoked and the land shall revert to DPL or its successor. DPL may at its discretion allow the homesteader an extension of the permit period.

(b) Grounds for Disqualification.

(1) If an applicant knowingly and willfully submits false information to DPL under penalty of perjury, the matter shall be referred to the Attorney General for prosecution and the applicant's permit shall be revoked and disqualified from participation in the agricultural homesteading program.

(2) If an applicant negligently or recklessly submits false information to DPL or otherwise misleads DPL, the applicant may be disqualified from participation in the agricultural homestead program permanently or for a period of time to be determined by the DPL Secretary.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-155 Notice and Hearing

An applicant whose application for an agricultural homestead has been received, verified, and found not eligible, shall be informed in writing of such decision, the reason therefore, and a right to appeal the decision within 30 days of the date of the letter. Such hearing shall be held no later than 90 days after receipt of such notice by the applicant. The applicant has the right to be represented by a counsel of his/her choosing and to bring witnesses to the said hearing. No later than 30 days after the hearing, the Hearing Officer, on behalf of the DPL, shall issue his/her

TITLE 145: DEPARTMENT OF PUBLIC LANDS

decision. If the Hearing Officer denies an application, a written decision to that effect shall be prepared and given to the applicant. Such a decision shall be deemed final.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).

§ 145-20.5-160 Waiver

DPL, upon recommendation of the Homestead Inspector and the Homestead Director, and upon a showing of good cause, may waive a homestead requirement in the regulations in this subchapter and the conditions imposed on the permit, provided that, no restrictive provisions of the Constitution or by statute shall be waived.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 41011 (Nov. 28, 2018); Proposed 40 Com. Reg. 40943 (Sept. 28, 2018).