



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2<sup>nd</sup> Floor Hon. Juan A. Sablan Memorial Bldg.  
Caller Box 10007, Capitol Hill  
Saipan, MP 96950

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January 31, 2018

OAGSB: 2018-03

Hon. Francisco M. Borja  
Chairperson, Committee on Resources,  
Economic Development, and Programs  
The Senate  
Saipan, MP 96950

**Re: Senate Bill 20-81: "To make the waiver under 2 CMC § 4335(e) retroactive to January 2014; and for other purposes."**

Dear Chairperson Borja:

Thank you for requesting the comments of the Office of the Attorney General on Senate Bill 20-81: "To make the waiver under 2 CMC § 4335(e) retroactive to January 2014; and for other purposes" (the "Bill"). I have reviewed the Bill, and find the Bill legally and constitutionally sufficient. I do have a number of comments on the wisdom of policy embodied by the Bill, however.

First, the reason behind the homestead program is to allow individuals who are "without sufficient means to purchase village lots" to "construct safe, decent, and sanitary dwelling houses for themselves and their families." 2 CMC § 4332(a). Allowing individuals to avoid constructing a home defeats the very purpose of the homestead program by simply granting any individual with a homestead permit a parcel of land without restriction. After obtaining a waiver, the individual could simply sell the plot for short-term gain or enter a long term lease with a commercial developer.

Second, allowing the waiver will encourage all prospective homesteaders to avoid constructing a family home without reference to whether or not the individual can afford to make the requisite utility installations. This policy may ultimately result in portions of land that were designated for the future homes of our people being exploited for commercial purposes rather than providing much needed single-family homes.

Fortunately, there are better alternatives to address the needs of homestead permittees without compromising the purpose of the homestead program. If the concern is that homestead permittees cannot afford the installation of power, water, and sewer systems that meet government regulations, then one answer that preserves the integrity of the homestead program is loan system whereby the government funds the installation of the necessary infrastructure now in return for gradual repayment. Another alternative that preserves the integrity and purpose of the homestead program is that the government can fund the installation of the necessary infrastructure for homestead areas. Finally, if individuals are having difficulty complying with the time constraints imposed on them, granting DPL the power to grant extensions will give permittees the necessary flexibility. It is very important that the homestead program remain true to its

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purpose: providing our people with the ability to “construct safe, decent, and sanitary dwelling houses for themselves and their families.” Maintaining the integrity of the homestead program will ensure that there is ample land for future generations to become home owners.

Thank you for soliciting comments on the Bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Manibusan", with a long horizontal flourish extending to the right.

EDWARD MANIBUSAN  
Attorney General

cc: Deputy Attorney General  
All Members, The Senate