

A BILL FOR AN ACT

To establish the doctrine of waste in the Commonwealth of the Northern Mariana Islands (CNMI); and for other purposes.

**BE IT ENACTED BY THE TWENTY-FOURTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Short Title.** This Act may be cited as the “CNMI Doctrine of Waste
2 Act”.

3 **Section 2. Findings and Purpose.** The Legislature finds that at common law, the
4 waste principle provides a private cause of action to remedy, including by injunction, the
5 diminishment, overexploitation or monopolization of common resources. Today, a cause
6 of action for waste allows a remainderman or reversioner to recover against a tenant for
7 changes to the estate that detrimentally impact the inheritance. Waste arises in a variety
8 of contexts, including life estates, reversions, contractual leases, and dower property. The
9 common law has long protected the remainderman’s or reversioner’s interests.

10 In addition, the Legislature finds an overwhelming issue that has arisen, and
11 continues to arise, when there are no remedial mechanisms to address lessees with
12 leasehold interest less than a life estate or tenant, who through their acts or omission of
13 acts constitutes devaluation of real property directly impacting future holders,
14 remaindermen, or reversionary interests. It has been a longstanding and continuous issue
15 for future interest holders to withhold property rights to maintain, upkeep, or alleviate
16 detrimental effects of lessee(s) acts or omission of acts of real property due pursuant
17 contractual promises or obligations, only to later inherit a neglected, misused or
18 underutilized use of real property.

19 Accordingly, recognizing the need to protect the interests of holders of future
20 interests in real property in the Commonwealth of the Northern Mariana Islands (CNMI).
21 and to provide clarity and guidance regarding the responsibilities of life tenants and

1 remaindermen, the following legislation is enacted to establish the doctrine of waste in
2 the CNMI.

3 **Section 3. Enactment.** Subject to codification by the CNMI Law Revision
4 Commission, the following provisions are hereby enacted to read:

5 **“Chapter xx. Doctrine of Waste.**

6 **§ 101. Definitions.** For the purposes of this act:

7 (a) “Leasehold” is interest held in real property for a fixed amount of period,
8 typically shown through contractual agreements or other arrangements made by both
9 parties, lessor and lessee.

10 (b) “Lessee” is interest held in real property less than a life estate or life tenant.

11 (c) “Life estate” is an interest in real property that lasts only for the life of a
12 specific person, usually the possessor of the estate.

13 (d) “Life tenant” also called a “tenant for life,” is a person who has a beneficial
14 interest in an estate or real property that is limited in duration to their or another’s
15 lifespan. A life tenant may use the land in the same manner as the owner of a fee simple,
16 but may not convey more rights in the estate than they have. A life tenant cannot leave
17 the property to anyone in their will as their interest in the property will terminate at their
18 death.

19 (e) “Real Property” refers to land, including the land itself and any structures,
20 fixtures, and rights associated with it. Land, in its general usage, includes not only the
21 surface of the earth but also everything of a permanent nature over or under it, including
22 minerals.

23 (f) “Remainderman” also called a “reversioner” refers to an individual or entity
24 holding a future interest in real property.

25 (g) “Waste” refers to the unreasonable or permanent diminishment in value of
26 real property caused by the actions or omissions of the life tenant.

27 **§ 102. Types of Waste.**

28 (a) *Voluntary Waste:* Voluntary waste occurs when the life tenant or lessee
29 intentionally or negligently causes damage to the property, resulting in a decrease in its

1 value. This may include destruction, removal, or alteration of structures or natural
2 features on the property without the consent of the remainderman.

3 (b) *Permissive Waste*: Permissive waste occurs when the life tenant or lessee fails
4 to maintain the property, leading to a decrease in its value. This may include neglecting
5 necessary repairs, allowing the property to deteriorate, or failing to pay fees or other
6 charges affecting the property's value.

7 (c) *Ameliorative Waste*: Ameliorative waste occurs when the life tenant or lessee
8 makes alterations or improvements to the property that increase its value, but those
9 alterations are incompatible with the interests of the remainderman.

10 **§ 103. Duties of Life Tenants or Lessees.**

11 (a) The life tenant or lessee shall maintain the property in a reasonable state of
12 repair, pay all ordinary fees and charges, and keep the property free from waste.

13 (b) The life tenant or lessee shall not commit waste, whether voluntary,
14 permissive, or ameliorative, that would diminish the value of the property or prejudice
15 the interests of the remainderman.

16 (c) The life tenant or lessee is obligated to remove or cure any and all waste found
17 in violation thereof within a period not to exceed 60 days from date of written notice
18 provided by lessor or real property owner. Notice of removal or cure of waste shall be
19 reasonably delivered to either last known address of life tenant or lessee or, in alternative,
20 visibly placed at site of affected leased premise.

21 **§ 104. Remedies for Waste.**

22 (a) Upon a finding of waste, the remainderman may seek damages or injunctive
23 relief to prevent further waste.

24 (b) The remainderman may seek to recover the diminution in value caused by the
25 waste, or the cost of restoring the property to its original condition.

26 (c) In the case of ameliorative waste, the remainderman may choose between
27 maintaining the improvements or requiring the life tenant to restore the property to its
28 original condition.

29 (d) Upon a finding of waste, the remainderman may seek to accelerate the passage

1 of title in real property, divesting the life tenant or lessee of all interests in real property
2 and vesting it in the remainderman.

3 **§ 105. Defenses.**

4 (a) The life tenant or lessee may defend against an allegation of waste by showing
5 that the actions or omissions in question were reasonable and necessary for the proper use
6 and maintenance of the property.

7 (b) The life tenant or lessee may also argue that the remainderman consented to
8 the actions or omissions in question, or that the remainderman's conduct contributed to
9 the waste.

10 **§ 106. Application and Enforcement.**

11 (a) This act shall apply to all life estates, leaseholds, and future interests in real
12 property within the CNMI.


13 (b) The Superior Court of the CNMI shall have jurisdiction over disputes arising
14 under this act and may issue appropriate orders and judgments to enforce its provisions.”

15 **Section 4. Severability.** If any provision of this Act or the application of any
16 such provision to any person or circumstance should be held invalid by a court of
17 competent jurisdiction, the remainder of this Act or the application of its provisions to
18 persons or circumstances other than those to which it is held invalid shall not be affected
19 thereby.

20 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
21 be construed as affecting any existing right acquired under contract or acquired under
22 statutes repealed or under any rule, regulation, or order adopted under the statutes.
23 Repealers contained in this Act shall not affect any proceeding instituted under or
24 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
25 or in any way modifying, any liability, civil or criminal, which shall already be in
26 existence on the date this Act becomes effective.

27 **Section 6. Effective Date.** This Act shall take effect 90 days after its approval by
28 the Governor or becoming law without such approval.

Date: 03/06/25

Introduced By: 
Sen. Corina L. Magofna

Reviewed for Legal Sufficiency by:


Senate Legal Counsel