

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2021

S. L. B. NO. 22-03

A LOCAL BILL FOR AN ACT

To provide an alternative to parceling of Undivided property in order to satisfy the Article II, Section 1103, of the Saipan Zoning Law.

BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT DELEGATION PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:

1 **Section 1. Findings and Purpose.** The Legislature acknowledges that the
2 Saipan Zoning Law, Article II, Section 1103(c) provides that a proposed final plat shall
3 be prepared by licensed surveyor and approved by the Division of Land Registration and
4 Surveys. The Legislature finds that numerous family homes destroyed by the recent
5 typhoons are constructed on undivided family land. The Legislature also finds that the
6 estate of the fee simple owner of the land has not gone through the probate process for
7 distribution of the property to the legal heirs. The Legislature further finds that the
8 absence of an estate probate is an obstacle to rebuilding the family homes on the
9 undivided property.

10 The Legislature further finds that legal heirs of deceased property owners are,
11 more likely than not, unaware of 8 CMC § 2804, which provides in pertinent part that
12 competent successors may agree among themselves “in any way that they provide in a
13 written contract executed by all who are affected by its provisions.”

14 The purpose of this Act is to provide some relieve to home owners pertaining to
15 parceling of undivided property in order to avail of the FEMA, SBA home reconstruction
16 grants and loans, or other available funding sources.

17 **Section 2. Enactment.** Subject to the codification by the Commonwealth Law
18 Revision the following is enacted to read:

1 “Section 101. Agreement. Competent heirs of real property may enter into an
2 agreement in accordance with 8 CMC § 2804 to satisfy the Saipan Zoning Law, Article
3 II, Section 1103(c).

4 Section 102. Flexible Discretion. The Zoning Administrator shall provide some
5 flexibility within the Administrator’s authorized discretion to facilitate issues pertaining
6 to parceling of undivided property notwithstanding the lack of an estate probate.”

7 **Section 3. Severability.** If any provision of this Act or the application of any
8 such provision to any person or circumstance should be held invalid by a court of
9 competent jurisdiction, the remainder of this Act or the application of its provisions to
10 persons or circumstances other than those to which it is held invalid shall not be affected
11 thereby.

12 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not
13 be construed as affecting any existing right acquired under contract or acquired under
14 statutes repealed or under any rule, regulation or order adopted under the statutes.
15 Repealers contained in this Act shall not affect any proceeding instituted under or
16 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,
17 or in any way modifying, any liability civil or criminal, which shall already be in
18 existence at the date this Act becomes effective.

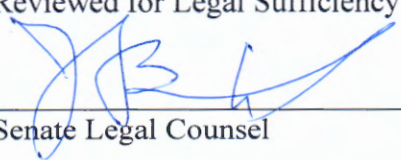
19 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
20 Governor or upon its becoming law without such approval.

Date: 03/04/21

Introduced By: _____


Sen. Edith E. Deleon Guerrero

Reviewed for Legal Sufficiency by:



Senate Legal Counsel