

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 40101. Definitions.

As used in this chapter:

(a) A “Corporate Director” means the Corporate Director of the Northern Marianas Housing Corporation.

(b) “Dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) “Family” includes a single individual.

(d) “Person” includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title II of the United States Code, receivers, and fiduciaries.

(e) “To rent” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) “Discriminatory housing practice” means an act that is unlawful under 2 CMC §§ 40103, 40104 or 40105.

(g) “Commonwealth or CNMI” means the Commonwealth of the Northern Mariana Islands.

(h) “Disability means”, with respect to a person:

(1) A physical or mental impairment consistent with 42 USC Sec. 12102(2) of the federal Americans with Disabilities Act (ADA) of 1990 which substantially limits one or more of such person's major life activities,

(2) A record of having such an impairment, or

(3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(i) “Aggrieved person” includes any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

(2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) “Complainant” means the person (including the Corporate Director) who files a complaint under 2 CMC § 40108.

(k) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:

(1) A parent or another person having legal custody of such individual or individuals; or

(2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

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(l) “Conciliation” means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Corporate Director.

(m) “Conciliation agreement” means a written agreement setting forth the resolution of the issues in conciliation.

(n) “Respondent” means:

(1) The person or other entity accused in a complaint of an unfair housing practice; and

(2) Any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified.

(o) “Prevailing party” has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

Source: PL 11-38, § 4, modified.

Commission Comment: PL 11-38 took effect September 17, 1998. According to PL 11-38, §§ 1, 2, 3, and 19:

Section 1. Legislative Findings. The Legislature finds that the Federal Government has enacted a comprehensive statute, known as the Fair Housing Act, to ensure that discrimination does not occur in housing transactions. Enforcement of the Fair Housing Act has been vested in the United States Department of Housing and Urban Development (HUD) and the United States Attorney General.

Pursuant to Section 816 (42 U.S.C. 3610(f)(3)(A)) of the Fair Housing Act, if a state, territory, or U.S. Commonwealth adopts a statute that is substantially equivalent to the Federal Fair Housing Act, then enforcement of complaints made to HUD under the Federal Fair Housing Act will be referred to the local government for enforcement.

In order to achieve the greatest degree of self-determination and control over the internal operations of the Commonwealth, as well as to ensure that discrimination does not take place in housing practices in the Commonwealth, the Legislature finds that it is in the best interests of the Commonwealth to adopt a statute that is substantially equivalent to the Federal Fair Housing Act.

Section 2. Short Title. This Act shall be known as the “Commonwealth Fair Housing Act”.

Section 3. Declaration of Policy. It is the policy of the Commonwealth to provide, within constitutional limitations, for fair housing throughout the Commonwealth.

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Section 19. Severability. If any provision of this Act or the application of any such provision to any person or circumstance is held invalid, the remainder of this Act and the application of the provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.