

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 4: LAND RESOURCES**

**§ 40102. Applicability of Prohibitions: Exemptions.**

(a) Subject to the provisions of subsection (b) of this section and 2 CMC § 40106, the prohibitions against discrimination in the sale or rental of housing set forth in 2 CMC § 40103 shall apply, upon enactment of this chapter, to:

(1) Dwellings owned or operated by the Commonwealth, its instrumentalities, subdivisions, and public corporations;

(2) To all other dwellings except as exempted by subsection (b) of this section.

(b) Exemptions. Nothing in 2 CMC § 40103 (other than subsection (c)) shall apply to:

(1) Any single-family house sold or rented by an owner: provided, that such private individual owner does not own more than three such single-family houses at any one time: provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period: provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: provided further, that the sale or rental of any such single-family house shall be exempted from the application of this chapter only if such house is sold or rented:

(i) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(ii) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of 2 CMC § 40103(c); but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as their residence.

(c) Business of selling or renting dwellings defined. For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

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(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

**Source:** PL 11-38, § 5, modified.

**Commission Comment:** Subsection designations using capital letters changed to lower case roman numerals to comply with standard code formatting.