

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
**Informational Briefing/ Oversight Hearing / Roundtable Hearing**

<b>REPORT</b>	<b>STANDING COMMITTEE / SENATOR</b>	<b>DATE</b>	<b>DATE FILED</b>	<b>NOTES</b>
<b>Roundtable Hearing</b>	Committee on Housing, Utilities, Public Safety, and Homeland Security	9/13/17 2:00 p.m.	2/14/2018	<b>Bill No. 144-34 (COR)</b>



# OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY  
*I MINA'TRENTAI KUÀTTRO NA LIHESLATURAN GUÅHAN* | 34th GUAM LEGISLATURE

February 02, 2018

**The Honorable Benjamin J.F. Cruz**  
Speaker  
*I Mina'trentai Kuàttro na Liheslaturan Guåhan*  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**VIA: The Honorable Régine Biscoe Lee**  
Chairperson, Committee on Rules

*RBL*

2018 FEB 14 PM 12:21

*[Handwritten mark]*

**RE: Committee Report on the Round Table Hearing for Bill No. 144-34 (COR)**

*Hafa Adai Speaker Cruz,*

Transmitted herewith is the Committee Report on the Round Table Hearing for Bill No. 144-34 (COR)- AN ACT TO *ADD* A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017. *Si Yu'os Må'ase'!*

*Senseramente,*

Senator Telena Cruz Nelson





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*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* | 34th GUAM LEGISLATURE

## Committee Report on the Round Table Hearing

Bill No. 144-34 (COR)

September 13, 2017  
2:00 P.M.



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## FIRST NOTICE OF ROUND TABLE DISCUSSION ON WEDNESDAY, SEPTEMBER 13, 2017 AT 2:00 P.M.

5 messages

Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Tue, Sep 5, 2017 at 5:35 PM

To: phnotice@guamlegislature.org

Cc: chris.duenas@guam.gov, Peggy <ceo@guamrealtors.com>, admin3@guamrealtors.com

September 05, 2017

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telena Cruz Nelson, *Chairperson*

Subject: **First Notice Round Table Discussion: Wednesday, September 13, 2017 at 2:00 p.m.**

*Buenas yan Håfa Adai!* Please be advised that the Committee on Housing, Utilities, Public Safety & Homeland Security will be conducting a Round Table Discussion on **Wednesday, September 13, 2017 at 2:00 p.m.** in the Public Hearing Room of *I Libeslaturan Guahan*, Guam Congress Building, 163 West Chalan Santo Papa, Hagåtña. The agenda is as follows:

#### 2:00 p.m. Round Table Discussion:

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- Bill No.144-34 (COR) sponsored by Senator Telena Cruz Nelson
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The Office of Senator Nelson requests that individuals requiring assistance or accommodations contact 989-7696/4678 at least 48 hours prior to the hearing. *Si Yu'os Ma'ase'!*

--  
**Senator Telena Cruz Nelson**

Committee on Housing, Utilities, Public Safety & Homeland Security

*I Mina'trentai Kuåttro na Liheslaturan Guåhan*

34<sup>th</sup> Guam Legislature



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September 05, 2017

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To: All Senators, Stakeholders and Media

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Subject: **First Notice Round Table Discussion: Wednesday, September 13, 2017 at 2:00 p.m.**

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### 2:00 p.m. Round Table Discussion:

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Telena Cruz Nelson &lt;senatortcnelson@gmail.com&gt;

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**SECOND NOTICE OF ROUND TABLE DISCUSSIONS ON WEDNESDAY, SEPTEMBER 13, 2017 AT 2:00 P.M.**

3 messages

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**Office of Senator Telena C. Nelson** <senatortcnelson@gmail.com>

Fri, Sep 8, 2017 at 5:46 PM

To: phnotice@guamlegislature.org

Cc: chris.duenas@ghc.guam.gov, Peggy Araullo Llagas &lt;ceo@guamrealtors.com&gt;, gar@guamrealtors.com

September 08, 2017

**MEMORANDUM**

To: All Senators, Stakeholders and Media

From: Senator Telena Cruz Nelson, *Chairperson*Subject: **Second Notice Round Table Discussion: Wednesday, September 13, 2017 at 2:00 p.m.**

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**2:00 p.m. Round Table Discussion:**

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- **Bill No.144-34 (COR) sponsored by Senator Telena Cruz Nelson**
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**The Office of Senator Telena Cruz Nelson**

Committee on Housing, Utilities, Public Safety & Homeland Security

*I Mina'trentai Kuåttro na Liheslaturan Guåhan*

34<sup>th</sup> Guam Legislature





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CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY  
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September 08, 2017

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GUAM CONGRESS BLDG 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910

Tel: (671) 989-7696/4678 | Email: [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)

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*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN* | 34th GUAM LEGISLATURE

## Round Table Discussion

Wednesday, September 13, 2017 at 2:00 p.m.

Public Hearing Room, Guam Congress Building

**Bill No. 144-34 (COR)**

**Bill No. 145-34 (COR)**

**Bill No. 146-34 (COR)**

**Bill No. 147-34 (COR)**

## AGENDA

- I. Call to Order at 2:00 p.m.
- II. Opening Remarks
- III. Items for Public Consideration

**Bill No. 144-34 (COR)** introduced by Senator Telena C. Nelson

AN ACT TO *ADD* A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

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## IV. Adjournment



# OFFICE OF SENATOR TELENA CRUZ NELSON

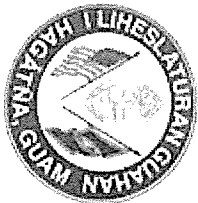
CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY  
I MINA TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

Wednesday, September 13, 2017 | 2:00 p.m. | Public Hearing Room  
Round Table – Bill No. 144-34 (COR)

NAME	AGENCY OR ORGANIZATION (IF ANY)	CONTACT	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Mayor Doris Burdick	MCOC					
Katherine Tontons	CHUPDA				<input checked="" type="checkbox"/>	
Passy L/Agus	ANAM ADR				<input checked="" type="checkbox"/>	
Genevieve Pocanneya	PDN					
Glenn Delgado	Gu Renters Assn.					
Leanne Ferguson	GAR					
Lozee Dubner	GAR					
THOMAS HEALISCI	T.H. F.V.I.	68733092				
Felice A. Leon Guzman	GAREA	472-1402			<input checked="" type="checkbox"/>	
John's Felix	Guam Roofers	689 2121				
Ryan De Guzman	GAR	797-2721				

GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGATNA, GUAM 96910  
Tel: (671) 989-7696 Email: senatorcruznelson@guamlegislature.org

① or ②



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NAME	AGENCY OR ORGANIZATION (IF ANY)	CONTACT	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Ryan De Guzman	GHR - C-2 (Q1)	797-2721	✓			

GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910  
Tel: (671) 989-7696 Email: senatorcruznelson@guamlegislature.org

2) [Signature]



**Guam Association of REALTORS®**  
*The Voice for Real Estate on Guam*

424 West O'Brien Drive  
Suite 236 A, Julale Center  
Hagatna, GU 96910  
Office: (671) 477-4271  
Fax: (671) 477-4275  
www.guamrealtors.com  
email: eo@guamrealtors.com

August 31, 2017

**SENATOR TELENA CRUZ NELSON**

Date / Time: 9/1/17, 5:08 pm.  
Initials: Tm

**HONORABLE Telena C. Nelson**  
**Chair of Committee on Housing, Utilities, Public Safety and Security**  
34<sup>th</sup> Guam Legislature  
Suite 302  
155 Hesler Place  
Hagatna, Guam 96910

Buenas Yan Hafa Adai Senator Nelson!

As per our meetings and conversations with you and your staff the Guam Association of REALTORS® (GAR) has formed a committee and reviewed your Bill 144-34 (COR)- The Guam Landlord and Tenant Rental Act of 2017. We were a bit surprised by your submittal of this Bill as it was our understanding that you were going to form a "Round Table" of interested groups before submission. It was at that time we were hoping to give our input and work with your staff in forming a Bill that would be fair and acceptable to both Landlords as well as Tenants. However since you have prepared the Bill without our review and input we are hoping you will be open to considering some changes and amendments to the Bill based on our input below.

The first item is an overall one as the bill seems to apply to both commercial as well as residential leases. We strongly suggest that this Bill focus on Residential leases only as commercial leases can be very complicated and call for special security deposit, repairs and maintenance items as well as notices and deadlines. Because of that we ask that this bill clearly state that it applies only to residential leases and not commercial ones and that the word "residential" be inserted throughout the Bill in appropriate sections.

The below input is on a section by section basis with our problem of the current wording and some possible suggested alternatives:

Section 48102- Definitions:

We suggest you add definitions of the following words/phrases in order to clarify and avoid any misunderstandings

1. Casualty- Other insurable perils that include earthquake, wind, typhoon, and other natural disasters.
2. Days- Days are working days and do not include weekends and federal and local Guam government holidays.
3. Essential Services- Services needed for the enjoyment and use of the rented dwelling unit.
4. Normal wear and tear- Deterioration or depreciation in value by ordinary and reasonable use but does not include items that are missing from the dwelling unit. (This is from Hawaii state law definitions).

(We feel these definition additions will help avoid legal misunderstandings in the future and clarify what is meant.)

Section 48201 Security Deposits. (b)- We suggest you add “Less normal wear and tear” to the end of the first sentence after “... under 48204”. This will clarify that the tenant is not responsible for normal wear and tear.

Section 48201 Security Deposits (c) - We ask that you consider removing this subsection all together. The previous section clearly states the deposit must be refunded within 14 days from the expiration of the lease and the tenant has many legal means to seek refund if landlord does not pay. We feel the penalty of twice the amount is not needed and the attorney fee clause is covered elsewhere in the law and in the lease. The standard lease GAR uses state that attorney fees are paid by the losing party to the prevailing one.

Section 48202. Landlord to Maintain Premises.

- (1) We ask that you add “not caused by tenant” at the end of the subsection after the word “safety”. (This protects landlord from liabilities caused by tenant actions).
- (2) We ask you again add “not caused by tenant” after the last word “condition”. We also ask you add “Tenant shall notify Landlord of said needed repairs and this section is based on landlord being able to do said repairs.” (The reason for this addition is that the tenant needs to notify the landlord and that there are some cases where the landlord cannot do the repairs –such as

cases where the dwelling is in a condominium and the repair is a common area one where the landlord cannot do the repairs and must wait for the Association to do them.)

(3) Again we ask that you add “provided landlord is able to them” to the end of the subsection (This is for the same reason as above where the unit is in a condominium and the landlord cannot do the repairs when it is a common area element).

(b)- We ask that you add subsections (a) (1) & (3) to this so it reads “...prescribed in subsections (a) (1);(2);(3) and (4) of this section... (These added subsections may be covered in the lease agreement especially in condominium or townhouse complexes).

Section 48203. Subsection (a)-We ask that you add “unless buyer is credited the security deposit and all parties are notified at which time the buyer becomes liable for the security deposit and any refunds” to the end of this subsection after “...48201”. (In virtually all sales of rented units the new buyer is credited with the security deposit and becomes liable for payment to tenant after vacancy. To keep the old owner liable will create many problems and possible lawsuits when tenant vacates the unit. This addition protects the tenant and insures a peaceful transition of the deposit from seller to buyer.)

Section 48204 (a) (5)- We ask you to remove “with his consent” and insert “who are his guests and invitees” to the middle of the subsection. (This is to avoid the tenant claiming the person in his unit was there without his consent to avoid problems. Clearly if the person was in his unit he is an invitee and tenant should be responsible for his actions.)

Section 48206 (We ask that you remove this section entirely and replace it with the Hawaii State Access laws which would read :)

- (a) The tenant shall not unreasonably withhold the tenant’s consent to the landlord to enter into the dwelling unit in order to inspect the premises; make necessary or agreed repairs, decorations, alterations, or improvements; supply services as agreed; or exhibit the dwelling unit to prospective purchasers, mortgagees, or tenants.
- (b) The landlord shall not abuse this right of access nor use it to harass the tenant. Except in case of emergency or where impracticable to do so, the landlord shall give tenant at least 24 hours notice of the landlord’s intent to enter and shall enter only during reasonable hours.
- (c) The landlord shall have no other right of entry, except by court order, unless the tenant appears to have abandoned the premises, or the landlord may, during any extended absence of the tenant, enter the dwelling unit as reasonably necessary for purposes of inspection, maintenance, and safe-keeping.

(We believe this section is better and more modern than the one in this bill and protects both parties fairly).

Section 48301.

(1). In line three (3) after the words "...before the date specified" add "or show reason why the date cannot be met".. (We ask this be added because sometimes in Guam due to shipping delays and lack of parts/inventories the repair can take more than 14 days.)

(2). We ask you remove this subsection entirely. This is because many of the repairs are subcontracted out and it seems unfair the landlord suffer due to a subcontractor's mistake or problem. Also in many instances a repair is made to a refrigerator or air conditioner only to have it break again for another or similar reasons beyond landlord's control or responsibility within 6 months.

Section 48302.

(a) Add the phrase "on the effective or occupancy date of the lease" after the word 'possession' (This is to clarify the date intended for deliver).

(a) (2)- We ask you to remove this subsection entirely. This subsection would create a serious problem if the unit was occupied by a previous tenant who refuses to move out. The new tenant would have the right to obtain possession of a unit that is occupied by someone else thru no fault of the landlord and the landlord would be liable. This does happen sometimes where the previous tenant does not move out when they promise to due to flight or personal problems and the landlord gets caught between old and new tenants. Subsection (a) (1) above gives the new tenant adequate relief.

(b)

Section 48303- We ask you remove this section entirely and replace it with a new section below. We ask this due to the problem of allowing a tenant the right to withhold rent or use portions of the rent to do repairs. This leaves the final decision of the repairs needed and cost of repairs in the hands of the tenant alone. Leases cover this type of problem and gives proper tenant relief. Instead we would like to propose a new section:

Section 48303- Withholding of rent.

(a) Tenant may not do self or contracted repairs without the express written consent of landlord and tenant may not deduct expenses or costs for such repairs from their rent unless approved in writing from landlord.

- (b) Tenant may not withhold rent for repairs not done.
- (c) Tenant may not repair at landlord's expense if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of his family or other persons on the premises.

Section 48304 (a) (2)- Change "house" to "housing on first line (Make it more understandable).

At the end of this subsection after "... noncompliance" Add "But in no case will landlord be responsible or liable for cost of substitute housing unless agreed to in writing by both parties". (This is avoiding tenant receiving his pro-rata rent rebated and then moving into a very expensive hotel and billing the landlord for that as well).

- (c) At the end of the section, remove "with his consent" (again this avoids tenant claiming the person in his unit is not there by his consent)

Section 48305- add a new subsection (c)

- (d) This section does not apply to fire or casualty damage caused by tenant, their family, guest or invitees (This is to avoid tenant causing damages accidentally or on purpose to the dwelling in order to terminate the lease)

Section 48306- Make the following changes: in line 3 after "tenant may" add the word "either" and after "possession" change and to "or". Then line 4 is replaced with "In either case, the tenant shall be entitled from the landlord the actual and verifiable cost of damages sustained by him. If rental agreement is terminated the landlord shall return all security deposit recoverable under

section 28201." (This removed the 2 months' rent or treble damages which we believe is unfair to landlord. In future sections we remove Landlords' similar rights to collect also to be fair)

Section 48311 (a) – Line 5- remove "thirty (30)" and insert (five (5) days. After end of line "notice" add "unless otherwise agreed to in writing by landlord and tenant." (All current leases and notices are five day ones and we believe this is fair and reasonable)

- (a)Line 6- after the word "remedied change to "within the five (5) days, the rental agreement..." (Same as above)

(a)Lines 10-140 remove "if substantially... agreement" (This was discussed and requested to be removed in section 48301(2). We believe landlord should not be liable for repairs the tenant contracts out).



(b) Change lines 1-2 from “fourteen (14) days” to” five (5) days) and change line 4 from “thirty (30) days” to “five (5) days”. (Same reasons as above)

Section 48312- Line 4- Change “fourteen (14) days” to five (5) days” (same reasons as above)

Section 48313- (a) Add to end of section after “...tenant” – “and consider dwelling unit abandoned”. (This will allow landlord to enter unit and start abandoned procedures.).

Section 48314 lines 4-5 after “...an amount” replace with “equal to rent owed, costs of eviction and reasonable attorney’s fees”. (This makes it similar to tenant rights amended in section 48306).

Section 48315

- (a) Lines 3-4. Replace words after “... landlord may recover” with “actual damages, costs, rental loss and reasonable attorney’s fees.” (Again removes treble damages in earlier sections).
- (b) Lines 4-5. Replace words after “tenant may recover actual damages” with “, costs and reasonable attorneys fees. Also Landlord shall return that portion of the security deposit which is recoverable by the tenant under Section 48201 of this Chapter.” (This is equal to landlord rights and adds the refund of security deposit.)

We hope you are open to these suggestions/changes and we would be glad to go thru these suggestions and a more detailed reasoning for them at our meeting. Please feel free to call me (777-7792) or our CEO, Peggy Llagas (477-4271/689-4271). Again, it is our goal to help you finalize a Landlord Tenant Act for Guam that is fair to all parties.

Very sincerely yours,



Maria E. Miller  
2017 President, Guam Association of REALTORS®

Cc:  
Guam Real Estate Commission  
GAR-Legislative Committee  
Peggy Araullo Llagas, CEO and Government Affairs Director



# GHURA

Guam Housing and Urban Renewal Authority  
Aturidat Ginima' Yan Rinueban Siudad Guahan  
117 Bien Venida Avenue, Sinajana, GU 96910  
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701  
Website: [www.ghura.org](http://www.ghura.org)



12 October 2017

**Eddie Baza Calvo**  
Governor of Guam

**Ray Tenorio**  
Lt. Governor of Guam

**George A. Santos**  
Chairman

**Thomas E. B. Borja**  
Vice Chairman

**Carl V. Dominguez**  
Commissioner

**George F. Pereda**  
Commissioner

**Eliza U. Paulino**  
Commissioner

**Joseph M. Leon Guerrero**  
Resident Commissioner

**Michael J. Duenas**  
Executive Director

**Pedro A. Leon Guerrero, Jr.**  
Deputy Director

**The Honorable Telena C. Nelson, Chairperson**  
**Committee on Housing, Utilities, Public Safety, and Homeland Security**  
**Guam Congress Building, Suite 302**  
**163 Chalan Santo Papa**  
**Hagatna, Guam 96932**

Re: Comments on Bill 144-34(COR)

Hafa Adai, Senator Nelson:

Thank you for the opportunity to attend the Housing Committee's roundtable discussion on Bill 144-34(COR), the proposed *Guam Landlord and Tenant Rental Act of 2017*. We have thoroughly reviewed the Bill to assess its impacts to housing programs administered by GHURA.

As a landlord our self, operating 750 units of affordable housing in sites across the island, we are well familiar with the challenges of identifying and retaining good residents. GHURA also assists thousands of clients through the issuance of housing vouchers so that they may rent from private property owners of their choosing. We are fortunate to have the benefit of well-established federal rules and regulations to provide a sound framework for the operation of our multi-family residential housing. We were pleased to find that in reviewing our processes against those stipulated in the Bill, that our policies capture many of the same requirements.

Federal guidance from the U.S. Department of Housing and Urban Development (HUD) directs that GHURA adopt and use the more stringent of the federal or local law, where the two might come to comparison. In the attachment, we took the opportunity to point out any provisions which might conflict with HUD regulations. We also provide comments for your consideration that, while not in conflict with federal regulations, may provide a beneficial perspective.

Altogether, GHURA support for Bill 144-34 is unwaveringly positive. It is our hope that we might offer our coments in keeping with your efforts on behalf of landlords and tenants, to establish a basis of fair play for all who seek to engage in residential real property leasing.

Please accept the enclosed comments as compiled from our review. I would be happy to discuss this with you at any time, and can be reached at 475-1378 or via email at [pleonguerrero@Ghura.org](mailto:pleonguerrero@Ghura.org).

Thank you again and God Bless.

Sincerely,

**PEDRO A. LEON GUERRERO, JR.**  
Deputy Director

Enclosure



**GHURA Comments to Bill 144-34**

#	Section or Reference	Recommendation
1	"Residential Lease"	In line with several comments during the roundtable discussion, we too believe the bill should clearly define the applicability of the proposed as limited to residential lease agreements.
2	§48102. Definitions <i>Bona Fide Purchaser, Dwelling unit</i>	<ol style="list-style-type: none"> <li>1. Consider deleting the definition for "Bona Fide Purchaser" altogether. The term does not appear to be germane to the discussion of leased properties.</li> <li>2. The definition of <i>Dwelling unit</i>" makes reference to "one or more persons who maintains a household". Consider adding a definition for 'Household' to the list of definitions.</li> </ol>
3	§48103(b)(2). Notice.	Home mail delivery is not widely available on-island. The option to notify a tenant in writing by "registered or certified mail to the place of the tenant's known residence" may not be possible. Consider rewording the segment to clarify that letters personally tendered will be delivered to the tenant's known physical address of record. Registered or certified mail would need a different delivery target.
4	§48201(c) and throughout...	Consider including court costs as a reimbursable amount to the tenant from the landlord, such that, the sentence will read, "...with damages equal to twice the amount wrongfully withheld plus reasonable attorney's fees <i>and court costs.</i> "
5	§48202(a)(2)	Consider adding a reference to making timely repairs. "make all repairs reasonably <i>timely and</i> necessary to maintain the premises in a fit and habitable condition;"
6	§48202(a)(3). Landlord to Maintain Premises	<p>"(3) maintain a reasonably good and safe working order of all electrical, plumbing, sanitation, ventilation, air conditioning, to include properly functioning elevators;"</p> <p>Tenants also bring with them their own appliances and equipment. In the interest of clarity, we believe that it should be made understood that a landlord should be responsible to maintain only those appliances and systems which are supplied by the landlord.</p>
7	§48206(c)	"A landlord may enter the dwelling unit without consent of the tenant in a case of emergency." However, <i>emergency</i> is not defined.



8	§48304	Two points we would like for the Committee to consider. First, what if there is a prolonged outage of water or power that is not in the control of the landlord? Would this section still be triggered? And second, would this section be triggered if the rental agreement does not include the provision of power or water? To the second, does the line in §48304(a), "...fails to supply essential services pursuant to the rental agreement..." resolve our concern here?
9	§48306	Two minor points of formatting and sentence structure. The first is in the second sentence, "...In either case, the tenant <i>shall</i> be <u>entitled to from the landlord two (2) months' rent or...</u> ". The second is in the third sentence, a reference to "section 28201" may actually be for §48201.
10	Missing sections	There is a gap in the section references, omitting §48307 - §48310.
11	§48311(c)	The section reference appears to be in error. Perhaps §48201 was the intended reference?
12	§48312	Similar to the reference in no. 11 above, Perhaps §48201 was the intended reference?
13	§48313(a)	There is a reference to §48208. However, there is no §48208 in the Bill.



Bernice Rivera <bernice.rivera@guamlegislature.org>

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## Bill 144-34

1 message

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**Katherine Taitano** <katherine@ghura.org>  
To: bernice.rivera@guamlegislature.org  
Cc: Pedro Leon Guerrero <pleonguerrero@ghura.org>

Fri, Oct 13, 2017 at 2:40 PM

Hafa Adai, Bernice.

We appreciated the opportunity to share thoughts on Bill 144-34 with your office.  
Please see the attached letter from GHURA.  
Should you have any questions at all, my contact information is below.

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Sincerely,

Katherine Taitano  
GHURA Chief Planner  
office 475.1322  
email katherine@Ghura.org  
mail 117 Bien Venida Ave., Sinajana, GU 96910  
web www.ghura.org

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 **Bill 144-34 GHURA Comments.pdf**  
423K

September 12, 2017

**Senator Telena C. Nelson**  
**Chairperson**  
**Committee on Housing, Utilities,**  
**Public Safety, and Homeland Security**  
**34<sup>th</sup> Guam Legislature**  
**163 Chalan Santo Papa**  
**Hagatna, Guam**

SENATOR TELENA CRUZ NELSON

Date / Time: 2:33pm, 9/13/2017  
Initials: TAN

HAND DELIVER

Re: Bill No. 144-34 (COR), An Act to create the Guam Landlord and Tenant Rental Act of 2017

**Dear Senator Nelson:**

First I'd like to thank you for drafting this much-needed legislation and for giving us the opportunity to provide input. As owners of some residential real estate, including the 105-unit apartment complex Chamorro Gardens Apartments, my partners and I welcome this legislation and support it's intent.

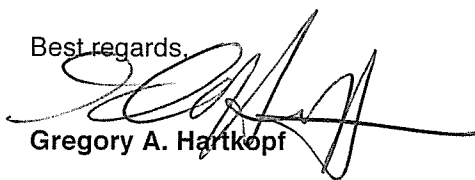
In an effort to provide constructive and meaningful input on this bill, I forwarded a copy to one of my partners, Roger Crouthamel, for his comments and suggestions. Mr. Crouthamel has been a member of the Guam Bar Association for many years and is quite knowledgeable about the existing laws that govern the landlord and tenant relationship.

In general we agree with the content and language of this proposed legislation. I have attached a summary of our specific comments, the majority of which are suggestions to clarify the language in certain sections.

Our one significant concern is that portions of this bill conflict with the existing statute that governs the lease termination and eviction process, namely 21GCA Real Property - Forcible Entry and Detainer. This existing statute has successfully governed certain aspects of the landlord/tenant relationship for many years and is supported by a great depth of case law. This statute works well and is fair to both landlord and tenant. Section 48311 of this bill conflicts with this existing statute and if enacted it would create a confusing and complicated legal ambiguity.

Thank you again for this opportunity and please do not hesitate to contact me if you have any questions or concerns regarding my comments.

Best regards,

  
Gregory A. Hartkopf

cc: Gregg C. Kosanke  
Roger P. Crouthamel

**COMMENTS ON BILL NO. 144-34 (COR)**  
**GUAM LANDLORD AND TENANT RENTAL ACT OF 2017**  
Prepared by Greg Hartkopf

**§48103. Notice.**

(b)(2) Add on line 26 to read, "to the place of the tenant's last known residence or mailing address."

**§48201. Security Deposit.**

(a) Add on line 18 "value than one month's periodic rent except that if the tenant has pets then the landlord may demand an additional deposit for each of tenant's pets."

**48301. Noncompliance by the Landlord**

part (a). Comment: the timing of when the lease terminates is confusing/conflicting. In the first part it requires the landlord to remedy the breach in 14 days, but then in part (1) it gives the landlord until the termination date specified in the notice (which must be at least 30 days) to remedy.

**48311. Noncompliance with Rental Agreement; Failure to Pay Rent**

Section 48311 should be deleted because it is somewhat confusing versus the existing statute that quite adequately addresses this subject; 21GCA Real Property – Forcible Entry and Detainer. This existing statute has successfully governed the lease termination and eviction portion of the landlord/tenant relationship for many years and is supported by a great depth of case law. This statute has worked well and is fair to both landlord and tenant. The proposed Section 48311 conflicts with this existing statute and if enacted it would create a confusing and complicated legal ambiguity.

**§48312. Failure to Maintain.**

Amend on line 23 to read, "days after written notice by the landlord specifying the breach and ~~requesting~~ demanding that".

**§48314. Holdover.**

Amend on line 24 to read, "~~(2) month's rent~~ double the rent found due for holdover period and reasonable attorney's fees".

**§48315. Refusal of Lawful Access.**

(a) Amend line 2 to read, "the landlord may recover up to treble damages if ~~damages result in less of rental income and rent found due~~ and reasonable attorney's fees".

(b) Amend lines 7 and 8 to read, "the rental agreement. In either case the tenant may recover actual damages ~~equal to~~ and two (2) month's rent and reasonable attorney's fees".



# OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY  
*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN* | 34th GUAM LEGISLATURE

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

The Committee on Housing, Utilities, Public Safety and Homeland Security convened a Round Table Hearing on Wednesday, September 13, 2017 at 2:00 PM in *I Liheslatura's* Public Hearing Room regarding Bill No. 144-34 (COR)- AN ACT TO *ADD* A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017. *Si Yu'os Må'ase'!*

#### **Public Notice Requirements**

Notices were disseminated via e-mail to all senators and all main media broadcasting outlets on September 5, 2017 (5-Day Notice), and again on September 8, 2017 (48-Hour Notice).

#### **Senators Present**

Senator Telena Cruz Nelson, Chairperson  
Vice Speaker Therese Terlaje, Vice-Chairperson  
Senator Louise B. Muña- Member

#### **Participants:**

Chris Duenas- Guam Housing Corporation  
Caesar Villanueva- Guam Housing Corporation  
Michael Borja- Department of Land Management  
Mayor Doris Lujan- Mayors Council of Guam  
Katherine Taitano- GHURA  
Peggy Llagas- Guam Association of Realtors  
Ginette Bocanegra- Pacific Daily News  
Claire Delgado- Guam Association of Realtors  
Joanne Aguon Ige- Guam Association of Realtors  
Jodee Duenas- Guam Association of Realtors  
Thomas Hertslet- T.H Enterprise  
Pedro Leon Guerrero- GHURA  
Maria Miller- Guam Association of Realtors  
Chris Felix- Guam Association of Realtors  
Ryan De Guzman- Guam Association of Realtors  
Christopher Murphy- Guam Real Estate Commission  
Marcel Camacho- Guam Real Estate Commission

### II. SUMMARY OF TESTIMONY & DISCUSSION





# OFFICE OF SENATOR TELENA CRUZ NELSON

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The Round Table Meeting was Called-to-Order at 2:00 PM.

## SUMMARY OF TESTIMONY AND DISCUSSION

### Senator Telena C. Nelson:

Okay. Hafa Adai and Good Afternoon. The Committee on Housing, Utilities, Public Safety, and Homeland Security will now convene this hearing; correction this is a Roundtable Meeting. Today is September 13 and it is currently 14:00 hours. For the record and in accordance with open government law, notices were sent out via email to all Senators, Stake Holders, and Main Media Broadcasting outlets on Tuesday, September 13 and the second notice on Friday, September 8. The committee will be conducting a roundtable discussion on **Bills 144, 145, 146, and 147** in that order. Just a really quick history; upon writing this bill I reached out to as many landlord and tenants as we could. We also compared landlord and tenant laws nationally and also internationally with other countries and doing a little bit of historical research I discovered that this the current law that is in place in regards to detainers has was hasn't been updated within the past 40 years and this bill is an attempt to address that and also to address the health and safety of our tenants but also ensuring the rights of the landlords because really essentially what we're trying to do is to protect the people of Guam when they do rental agreements or lease agreements with some landlords that you know rents our places to live you know living places to live in that are you know below living conditions subpar conditions and so that's really the effort that we're trying to do with this landlord and tenant bill. I asked for this roundtable hearing for all of these bills because a lot of these bills, all of these bills I feel have play a significant role that play in our community and I am no expert and so I wanted to have everyone come in and to voice their recommendations on how we could better this bill and this is really that we keep in focus and in mind that this is for the people of Guam and also to protect their health and safety and so ensuring that is the intent and that no special interest group was preferred over to another I wanted to host this roundtable to get all of your input and to see what we can do as community to improve this bill and to make this bill fair and right by the people of Guam and so with that being said we'll address the landlord tenant bill, **Bill 144 which is an act to add a new chapter 48 to Division 1 of the Title 21 Guam Code Annotated relative to establishing the Guam Landlord and Tenant Rental Act of 2017.** I'd like to start first with Guam Housing Corporation and then perhaps GHURA and then the rest of the government agencies and other members of the community to chime in after that on how we can improve this bill. Okay. Mr. President.

### Maria Miller- President, Guam Association of Realtors:

Madam Chair if you would excuse me I really have more comment on the other bills subsequent to this as Guam Housing basically manages the properties in its inventory and that we have constructed on the purposes of rental. We really only manage our own tenant agreements and so we have no issues with the bill, and our review we think it's well written. I think this may be more geared towards maybe GHURA perhaps and the real estate committee so we'll defer on this one Madam Chair.

### Senator Telena C. Nelson:

Thank you. I'd like to thank Mayor Doris for her presence and also my colleagues Vice Speaker Terlaje and Senator Muna. Please bear with me, yes. Okay. GHURA, do you have any input on this landlord tenant bill?

GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910

Tel: (671) 989-7696 | Email: [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)



# OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY  
*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* | 34th GUAM LEGISLATURE

**Pedro A. Leon Guerero- Deputy Directory, GHURA:**

Good Afternoon Madam Chair. I just want to say from GHURA that we do appreciate trying working towards updating we think that levelling the playing field is an important issue and we will support and continue the discussion.

**Senator Telena C. Nelson:**

Thank you very much Mr. Leon Guerrero. Is there anybody else that it is open to speak if anybody else would like to comment on **Bill 144**? Just to update everyone, I have been receiving a lot of testimonies on this bill and I've met with some of these individuals here today to address their concerns so we will take all of that into consideration and make some amendments to the bill because a lot of the recommendations are very good recommendations that we cannot ignore and then perhaps once we amend the bill with some of those recommendations we'll have the public hearing.

**Chris Felix, Guam Association of Realtors:**

Thank you Senator. I'm Chris Felix from the Guam Association of Realtors. We've met and we've sent you our concerns with the bill, and we're just, our goal is to make it a fair bill for landlords and tenants and to really ensure that this bill and the understanding, and to correct that this bill is for residential leases only and not commercial because that is a whole different animal and laws of. I mean it's completely different, but we've sent you fairly long list of our concerns and suggestions and recommendations and we thank you.

**Senator Telena C. Nelson:**

Thank you very much Mr. Felix. Yes, to address the concern whether it is, what is this bill specifically for, it is for residential leases. It does not address the commercial aspect of the landlord tenant law so you know one bite at a time right. We're taking small steps to eventually get there but this is a need to do especially since it hasn't been addressed in the last 40 years and as we all know Guam's economies have changed, the government has changed, the way we do think, things have changed and so it is only I think providence that we adjust this now when we work with all community members to improve this law. Yes, Madam President.

**Maria Miller- President, Guam Association of Realtors:**

I have a question, the things that we've gone over with you and everything are not part of the handouts yet right? so ideally would you like us to go over all of those again in front of everyone here?

**Senator Telena C. Nelson:**

Yes, perhaps you can do that so that everyone has an understanding of some of your concerns. I think that would be fair.

**Chris Felix, Guam Association of Realtors:**

Okay. I'll quickly try to summarize first our main concern was that it's residential; our second concern was in definitions. We thought that you should add the word casualty, define days whether we're talking of working days or calendar days because that can make a big difference, and add normal wear and tear as one of the definitions because we think that's very important to protect the tenant that they're





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exempted under normal wear and tear. Then our next, our concerns on some of the security deposits to make sure that the tenant is exempted from normal wear and tear the landlord cannot subtract from the security deposit normal wear and tear to protect the tenant. We hope that we could remove or rework some of the tenant's recovery if they don't receive the security deposit in a timely manner. Then under **4A202** about landlord, the things the landlord must provide, we basically agree with everything except those items that are in landlord's control. For example, an elevator in a condominium is not the landlord can't control that that's homeowner's association and like Ypao Gardens and Apusento Gardens it took them a year to fix their elevators and to hold the landlord responsible for that type of... Just is not fair, I mean so we wanted to make sure that the way it's written to the point where the land as long as it's in the landlord's control that the landlord must provide the certain things. The next thing is the next main item besides some of the minor ones we sent was access, the rights of access. We sent you from the Hawaii law a section of what Hawaii defines as access and we strongly suggest that you use that we think it's a better definition. When can a landlord have access to the unit and when can he not and we thought the Hawaii law we understand this was taken out of Nevada or Arizona, but we felt it was too loose and left too much open to interpretation while the Hawaii law was pretty specific about when and also abandonment. We're very concerned. You know, we have to have access when it's abandoned and some of them it can be interpreted if we don't know if it's abandoned, can we get in there or not and so Hawaii law pretty well define that. We asked that in the section of the law that said if the same thing breaks within six months that the tenant has the right to breach lease. This is Guam. I hire an air-conditioning mechanic to fix and it breaks in 3 - 4 months. It's not fair to hold the landlord responsible when I send a duty you know a professional to take care of the problem and it's not taking. You know things break and then you also get into the definition when the air conditioner breaks, was it the capacitor, was it the condenser, it's you know you know so long as the landlord's trying to fix it I would think that would suffice. **Section A2 4A 302** we ask you consider removing the demand performance of the rental agreement by the landlord, and if the tenant elects obtain possession of the dwelling unit for the landlord. This has to do with, if I have a lease where the tenant is going to move in January 1st and I sign the lease and the old tenant doesn't move out. According to this law, the new tenant can march in throw the old tenant out and he has the right of entry into the unit and it's not my fault that the old tenant didn't move out. That happens sometime doesn't happen often but it happens enough where you know are the current leases and the current law the way the current leases are written is that there's usually a five-day gap where the landlord has to deliver within the five days and if not the tenant can cancel the lease and get everything back. I mean that's all we can do as a landlord. You know if a tenant refuses to move, it's happened a number of times where a tenant says oh my plane leaves next week so I'm just going to stay here, you know but you can't lease the unit, well tough that's your problem I'm staying. You know how do you get someone out. We had a big concern with the self-help for minor defects **Section 4A303** that section allows a tenant to come in and fix if he feels the landlord didn't respond fast enough or fix things fast enough. The tenant can come in and fix it himself up to half the rent so if the tenant is paying \$3,000.00 a month rent he can go blow \$1,500.00, and we feel this is going to lead to a lot of problems and lawsuits. Did the tenant use his brother-in-law to fix it? You know you told me about it and you know I sent my guy three days later, and you've already fixed it because you felt that wasn't fast enough. We ask that you look at this section and it just doesn't seem fair to a landlord to give a tenant that kind of power to just unilaterally use half the rent and do that. We gave a suggested section to add in there; there was some wrongful failure to provide essential services again provided it's within Landlord control was very important to us. Tenants remedy for landlord I'm in 306 I'm going as

GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910

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CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY  
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fast as I can and I apologize landlord's unlawful ouster exclusion or domination of services just some minor changes there and to add that this section does not apply the fire or casualty damage caused by tenant. This says if there's a fire the tenant can walk out and cancel the lease well the tenant starts the fire just to get out of the lease it sounds silly but I'm telling you it will happen, it'll happen. The next **Section 4A 311** the end of it, if substantially the same act or omission constitute prior again a six month thing, if the same thing happens within six months we ask that it be revisited just so long as the landlord is trying I'm hiring a professional to do the job if they don't do their job it just doesn't seem fair failure to maintain we ask that we change 14 days to five days almost every lease on Guam gives five day notice to tenant is because you got to give them 30 day notice so you give them 5 day notice unlawful detainer and then 30 day you want 14 then 30 I'm into my second or third month of a tenant not paying me rent before I can do anything. I've sent that section to you and some of the holdover. We ask that you consider looking at this two month rent and attorney's fees. A landlord can charge that. We feel that's not fair all we want is our cost back. I don't want to have to dig, if some tenants want to pay me five- grand a month, say I can charge him \$10,000 plus legal fees and everything, that may not be fair you know the trouble damages. I don't know again we felt that was unfair of a landlord to be able to collect that kind of amount. Again we were trying to be fair on both sides here that's our main sections I think if you look at we have a lot of minor points that we've sent you already, but thank you Senator.

## **Senator Telena C. Nelson:**

Thank you Mr. Felix. Is there anyone else that would like to share some concerns about the **Bill 144**? Maybe questions. Yes.

## **Greg Hartkopf:**

Hello, my name is Greg Hartkopf. I, we have a couple of few different apartment buildings here. One of them is Chamorro Garden Apartments, which is fairly nearby here. Generally, some of my partners and I you may know some of them Roger Crouthamel or Gregg Kosanke, we've looked at this and generally were good with it. I mean most of the sections we understand why you want to do this and you know we're happy to see it I have a one-page letter to give you with again some minor points a lot of them similar to Chris's. I think are one big question on this is that is the **Section 311** yeah **311** where it talked about non-compliance for rent basically someone doesn't pay you your rent and the concern is that there is existing statute that we're basically all following which as Chris says it's a five-day notice and then you have to go to court you have to the get you know the marshal to come and evict them. There's an existing process with an existing time frame and this legislation doesn't repeal that there it doesn't amend it it just is throwing in another thing which now creates ambiguity and conflict in terms of what are we supposed to follow and so one of the comments that one of my partner's who's he's a lawyer on Guam for many, many years and knows the process you know the existing statutes they work we all know how to how to do the things right probably a lot of the issues are that people don't follow it I mean landlords just forcibly evict the tenant you know lock them out do all the things that they're not supposed to but the existing statutes are clear about what's legal and what's not legal and they work; they're fair in our opinion to both the tenant and the landlord and that this creates ambiguity by creating another statute that's in conflict with the existing one because it's been on the books for a long time you know there's been a lot of case law that supports it so our main point is with respect to evictions and maybe look at the existing case law and certainly make sure this doesn't just conflict with it and create an issue for us. The rest of my comments I'll submit it in writing we don't have to go over it here, it's minor stuff.

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**Senator Telena C. Nelson:**

Thank you Greg. Yes, when we wrote this bill we worked with our legal department to ensure that you know we address anything that would conflict with the existing law but of course that's why we wanted the roundtable because we were hearing other legal opinions, and so I'm glad that you're here. Thank you so much for coming, and we will definitely address this and to reflect and amend the piece of the bill after we are done with this roundtable, so thank you, sir.

**Greg Hartkopf:**

Thank you too.

**Senator Telena C. Nelson:**

Is there anyone else? Yes.

**Chris Murphy-Member, Guam Association of Realtors/Chairman, Guam Real Estate**

**Commission:**

My name is Chris Murphy; thank you Senator. I'm here wearing two hats, one is I'm a member of Guam Association of Realtors and I participated in the groups response to your initial bill so it's part of the letter from GAR to you as part of that input and fully agree with the items that Mr. Felix indicated and then I'm also Chairman of the Guam Real Estate Commission which is newly formed in the sense that we have an active body now. One of our major goals is to help rewrite the real estate laws in total of Guam it's not just this law it's all the laws are antiquated and need revision and taken care of so we're in favor of that we will be meeting next week as a commission and we will be taking the information that GAR provided you and the Commission will be reviewing it and then submitting their support and/or additional recommendations to your office. Thank you.

**Senator Telena C. Nelson:**

Thank you Mr. Murphy. Is there anyone else?

**Katherine Taitano- Chief Planner, GHURA**

Madam Chair, I'm Kathy Taitano. I work with Guam Housing Urban Renewal; I'm their Chief Planner. I do have one note. I noticed that under one section, under the definitions the rental agreement would be any agreement written or not and my concern is not with, not with the you know the licensed professionals, those who follow a code of ethics and those who have professional, those who exercise their professional integrity, my concern is simply that many of the tenants that we deal with or we hear of GHURA as the provider of 2500 tenant vouchers that are around the island; we were fortunate to be able to have to fall back on a huge cash of federal rules and regulations that help govern fair play on that field, but the concern I have is the idea of using a non-written arrangement if not, if you want for one of a better description for folks that may not be savvy tenants who are not savvy, and without the ability to fall back on something that indicates what the, what those terms were that we might find ourselves with our more vulnerable population; folks who are relying on their representation via the landlords or the managers of properties to give them guidance; and at the end of the day they really will not have the wherewithal to protect themselves from the more dubious.

**Senator Telena C. Nelson:**



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Thank you Ms. Taitano. Yes, that's. I'm glad that you're sharing your concern because that is something that we really want to incorporate in this bill that we were looking to do; you know is to really address you know to help the people so we will look closely at that and ensure that we address this in a clearer format.

**Katherine Taitano- Chief Planner, GHURA**

We appreciate that and we'd love the opportunity to do a more detailed letter to you or some documentation to you; it kind of points out; otherwise there's some simple housekeeping you know laundry lists like items that you know referencing and what not, or recommendations for different definitions to be put in there that are referenced or know are sub referenced like what constitutes a household?; it says a tenant is a tenant- a person who enters into the lease and who operates under a household, but what does that household mean? We all should have as tenants or as owners we want the opportunity to invite anybody we want into our house and provided that they don't disrupt the quiet enjoyment of anyone else who's living there you know nearby we want that flexibility for the tenant.

**Senator Telena C. Nelson:**

Okay. Yes, we look forward to the letter please, and perhaps we can even arrange a meeting together and sit down and talk it over. Thank you very much. Yes Ms. Miller.

**Maria Miller-President, Guam Association of Realtors:**

I have a little bit of a problem hearing you way down there but I think your concern was for the individual tenants to know...

**Katherine Taitano- Chief Planner, GHURA:**

That the rental agreement was as defined; a rental agreement would be written or not it could be an oral agreement and I just speak to one question there...

**Maria Miller- President, Guam Association of Realtors:**

Right. I think part of all of this is it's going to be part of marketing to everybody you know ideally have a little booklet sign once the Real Estate Commission- everybody gets together so that anybody can pick up the booklet and understand in plain English you know; none of this you know what their rights are; so whether they're dealing with a realtor or with just a homeowner that they understand what it entails; is what you know all these terms that are a little foreign sometimes to an individual; what rights they have you know if the place is inhabitable those kind of things, right?; I mean it; that's where as in Hawaii, it's a booklet you can pick it up anywhere that explains the landlord's rights and the tenant's rights, right? So that's your goal to write for the Real Estate Commission; and Chris was making another comment about all legal documents.

**Chris Felix, Guam Association of Realtors:**

I think federal law **Regulation Z** of the **Fair Housing Act** calls for all real estate transactions be in writing, so all leases are supposed to be in writing by law. I think this is just to cover those unscrupulous landlords that don't put things in writing just in case, but federal law clearly states it has to be in writing

**Katherine Taitano- Chief Planner, GHURA:**

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Best way to understand what you're going to bring to the table is the recipient and the seller and the owner; and the lease, the tenants are going to both sign at the end of the day; one thing and you mention it's from the **Fair Housing Act**, one thing that Guam lacks is the equivalency, the local equivalency of fair housing law and I think that's something that is a great; this is a great start just having that dialogue and starting that discussion. GHURA has the responsibility to act, we occupy the job of doing fair housing coordinator so while everybody can go direct to the US Department of Housing and Urban Development to make their claims or make their statements of when they believe they've been they've been via their fair housing rights are violated we're dealing with it on our end of the scale. Our tenants are those that may not have English as a first language so a booklet in English is important but I think also we would love to have the opportunity to translate that into other languages that are just as much a part of our bigger population.

**Maria Miller- President, Guam Association of Realtors:**

That's a good idea. Yeah, definitely.

**Senator Telena C. Nelson:**

Thank you very much. Is there anyone else that would like to address some concerns? Yes. Yes, please come over and put your chair over here, and just so you know it's meant to be a free flowing dialogue, right? We want to improve this bill. We want to work with the community to make this bill better and to for the best interest of the people of Guam so please do not be hesitant to speak.

**Ryan De Guzman, Guam Association of Realtors:**

Good Afternoon Senator. Ryan De Guzman, Guam Association of Realtors. I just have two questions; the first question I had was is the suggestions that GAR made to your office is that going to be made available to everyone?

**Senator Telena C. Nelson:**

Yes, and they stated that earlier what their suggestions were.

**Ryan De Guzman, Guam Association of Realtors:**

Okay and everybody that submitted information also?

**Senator Telena C. Nelson:**

Yes, it will be part of a committee report, and the committee report is open to the public for review.

**Ryan De Guzman, Guam Association of Realtors:**

Okay great and then the last question I had was, when you originally drafted your proposal who was involved in that process?

**Senator Telena C. Nelson:**

Well when we, it was a great idea that my chief of staff and I had, and so we did you know an insurmountable amount of research; we've been working on it for like six months and when we thought this it had some muster; we introduced it and we called everyone up that we knew and asked them hey can you please look at this bill we want to know your input and so that's where we are now. We've



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been receiving a lot of testimony from you know different legal opinions different landlords and so that's where we are now. Yes, sure. Can you please introduce yourself? Please, thank you.

**Liz Duenas- ReMax Diamond Realty/Member, Guam Association of Realtors:**

Can I comment? Hi, I'm Liz Duenas from ReMax Diamond Realty and part of Guam Association of Realtors. I never got a copy of that bill and all we want is to believe is fair play on both sides; however, we've been asking to get a copy of that bill and in the beginning when it was brought up and that you were looking at it, we were asking please include us in the process so that we can give our input and only after the bill was introduced was when we got a copy of it. So all we ask is we weren't included so.

**Senator Telena C. Nelson:**

Mrs. Duenas I apologize; like I said it was just my chief of staff and I going by what we knew historically and looking at other laws nationally and internationally. It wasn't until after the bill was introduced, which is why we sent notice out to every, you know the public, that this bill was introduced and then that's why we're having this roundtable hearing because we want to make sure that no one does, no one feels left out, right. So this is the forum for you to address your concerns you know, and for us to meet; and I'm sorry I never met you and I'm sorry perhaps we must have missed it, but it was not intentional to exclude anybody from it, which is why we're having this roundtable because I want the public to know, I want everyone to know that this bill is here and you know we'd like your input on how we can make it better for all parties concerned. Thank you. Is there anything else?

**Maria Miller- President, Guam Association of Realtors:**

I was going to say, Mr. Murphy has you know your suggestions, our suggestions and after his meeting, I mean after we meet, and after he comes up with his draft, maybe we can meet again because I know there's some stuff that's missing, some items that probably should be included right? that are not so he has all of ours; can we just meet again at a later time once you present yours right?

**Senator Telena C. Nelson:**

Well, if Mr.; if you're acting as the Guam Real Estate Commission Chair then we're open to receiving your testimony for the bill and we'd like to have this in a public hearing at least by this month or next; and so that was the purpose of this roundtable so everyone can come and bring in their recommendation, but of course definitely we want to hear what your concerns are; if you have your concerns now then that's perfect, but if you don't have it ready then we'll...

**Chris Murphy-Member, Guam Association of Realtors/Chairman, Guam Real Estate Commission:**

As a real estate commission, we've taken the information but we're meeting next week, and we weren't informed about any of this either the same as Liz, so we'd appreciate it in the future if we can participate in this because we're a group of professionals who have been doing real estate for many years and we're trying to rewrite all the laws anyway so working together I think we can we can do a lot of good things if we do it systematically and keep everyone in the loop. Thank you.

**Senator Telena C. Nelson:**

Most definitely. Thank you. Can you please introduce yourself?

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## **Ginette Bocanegra:**

Good Afternoon. My name is Ginette Bocanegra. I am a former Army officer of ten years. I just moved to Guam in January because my husband is still serving, so we came here from Texas and I have, I own two properties in Texas and one of the first things that struck us here are the lack of a fundamental tenant and landlord bill so I'm happy to see this happening here. One of the things I wanted to bring up today has to deal with vehicle abandonment or like junk cars on property or on the sides of the roads. We're fortunate enough that we can afford to live in a private community out in Dededo, but as soon as you leave our private gates you see a lot of junk vehicles in the roads in front of people's houses abandoned, disabled, no tires, trees growing out of them, what have you. In Texas for my tenants, the leases have, and the leases that I've had, I've had attorneys incorporate specific clauses that talk about no more than three vehicles allowed at one point in you know, in the driveway in the establishment that in the home right, and obviously you want to keep the property looking clean, and those junk cars they really bring down the look of the neighborhood and they can become hazardous to a point, so I'd like to see something incorporated on behalf of the landlords, this bill to enforce just cleaner neighborhoods, things like that when cars can be towed at the owners expense and who's involved in that process? because now I'm a news reporter for Pacific Daily News here, and so that's one of the things I've been working on with governors and senators; I'm sorry and GPD trying to get our areas cleaned up here in Guam. Also, something that I'd like the bill to address are Emotional Support Animals and Service Animals. I was deployed throughout my career in the Army and currently I have two emotional support animals that I brought here from Texas when we moved here; our landlord was trying to shoot; she wasn't aware of what an ESA animal was you know some people get them confused with what service animals are and there has to be laws incorporated so that they're educated on what they can charge or not charge for pet deposits. In the states, it's illegal. An emotional support animal or service animal cannot be charged whether you're at a hotel, there's no deposit that you can include and she was trying to state otherwise and so we had to get the people from housing at the military base involved to talk to her so that she understood the degree to which the animals are necessary for me. So something you know through no fault of her own just you know Guam is a little behind the power curve is what I'm seeing, and so I just want to make sure that that's clear to the landlord's and that it's addressed also in this bill. Thank you.

## **Senator Telena C. Nelson:**

Thank you. Thank you for your input and thank you for your service. I'm smiling because you know my Chief of Staff and I are aware you know the emotional support the animals bring for those that are suffering from PTSD and so forth, so thank you for bringing that up; you know we know people; that their animals are a great help to them to for you know a calming factor addressing some of the challenges that they faced you know during wartime, so I don't know why we didn't think of including that too, but we'll definitely see what we can do to find a measure either in this bill or another bill to address just that situation. Yes.

## **Katherine Taitano- Chief Planner, GHURA**

Senator I was going through the bills of the 34<sup>th</sup> and I believe you guys actually have one that made law that has to do with support, excuse me might have to do with service animals but there are a couple of other categories that we addressed too, and yeah it's not specific, she's absolutely correct we don't know they are not pets by definition; they're doing; they do a job you know whether it's a formal one and

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they've been trained for, or if it's simply one that alleviates whatever conditions or situations the, you know the owner has in there, you know to deal with, but we can provide you some guidance as well.

**Senator Telena C. Nelson:**

Yes. That's right. Right, it's not specific. Thank you Ms. Taitano

**Maria Miller- President, Guam Association of Realtors:**

Excuse me, Mr. Servino I believe came and talked to us at length as part of housing, I mean part of Fair Housing ADA right?; and they are trying to specify especially what is a service animal and emotionally, an emotional support animal because it's been extremely abused also you know, you can just go on the internet and say my dog is an emotion you know and they give you a certificate and signed off as a, and you know somebody so I know he's working on that, so that you know people don't take advantage and so it works both ways so he working on that, okay. So I think what I'm trying to say is I'm not sure it has to be part of the landlord tenant code. It can be a reference to the ADA law, yeah?

**Senator Telena C. Nelson:**

Thank you very much. Is there anything else? Yes, sir. Please come forward and go ahead and speak.

**Thomas Hertslet:**

Okay. All right. My name is Thomas Hertslet, and I'm representing myself basically, but I do have a question since she brought it up; essentially is what are the rights for landlords not only landlords or when you have neighboring landlords who are absent, they don't live on the island anymore and leave the property alone and everything is overgrown and then inflicting damage to my property. That needs to be addressed too because right now I don't see any situation on Guam where somebody is doing anything about it; we have for instance so called beautification and the people who are well known on the island they leave the property alone right on Marine Drive where people drive by, tourists and the property is in total shame and shambles, overgrown vegetation and what's the big deal of cutting grass and so on? I mean we need to do something about that, and I think that's part of your problem as well. Thank you.

**Senator Telena C. Nelson:**

Alright, thank you very much sir. Is there anyone else? Anyone? Okay. Alright, very good I'd like to thank all of you for speaking today in regards to **Bill 144**, and thank you for taking your time to read the bill and also provide us recommendations on how we can improve this bill. This bill is very fundamental to our community and I definitely want to work with everyone in our community so that we meet a happy medium for all parties involved and that everyone's rights are protected. I don't want this bill to be partial where it's pro tenant or it's pro landlord; I would like to have this bill as a you know, as a baseline, a happy medium for all parties to benefit and that that's why we are having this roundtable hearing today to give the community an opportunity and all those like Ms. Duenas, that felt that they were not aware of it that we didn't do the proper due diligence so thank you for coming and sharing that with us and please send us your recommendations and your concerns if you'd like you can send an email and we can add it in as part of the committee report and perhaps we can also meet to speak with you about some of the concerns on this bill so thank you for all your expertise in sharing the knowledge that you have with some of the challenges that our tenants face and also some of the laws that we can

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improve on our island so thank you very much. The next bill we will go into if there's no one else that would like to speak on **Bill 144**, anyone? Okay.  
The next bill that we will go into is **Bill 145**.

### III. FINDINGS AND RECOMMENDATIONS:

The Committee on Housing, Utilities, Public Safety and Homeland Security hereby reports out this Round Table Hearing on Bill No. 144-34 (COR).



Senator Thomas C. Ada,  
Vice Chairperson

Speaker Benjamin J.F. Cruz,  
Member

Vice Speaker Therese M. Terlaje,  
Member

Senator Frank B. Aguon, Jr.,  
Member

Senator Telena C. Nelson,  
Member



Senator Dennis G. Rodriguez, Jr.,  
Member

Senator Joe S. San Agustin,  
Member

Senator Michael F.Q. San Nicolas,  
Member

Senator James V. Espaldon,  
Member

Senator Mary Camacho Torres,  
Member

**COMMITTEE ON RULES**

**SENATOR RÉGINE BISCOE LEE, CHAIR**

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**COMMITTEE REPORT CHECKLIST**

Part 1 / 1

<b>ROUNDTABLE HEARING</b> on <b>Bill No. 144-34 (COR)</b> By Senator Telena Cruz Nelson		
<b>(A) PUBLIC HEARING</b>	<b>(1) HEARING NOTICES</b> SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> <b>(a)</b> Five (5) working days prior (ALL Senators & ALL Media)	<b>Date and Time of Notice:</b> Tues, September 5, 2017 @ 5:30pm
	<input checked="" type="checkbox"/> <b>(b)</b> Forty-eight (48) hours prior (ALL Senators & ALL Media)	<b>Date and Time of Notice:</b> Fri, September 8, 2017 @ 5:40pm
	<b>(2) Date and Time of Hearing:</b> Wed., September 13, 2017 @ 2 p.m.	<b>(3) Location:</b> Guam Congress Building, Public Hearing Room
<b>(B) COMMITTEE REPORT</b>	<b>(1) Committee Report filed with COR?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>Date &amp; Time:</b> Thursday, February 8, 2018 @ 4:22 p.m.
	<b>(2) COMMITTEE REPORT COMPONENTS</b>	
	<b>(a)</b> Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	<b>(a)(1)</b> COR Chair Signature Line	<input checked="" type="checkbox"/>
	<b>(b)</b> Title Page	<input checked="" type="checkbox"/>
	<b>(c)</b> Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	<b>(d)</b> Public Hearing Agenda	<input checked="" type="checkbox"/>
	<b>(e)</b> Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	<b>(f)</b> Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	<b>(g)</b> Committee Report Digest(s)	<input checked="" type="checkbox"/>
<b>(h)</b> Related News Reports (optional)	<input type="checkbox"/>	
<b>(i)</b> Miscellaneous (optional)	<input type="checkbox"/>	
<b>(j)</b> Committee Report Checklist(s)	<input checked="" type="checkbox"/>	
	Originals	<input checked="" type="checkbox"/>
	Single-Sided	<input checked="" type="checkbox"/>
	Letter Size	<input checked="" type="checkbox"/>
	No Staples/ Paper Clips	<input checked="" type="checkbox"/>
<b>(C) COR Action</b>	<input checked="" type="checkbox"/> CMTE Report duly filed	<b>COR CHAIR</b> (Signature, Date & Time)  2.12.18 @ 2pm.
	<input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	

