


MINA' BENTE O CHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 215 (EC)

Introduced by:


Committee on Calendar
*By request of I Maga'lahaen
Guåhan in accordance with
the Organic Act of Guam.*

AN ACT TO CREATE A NEW DIVISION 9,
CHAPTER 94, 5 GCA FOR THE PURPOSE OF
ESTABLISHING THE DEPARTMENT OF
HOUSING, TO REORGANIZE AND TO
CONSOLIDATE SEVERAL GOVERNMENT OF
GUAM AGENCIES; AND TO CITE THE ACT AS
THE "*HOUSING REORGANIZATION ACT OF 2005*"

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Division 9, Chapter 94 is added to 5 GCA to read as
follows:

"Chapter 94

DEPARTMENT OF HOUSING

Section 94101.	Short Title.
Section 94102.	Statement of Intent and Findings.
Section 94103.	Creation of the Department of Housing.
Section 94104.	Director Functions.
Section 94105.	Board.

Section 94106.	Transfer of responsibilities of the Guam Housing and Urban Renewal Authority to the Department of Housing.
Section 94107.	Maintenance of effort of federally-funded programs in the Department of Housing.
Section 94108.	Transfer of funds and assets of the Guam Housing and Urban Renewal Authority to the Department of Housing.
Section 94109.	Transfer of responsibilities of the Guam Housing Corporation to the Department of Housing.
Section 94110.	Maintenance of effort of federally-funded programs in the Guam Housing Corporation.
Section 94111.	Transfer of funds and assets of the Guam Housing Corporation to the Department of Housing.
Section 94112.	Internal Structure.
Section 94113.	Effective dates and transfer.
Section 94114.	References.
Section 94115.	Repealer.
Section 94116.	Severability.
Section 94101.	Short Title.

This Act may be cited as the "Housing Reorganization Act of 2005"

Section 94102. Legislative Findings.

I Liheslaturan Guåhan finds that it is in the public interest to create a Department of Housing (DOH), to consolidate the activities of the Guam Housing and Urban Renewal Authority and the Guam Housing Corporation, and to vest said new department with such powers as have heretofore been exercised by the respective former departments and agencies, or portions thereof.

It is the intent of *I Liheslaturan Guåhan* that this Act shall *not* relieve said departments and agencies of or modify in any way other than as expressly set forth herein any of the respective existing rights, duties or obligations of the departments or agencies and that such respective rights, duties and obligations shall continue uninterrupted, inclusive of, but *not* limited to, any financial obligations of said departments and agencies.

Section 94103. Creation of the Department of Housing.

There is created the Department of Housing (hereinafter referred to as the "DOH" or "the Department"), a department within the Executive Branch of the government of Guam.

Section 94104. Secretary Functions. (a) Department Head.

The Department of Housing shall be headed by a Director of Housing (hereafter referred to as "the Director") who shall be appointed by *I Maga'lahaen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. All functions of all officers, employees, and organizational units of the Department are vested in the Director.

(b) Functions and Delegation Authority. Except as otherwise provided by this Act, the Director may delegate any of the Director functions to an Administrator. The Director shall have the authority to enter into contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Director's other responsibilities under this Act or otherwise provided by law. The Director shall take reasonable steps to ensure that information systems and databases of the Department are compatible with each other and with appropriate databases of other Departments.

Section 94105. Board.

(a) Housing Board of Commissioners. The exercise of the powers, rights, privileges, functions and duties of the Department shall be vested in the Board of Commissioners composed of nine (9) members selected in accordance with this section. Not more than four (4) members shall be at any time a salaried official or employee of the government of Guam or of the United States.

(1) The Director of the Department shall serve as Chairperson of the Board, with the right to vote therein. Eight commissioners shall be appointed by the *I Maga'la hen Guåhan* with the advice and consent from the *I Liheslaturan Guåhan*. Commissioners shall serve at the pleasure of the Governor.

(2) Term. The current commissioners may continue their term. Any other commissioners who are first appointed pursuant to this Article shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the date of their appointment, but thereafter

commissioners shall be appointed for terms of five (5) years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A commissioner shall hold office until his successor has been qualified, unless sooner removed as by the Governor.

(3) Before taking office or entering on duty, each Commissioner, as well as each employee of the Department, shall take the oath of office required of all officers and employees of the government of Guam.

(4) The Board may employ technical experts, such other officers, agents and employees, permanent and temporary, as it may deem necessary, and shall determine their qualifications, duties, tenure and compensation. For such legal service as it may require, the Board may employ or retain its own counsel and legal staff. The Board may delegate to one or more of its officers, agents or employees, such powers and duties as it may deem proper. The Board shall adopt personnel rules pursuant to 4 GCA §§4105 and 4106.

(5) Four (4) commissioners shall constitute a quorum of the board and (4) affirmative votes are required for the transaction of all business. No director shall be entitled to vote his or her vote by proxy.

(6) The powers, rights, privileges, functions and duties of the Guam Housing and Urban Renewal Authority Commission and the Guam Housing Corporation Board are transferred to the Housing Board of Commissioners.

Section 94106. Transfer of responsibilities of the Guam Housing and Urban Renewal Authority to the Department of Housing.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Housing and Urban Renewal Authority, as detailed in

Chapter 5 of Division 1 of Title 12, Guam Code Annotated, or in other laws of Guam, are transferred to the Department of Housing, such duties, programs, mandates and responsibilities to be assumed by the Department of Housing.

Section 94107. Maintenance of effort of federally-funded programs in the Guam Housing and Urban Renewal Authority.

The Department of Housing shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Housing and Urban Renewal Authority for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 94108. Transfer of funds and assets of the Guam Housing and Urban Renewal Authority.

The balance of all funds appropriated to the Guam Housing and Urban Renewal Authority, and all balances held in revolving funds, and all funds available to the Guam Housing and Urban Renewal Authority shall be transferred to the Department of Housing. All real property under the management of the Guam Housing and Urban Renewal Authority shall be transferred to the management of the Department of Housing. All supplies, equipment and all material assets of the Guam Housing and Urban Renewal Authority shall be transferred to the Department of Housing.

Section 94109. Transfer of responsibilities of the Guam Housing Corporation to the Department of Housing.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Housing Corporation, as detailed in Chapter 4, 12

GCA, or in other laws of Guam, are transferred to the Department of Housing, such duties, programs, mandates and responsibilities to be assumed by the Department of Housing.

Section 94110. Maintenance of effort of federally-funded programs in the Guam Housing Corporation.

The Department of Housing shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Housing Corporation for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 94111. Transfer of funds and assets of the Guam Housing Corporation.

The balance of all funds appropriated to the Guam Housing Corporation, and all balances held in revolving funds, and all funds available to the Guam Housing Corporation shall be transferred to the Department of Housing. All real property under the management of the Guam Housing Corporation shall be transferred to the management of the Department of Housing. All supplies, equipment and all material assets of the Guam Housing Corporation shall be transferred to the Department of Housing.

Section 94112. Internal Structure. The Director of Housing shall organize and arrange the work of the Department of Housing, and may establish such divisions, programs or offices as necessary within the Department of Housing.

Section 94113. Effective dates and transition period.

This act shall be effective one hundred twenty (120) days after its enactment into law. During this one hundred twenty (120) day transition period, the directors of such departments or agencies affected by this act shall undertake such activity as is necessary to effect the smooth transfer of employees, assets and funding pursuant to the provisions of this chapter.

Section 94113. References.

Upon the effective date of this act, all references in the laws of Guam and the rules and regulations of the government of Guam to the Guam Housing and Urban Renewal Authority and the Guam Housing Corporation, and all references to the directors of each, shall be construed as referring to the Department of Housing and the Director of Housing respectively.

Section 94114. Except as provided in this Act, nothing herein shall be construed as amending or repealing any provision, section or part of the Guam Code Annotated.

Section 94115. Severability.

If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable."