

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

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Bill No. 84 (LS)

Introduced by:

F.T. Ishizaki  
Owita A. Gutierrez  
A.B. Patacios, Sr.  
F.F. Blas, Jr.

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 2007"

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

4 "Chapter 94

5 DEPARTMENT OF HOUSING

6  
7 Section 94101.

Short Title.

8 Section 94102.

Statement of Intent and Findings.

9 Section 94103.

10 Creation of the Department of  
Housing.

1	<b>Section 94104.</b>	<b>Director Functions.</b>
2	<b>Section 94105.</b>	<b>Board.</b>
3	<b>Section 94106.</b>	<b>Transfer of responsibilities of the</b>
4		<b>Guam Housing and Urban Renewal</b>
5		<b>Authority to the Department of</b>
6		<b>Housing.</b>
7	<b>Section 94107.</b>	<b>Maintenance of effort of federally-</b>
8		<b>funded programs in the Department</b>
9		<b>of Housing.</b>
10	<b>Section 94108.</b>	<b>Transfer of funds and assets of the</b>
11		<b>Guam Housing and Urban Renewal</b>
12		<b>Authority to the Department of</b>
13		<b>Housing.</b>
14	<b>Section 94109.</b>	<b>Transfer of responsibilities of the</b>
15		<b>Guam Housing Corporation to the</b>
16		<b>Department of Housing.</b>
17	<b>Section 94110.</b>	<b>Maintenance of effort of federally-</b>
18		<b>funded programs in the Guam</b>
19		<b>Housing Corporation.</b>
20	<b>Section 94111.</b>	<b>Transfer of funds and assets of the</b>
21		<b>Guam Housing Corporation to the</b>

1 **Department of Housing.**

2 **Section 94112.**

**Internal Structure.**

3 **Section 94113.**

**Effective dates and transfer.**

4 **Section 94114.**

**References.**

5 **Section 94115.**

**Repealer.**

6 **Section 94116.**

**Severability.**

7 **Section 94101. Short Title.**

8 This Act may be cited as the "Housing Reorganization Act of 2007"

9 **Section 94102. Legislative Findings.**

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

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

22 **Section 94103. Creation of the Department of Housing.**

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

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

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

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

19           **Section 94105. Board.**

20           **(a) Housing Board of Commissioners.** The exercise of the powers,  
21 rights, privileges, functions and duties of the Department shall be vested in  
22 the Board of Commissioners composed of nine (9) members selected in

1 accordance with this section. Not more than four (4) members shall be at any  
2 time a salaried official or employee of the government of Guam or of the  
3 United States.

4 (1) The Director of the Department shall serve as the Executive  
5 Secretary of the Board, with the right to vote therein. The Chairman of the  
6 Board shall be chosen by a majority vote of the Commission. Eight  
7 commissioners shall be appointed by the *I Maga'lahaen Guåhan* with the advice  
8 and consent from the *I Liheslaturan Guåhan*. Commissioners shall serve at the  
9 pleasure of the Governor.

10 (2) Term. The current commissioners may continue their term. Any  
11 other commissioners who are first appointed pursuant to this Article shall be  
12 designated to serve for terms of one (1), two (2), three (3), four (4), and five (5)  
13 years, respectively, from the date of their appointment, but thereafter  
14 commissioners shall be appointed for terms of five (5) years, except that any  
15 person appointed to fill a vacancy occurring prior to the expiration of the term  
16 for which his predecessor was appointed shall be appointed only for the  
17 remainder of such term. A commissioner shall hold office until his successor  
18 has been qualified, unless sooner removed as by the Governor.

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

22 (4) The Board may employ technical experts, such other officers,

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

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

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

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

15 Except as provided in this act, all programs, mandates, responsibilities  
16 and duties of the Guam Housing and Urban Renewal Authority, as detailed in  
17 Chapter 5 of Division 1 of Title 12, Guam Code Annotated, or in other laws of  
18 Guam, are transferred to the Department of Housing, such duties, programs,  
19 mandates and responsibilities to be assumed by the Department of Housing.

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

22 The Department of Housing shall undertake and ensure full

1 continuance, operation and maintenance of effort for such programs currently  
2 established under the purview of the Guam Housing and Urban Renewal  
3 Authority for which federal funding or support has been attained, and shall  
4 meet all reporting or other requirements pursuant to such assistance or  
5 funding.

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

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

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

18 Except as provided in this act, all programs, mandates, responsibilities  
19 and duties of the Guam Housing Corporation, as detailed in Chapter 4, 12  
20 GCA, or in other laws of Guam, are transferred to the Department of Housing,  
21 such duties, programs, mandates and responsibilities to be assumed by the

1 Department of Housing.

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

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

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

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

18           **Section 94112. Internal Structure.**

19           The Director of Housing shall organize and arrange the work of the  
20 Department of Housing, and may establish such divisions, programs or  
21 offices as necessary within the Department of Housing.



1           **Section 94113. Effective dates and transition period.**

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

7           **Section 94113. References.**

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

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

16           **Section 94115. Severability.**

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