



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

32-14-1677

MAY 23 2014

5-23-14
4:42 PM
[Signature]

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Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2014 MAY 27 AM 8:56
[Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 267-32 (COR) "AN ACT TO AMEND §§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE 7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS IN GUAM'S BUILDING LAW REGARDING THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES" which I signed into law on May 21, 2014 as Public Law 32-157.

Senseramente,

[Signature]

RAYMOND S. TENORIO

I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

1677

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Eddie Baza Calvo @eddiebazacalvo @governorcalvo governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

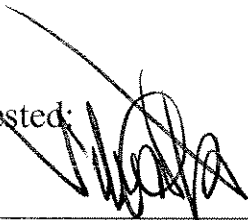
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Amended Bill No. 267-32 (COR), "AN ACT TO AMEND §§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE 7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS IN GUAM'S BUILDING LAW REGARDING THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES," was on the 9th day of May, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



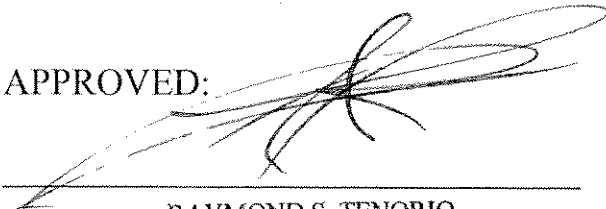
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May,
2014, at 2:43 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. 32-157

I MINA'TRENTAIDOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 267-32 (COR)

As amended by the Committee on Public Safety,
Infrastructure & Maritime Transportation;
and further amended on the Floor.

Introduced by:

Michael F. Q. San Nicolas
T. C. Ada

V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§ 66501, 66503, 66504, 66505, 66507
AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE
7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO STRENGTHENING THE
PROVISIONS IN GUAM'S BUILDING LAW
REGARDING THE REPAIR OR DEMOLITION OF
UNSAFE STRUCTURES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible Urban
3 Renewal Act.”

1 **Section 2. Legislative Findings and Intent.** *I Liheslaturan* Guåhan finds
2 that the Guam Building Law was included in the general enactment of the
3 Government Code of 1952, pursuant to Public Law 1-88, and was established to
4 secure and promote the safety, health and general welfare of the people and visitors
5 of Guam by ensuring that standards are in place with regards to the design,
6 construction and maintenance of buildings and structures in Guam. Among the
7 provisions of the Guam Building Law, as amended, is Article 5, which sets forth
8 requirements for the repair, vacation or demolition of unsafe structures.

9 *I Liheslaturan Guåhan* finds that enforcing the standards established by the
10 Guam Building Law has been difficult since its inception. As a result, more
11 buildings and structures which are *not* properly maintained and fail to meet
12 regulations are still standing. This neglect has resulted in many unsafe structures
13 throughout Guam, which blight the landscape of our beautiful island and pose
14 safety hazards to the public.

15 *I Liheslaturan Guåhan* further finds that the provisions on unsafe structures,
16 unfortunately, allow for three options for owners of properties: that the buildings or
17 structures be repaired, vacated or demolished. This means that simply by vacating
18 the premises, the owner is considered to have complied with the law, which is
19 problematic, since the blight and the hazards that the building poses remains.

20 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend the Guam
21 Building Law to require that owners vacate and either repair or demolish unsafe
22 structures; and to improve the enforcement of the provision by creating an annual
23 fine of twenty percent (20%) of the value of the assessed property, which may
24 become a lien upon the property, for commercial and industrial zoned properties.

25 **Section 3.** § 66501 of Article 5, Chapter 66, Title 21, Guam Code
26 Annotated, is hereby *amended* to read:

27 “§ 66501. **Unsafe Structures.**

1 (a) All unsafe buildings and structures are hereby declared to
2 be illegal, and *shall* be vacated and either repaired or demolished, in
3 accordance with the procedure established by this Chapter.

4 (b) For the purpose of this Chapter, unsafe buildings are all
5 buildings and structures or equipment thereof which are structurally
6 unsafe, or which are unsanitary, or which are unfit for human
7 habitation, or are *not* provided with adequate means of egress, or
8 which constitute a fire hazard, or are otherwise dangerous to human
9 life or safety, or which in relation to existing uses constitute a hazard
10 to the safety of the public or occupants by reason of inadequate
11 maintenance, dilapidation, obsolescence or abandonment.

12 (c) A vacant structure *not* secured against entry *shall* be
13 deemed unsafe.”

14 **Section 4.** § 66503 of Article 5, Chapter 66, Title 21, Guam Code
15 Annotated, is hereby *amended* to read:

16 **“§ 66503. Same: Same: Report.**

17 (a) The building official, whenever he shall make a finding,
18 as a result of the examination required in § 66502, *shall*:

19 (1) Notify in writing, by personal service, certified
20 mail, or registered mail, the owner, occupant, lessee,
21 mortgagee, agent, and other persons having an interest in said
22 building as shown by the land records of the Department of
23 Land Management, that the building or structure is unsafe, and
24 that:

25 (A) the owner must vacate and either repair or
26 demolish said building or structure in accordance with
27 the terms of the notice and of this Chapter;

1 (B) the occupant or lessee must vacate said
2 building, or prove it repaired in accordance with the
3 terms of the notice and of this Chapter; and

4 (C) said mortgagee, agent, or other persons
5 having an interest in said building, must vacate and may,
6 at his own risk, repair or demolish said building or have
7 such work or act done. Any person notified under this
8 Subsection to vacate and either repair or demolish any
9 building *shall* be given such reasonable time, *not*
10 *exceeding* thirty (30) days, as may be necessary to do, or
11 have done, the work or act required by the notice as
12 herein provided. Such notice *shall* describe the building
13 deemed unsafe, *shall* include a statement of the
14 particulars which make it unsafe, and *shall* contain an
15 order requiring the building to be put in such condition as
16 to comply with the terms of this Chapter within a stated
17 time, *not exceeding* thirty (30) days.

18 (2) Post, or cause to be posted in a conspicuous place
19 at the principal point of entry to the building deemed unsafe, a
20 notice reading as follows:

21 “This building has been found to be unsafe by the
22 Department of Public Works, government of Guam. This notice
23 is to remain on the building until it is vacated and either
24 repaired or demolished in accordance with the notice which has
25 been given to all parties having an interest in this building. It is
26 unlawful to remove this notice until such notice is complied
27 with.”

1 (b) The building official, in the event of non-compliance
2 with the notice and order hereinabove provided for in § 66503(a)
3 *shall*:

4 (1) Notify in writing by personal service, certified
5 mail, or registered mail, the State Historic Preservation Officer
6 and the same parties as in § 66503(a) to appear before him on a
7 specified date to show cause why the building deemed unsafe
8 should not be vacated and either repaired or demolished in
9 accordance with the statement of particulars set forth in the
10 prior notice.

11 (2) Hold a hearing and hear such testimony as building
12 department employees, owner, occupant, lessee, mortgagee, or
13 other interested parties shall offer relative to the unsafe
14 building.

15 (3) Make written findings of fact from the testimony
16 offered at said hearing, and on the basis of such findings render
17 a written decision as to whether the building is safe, or unsafe
18 within the meaning of this Chapter. The original copy of such
19 findings and decisions *shall* be kept in the Department of Public
20 Works. Other copies *shall* be sent to all parties served with
21 notice of the hearing.

22 (4) On the finding that the building is unsafe, issue an
23 order based on such findings of fact, commanding all parties
24 served with notice of the hearing to vacate and either repair or
25 demolish such unsafe building; provided, that any person so
26 notified, *except* the owner, must vacate the premises and *shall*
27 have the privilege of repairing; and provided further, that no

1 person other than the owner shall be ordered to demolish said
2 building.

3 (c) In the case of non-compliance with the above order
4 within ten (10) days, the building official *shall* cause such building to
5 be vacated and either repaired or demolished as the facts may warrant,
6 in accordance with the standards for vacation and either repair or
7 demolition set forth in § 66503(d). The costs of such vacation and
8 either repair or demolition *shall* be a lien against the land on which
9 the building exists or existed, as the case may be, until recovered by
10 the government of Guam.

11 (d) The building official in ordering vacation and either
12 repair or demolition of a building found unsafe, *shall* be governed by
13 the following standards:

14 (1) If an unsafe building can reasonably be repaired so
15 that it will no longer exist in violation of the terms of this
16 Chapter, it *shall* be ordered to be repaired.

17 (2) If deemed an unsafe building, it *shall* be ordered to
18 be vacated.

19 (3) If an unsafe building is damaged or decayed, or
20 deteriorated to the extent of fifty percent (50%) of its original
21 value or structure, it *shall* be demolished. In all cases where a
22 building cannot be repaired so that it will no longer exist in
23 violation of the terms of this Chapter, it *shall* be demolished. In
24 all cases where an unsafe building is a fire hazard existing or
25 erected in violation of the provisions or unsafe within the
26 meaning of this Chapter, it *shall* be demolished.”

1 **Section 5.** § 66504 of Article 5, Chapter 66, Title 21, Guam Code
2 Annotated, is hereby *amended* to read:

3 “§ 66504. **Same: Order to Vacate.**

4 The building official, whenever he determines that a building,
5 structure, or portion thereof, constitutes an unsafe structure, as defined
6 in § 66501 of this Article, *shall* order the buildings, structure, or
7 portion thereof, to be vacated at once and *not* reoccupied until
8 issuance of a new certificate of occupancy by the building official.”

9 **Section 6.** § 66505 of Article 5, Chapter 66, Title 21, Guam Code
10 Annotated, is hereby *amended* to read:

11 “§ 66505. **Same: Same.**

12 (a) The building official, on the vacation of any building in
13 accordance with the provisions of § 66503 or § 66504, *shall* post or
14 cause to be posted at each entrance to the building, a sign stating:
15 “This building is unsafe and its use or occupancy is prohibited by the
16 Director of Public Works. Any person entering this building without
17 permission of the Director of Public Works *shall* be subject to a fine
18 of up to One Thousand Dollars (\$1,000) per violation.”

19 (b) Such sign *shall* remain posted until the required repairs
20 are made or demolition is completed.

21 (c) Any person entering the building, *except* for the purpose
22 of making the required repairs or effecting demolition, or any person
23 removing any sign posted by the building official *shall* be liable to the
24 penalties provided for in this Chapter.”

25 **Section 7.** § 66507 of Article 5, Chapter 66, Title 21, Guam Code
26 Annotated, is hereby *amended* to read:

27 “§ 66507. **Prohibition and Penalty.**

1 (a) It *shall* be unlawful for any person to construct, alter,
2 repair, move, remove, demolish, equip, use, occupy or maintain any
3 building or structure or portion thereof in Guam contrary to any
4 provision of this Chapter.

5 (b) Any person violating the provisions of this Chapter *shall*
6 be deemed guilty of a petty misdemeanor; *except*, that any person
7 entering an unsafe structure without permission of the Director of
8 Public Works *shall* be subject to a fine of up to One Thousand Dollars
9 (\$1,000) per violation.

10 (c) Such person *shall* be deemed guilty of a separate offense
11 for each day during which any violation of the provisions of this
12 Chapter continues.

13 (d) Any person violating the provisions of this Article
14 pertaining to unsafe structures, including failure to vacate and either
15 repair or demolish such structures, who is the owner of real property
16 that has been classified as an industrial or commercial site in
17 accordance with § 60107, Chapter 60, Article 1, Title 21, Guam Code
18 Annotated, *shall* be fined, annually, an amount equal to twenty
19 percent (20%) of the assessed value of the subject property, and such
20 fine *shall* be pro-rated for any portion of a year in which the violation
21 continues. The fine provided in this Subsection *shall* be a lien on the
22 property if unpaid for more than ninety (90) days.”

23 **Section 8.** § 66508 of Article 5, Chapter 66, Title 21, Guam Code
24 Annotated, is hereby *amended*, to read:

25 “§ 66508. **Guam Building Code Council; Territorial Land Use**
26 **Commission; Appeals.**”

1 (a) Guam Building Code Council. The Guam Building Code
2 Council *shall* sit as a Board of Appeals (Board) to hear appeals of any
3 decision of the building official relative to the suitability of alternate
4 materials and methods of construction, and to provide for reasonable
5 interpretation of the provisions of this Chapter. The Director of Public
6 Works, or the building official, *shall* make such investigations as are deemed
7 necessary for appeals to the Board. The Board *shall* hold hearings and may
8 adopt reasonable rules and regulations for the conduct of any investigations
9 made under its direction; provided, however, that every hearing *shall* be
10 conducted pursuant to the procedure set forth in the Administrative
11 Adjudication Law; and further provided, that the Board *shall* render all
12 decisions and findings in writing to the building official with a duplicate
13 copy to the appellant, and may recommend such new legislation as is
14 consistent therewith to *I Liheslatura* (the Legislature). Neither the Director
15 of Public Works nor the building official shall influence or attempt to
16 influence the decision of the Board relative to any matter that pursuant to the
17 provisions of this Section comes before it, *except* by the presentation of
18 relevant evidence arising from its investigations, as directed by the Board.
19 The Director of Public Works *shall not* vote on any appeal pursuant to this
20 Subsection.

21 A final decision of the Board of Appeals may be appealed to the
22 Superior Court in the manner provided in the Administrative Adjudication
23 Law. The Guam Building Code Council may waive all accrued fines
24 pursuant to §66507(d) of this Article within one hundred eighty (180) days
25 of the declaration of a building as unsafe if the property owner has
26 demolished or repaired the subject property to the standard of the Guam
27 Building Code.

1 (b) Territorial Land Use Commission. In any matter other than that
2 which is the subject of an appeal pursuant to Subsection (a) of this Section,
3 the Commission is empowered to hear appeals from any order, requirement,
4 decision or determination of the building official or his authorized
5 representative or any rule, regulation or amendment or repeal thereof made
6 by the building official; provided, that summary abatement by the building
7 official or his authorized representative pursuant to § 66506 of this Chapter
8 *shall* be final and conclusive.”

9 **Section 9.** § 66701 of Article 7, Chapter 66, Title 21, Guam Code
10 Annotated, is hereby *amended* to read:

11 **“§ 66701. Notice of Amendments to the Building Code.**

12 Whenever the Building Code, found in Chapter 67 of this Title, or its
13 successor, used by the government of Guam is updated, the Department of
14 Public Works *shall* notify in a newspaper of general circulation all parties
15 who have completed construction who have been issued building permits or
16 who have construction in progress that an updated version of the Building
17 Code, or its successor, is in use and make a copy of such updated version of
18 the Building Code, or its successor, available for their inspection. When
19 there are amendments to the Building Code, or its successor, which relate to
20 safety, notice of such amendments must be published in a newspaper of
21 general circulation to make owners of buildings aware of possible safety
22 violations or deficiencies. All buildings under construction at the time of
23 adoption of amendments to the Building Code, or its successor, relating to
24 safety *shall* conform thereto if practicable.”

25 **Section 10. Effective Date.** The provisions of this Act *shall* be effective
26 one hundred eighty (180) days from enactment.

1 **Section 11. Severability.** *If* any provision of this Law or its application to
2 any person or circumstance is found to be invalid or contrary to law, such
3 invalidity shall *not* affect other provisions or applications of this Law which can be
4 given effect without the invalid provisions or application, and to this end the
5 provisions of this Law are severable.