



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

DEC 15 2016

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

33-16-2271  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 12-19-16  
Time: 9 AM  
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 386-33 (COR), "ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND GUIDELINES OF THE HOUSING TRUST FUND ACT," which was signed into law on December 15, 2016, as Public Law 33-200.

*Senseramente,*

  
EDDIE BAZA CALVO

2016 DEC 19 AM 10:49 123

2271



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that **Bill No. 386-33 (COR)**, "AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND GUIDELINES OF THE HOUSING TRUST FUND ACT," was on the 2<sup>nd</sup> day of December 2016, duly and regularly passed.

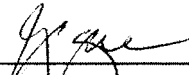


Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 1<sup>st</sup> day of Dec,  
2016, at 4:30 o'clock P.M.

  
Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: DEC 15 2016

Public Law No. 33-200

**OFFICE OF THE GOVERNOR  
CENTRAL FILES**

RECEIVED BY  
TIME 4:30 PM DATE 12-15-16

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 386-33 (COR)**

As amended on the Floor.

Introduced by:

T. R. Muña Barnes  
Judith T. Won Pat, Ed.D.  
James V. Espaldon  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
Brant T. McCreddie  
Tommy Morrison  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.

**AN ACT TO ADOPT THE RULES AND REGULATIONS  
GOVERNING THE ADMINISTRATION,  
DEVELOPMENT, IMPLEMENTATION, PROCEDURES  
AND GUIDELINES OF THE HOUSING TRUST FUND  
ACT.**

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

2 **Section 1. Legislative Findings and Intent.** With the enactment of Public  
3 Law 31-166, *I Liheslaturan Guåhan* established the “Housing Trust Fund Act.”  
4 Under the Act, *I Liheslaturan Guåhan* determined that the Housing Trust Fund *shall*  
5 be administered by Guam Housing Corporation wherein the funds held in the  
6 Housing Trust Fund *shall* be used to assist qualified recipients to obtain affordable

1 housing as provided under the Act. It is, therefore, the intent of *I Liheslaturan*  
2 *Guåhan* to adopt the rules and regulations governing the administration of affordable  
3 housing to qualified recipients under the Housing Trust Fund Act.

4       **Section 2. Adoption of Rules and Regulations.** Notwithstanding any  
5 other provision of law, rule, regulation, or Executive Order, the RULES AND  
6 REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT,  
7 IMPLEMENTATION, PROCEDURES, AND GUIDELINES OF THE HOUSING  
8 TRUST FUND ACT, attached hereto as Appendix “A”, governing the  
9 administration of affordable housing to qualified recipients under the Housing Trust  
10 Fund Act, are adopted by *I Liheslaturan Guåhan*, and *shall* be codified as a new §  
11 2120 of Chapter 2, Title 11, Guam Administrative Rules and Regulations.

12       **Section 3. Severability.** If any provision of these rules and regulations or  
13 its application to any person or circumstances is found to be invalid or contrary to  
14 law, such invalidity *shall not* affect other provisions or applications to these rules  
15 and regulations that can be given effect without the invalid provisions or application,  
16 and to this end the provisions of these rules and regulations are severable.

1 Appendix "A"

2 **RULES AND REGULATIONS GOVERNING THE ADMINISTRATION,**  
3 **DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND**  
4 **GUIDELINES OF THE HOUSING TRUST FUND ACT**  
5

6 A new § 2120 is *added* to Chapter 2 of Title 11, Guam Administrative Rules,  
7 to read:

8 **“§ 2120. Guam Housing Trust Fund.**

9 (a) Purpose and Use of the Housing Trust Fund.

10 (1) Pursuant to the Housing Trust Fund Act, codified at  
11 Title 12 GCA §§ 41001 – 41006, the purpose of the  
12 Housing Trust Fund (Fund) is to support the affordability  
13 and accessibility of housing for the residents of Guam, and  
14 to finance support services that assist low-income  
15 households in obtaining and maintaining affordable  
16 housing.

17 (2) The Fund *shall* be kept separate and apart from all  
18 other funds or accounts held or maintained by Guam  
19 Housing Corporation (Corporation). The Fund, for the  
20 purposes of this Subsection, may come from federal grants  
21 and other contributions, grants, gifts, bequests, and  
22 donations received from other governmental entities,  
23 individuals, private organizations, or foundations, and any  
24 interest earnings on such monies, which monies the  
25 Corporation may solicit, accept, expend and disburse for  
26 the purpose of making grants or loans subject to approval  
27 by *I Liheslaturan Guåhan*. The Fund *shall* also consist of  
28 all monies collected by the Corporation, which may

1 include monies generated from recording fees, real  
2 property transfer fees, interest money earned from tenant  
3 security deposits, or real estate brokered escrow accounts,  
4 or other viable resources to support the Housing Trust  
5 Fund Program as approved by *I Liheslaturan Guåhan*.  
6 The funds, collected as provided under this Subsection or  
7 by law, *shall* be transmitted to the Corporation, and  
8 deposited in a separate account under the Fund.

9 (3) The Board of Directors of the Guam Housing  
10 Corporation *shall* approve the expenditure of monies held  
11 in the Fund for the improvement, preservation, or  
12 expansion of affordable housing; to finance foreclosure  
13 prevention activities on Guam; to fund the acquisition of  
14 housing; or to fund resources towards obtaining the  
15 economic data necessary to advise the Board of Directors  
16 of the Guam Housing Corporation relative to the housing  
17 conditions on Guam.

18 (4) Any monies held in the fund that is not expended or  
19 encumbered from any appropriation at the end of any  
20 fiscal year, including interest earned on the investment or  
21 deposit of moneys held in the fund, *shall* remain in the  
22 fund and *shall not* revert to the general fund account or any  
23 other funds under the control and management of Guam  
24 Housing Corporation, and *shall* be utilized for the next  
25 fiscal year for the purposes specified in the Housing Trust  
26 Fund Act.

27 (b) Allocation Procedures for Programs.

1 (1) The Fund may be used for the production or  
2 preservation of affordable housing through acquisition of,  
3 new construction, reconstruction, and/or rehabilitation of  
4 non-luxury housing upon the approval by the Board of  
5 Directors of the Corporation. These funds *shall* be  
6 allocated to specific, affordable housing and rental  
7 programs as established pursuant to 12 GCA § 41003 of  
8 the Housing Trust Fund Act. A fee of ten percent (10%)  
9 *shall* be allocated and used from the Fund for each housing  
10 or rental program supported by the Fund and remitted to  
11 the Corporation to cover the Corporation's reasonable  
12 administrative fees associated with administering the  
13 Housing Trust Fund programs.

14 (2) The Corporation, upon approval by the Board, *shall*  
15 determine a percentage of the trust funds to be withheld in  
16 support of the various affordable housing programs  
17 approved by *I Liheslaturan Guåhan*, consistent with the  
18 appropriate criteria and guidelines as provided by 12 GCA  
19 §§ 41003 and 41004 and any other law or regulation, to  
20 include, but not be limited to, the following type of  
21 programs:

- 22 (A) Home ownership programs;
- 23 (B) Land survey revolving fund;
- 24 (C) Down payment assistance programs;
- 25 (D) Grants designated under the First-Time  
26 Home-owner Relief Act program;
- 27 (E) Rental assistance programs;

- 1 (F) Utility hook-up programs;
- 2 (G) Hazard mitigation programs;
- 3 (H) Property renovation programs;
- 4 (I) Homeless programs;
- 5 (J) Retrofit programs for compliance with the
- 6 Americans for Disabilities Act;
- 7 (K) Emergency shelters;
- 8 (L) Housing Solution Programs for the elderly;
- 9 (M) Property acquisition programs;
- 10 (N) New Construction programs;
- 11 (O) Non-Profit or charitable housing programs;
- 12 (P) Special lending or loan programs;
- 13 (Q) Short term loan programs; and
- 14 (R) Any other affordable housing program as
- 15 approved by the Corporation and *I Liheslaturan*
- 16 *Guåhan* consistent with the Housing Trust Fund
- 17 Act, and all other applicable laws.

18 (3) The disbursement of these funds to a specific  
19 program *shall* be based upon income and financial need  
20 with the primary emphasis on the lowest of the income  
21 level as identified by the U.S. Department of Housing and  
22 Urban Development (HUD) adjusted by household size  
23 and consistent with the guidelines for income limits  
24 established by the Corporation. Some of these programs  
25 may be specific to first-time home buyers, or by income or  
26 financial need, as determined by the specific program and



1 consistent with the Housing Trust Fund Act and these rules  
2 and regulations.

3 (4) The guidelines and criteria for each housing  
4 program as set forth above, unless otherwise specified  
5 elsewhere, *shall* be established by the Board of Directors  
6 of the Corporation and approved by *I Liheslaturan*  
7 *Guåhan*.

8 (c) Prohibited activities and fees under the Housing Trust Fund.

9  
10 The Fund *shall not* be used to pay any delinquent taxes, fees, or  
11 other charges on properties to be assisted with the Housing Trust Fund  
12 programs or for any political activities, travel or lobbying associated  
13 with the development and implementation of the Housing Trust Fund  
14 programs.

15 (d) Duties and responsibilities of Guam Housing Corporation  
16 involving the administration of the Housing Trust Fund:

17 (1) The Corporation *shall* encourage private enterprise  
18 in all public and private agencies engaged in the planning,  
19 construction, and acquisition of adequate affordable  
20 housing or the rehabilitation of existing houses on Guam  
21 by providing research, advisory, and liaison services and  
22 grants for rehabilitation, construction, or acquisition from  
23 appropriations made for this purpose by *I Liheslaturan*  
24 *Guåhan* and from funds accumulated in the Fund.

25 (2) The Corporation *shall* conduct continuing research  
26 into new approaches to affordable housing on Guam to  
27 include:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

(A) Investigating living, dwelling, and housing conditions on Guam and viable means and methods of correcting unsafe, unsanitary, or substandard conditions;

(B) Making available to responsible agencies, boards, commissions, or other government agencies its findings and recommendations with regard to any building or property where conditions exist that are unsafe, unsanitary or substandard;

(C) Accepting and receiving grants and services from the federal government and other sources, and to process such grants and services for itself and other public and private non-profit agencies and corporations related to affordable housing;

(D) Providing training and technical support to individuals, private enterprise, and all public agencies in the construction and renovation of affordable housing;

(E) Administering and making loans and grants available to individuals and private enterprise foreclosure counselors who will assist individuals or enterprises in understanding, avoiding, or working through foreclosures of property;

(F) Serving as the sole agency for the purpose of administering any plan for financial housing assistance to persons in low and moderate income households for the purpose of assisting such persons

1 in obtaining housing, including without limitation,  
2 rental assistance, technical assistance, the  
3 construction and rehabilitation of housing, as well  
4 as any other plan relating to such financial housing  
5 assistance that requires action that has not been  
6 made the specific responsibility of any other agency  
7 in accordance with the Housing Trust Fund Act or  
8 other federal or Guam law, consistent with these  
9 rules and regulations;

10 (G) Establish, adopt, and amend such rules and  
11 regulations as may be necessary to accomplish the  
12 goals of the Housing Trust Fund Act; and

13 (H) Enforce the provisions of the Housing Trust  
14 Fund Act and these rules and regulations.”