
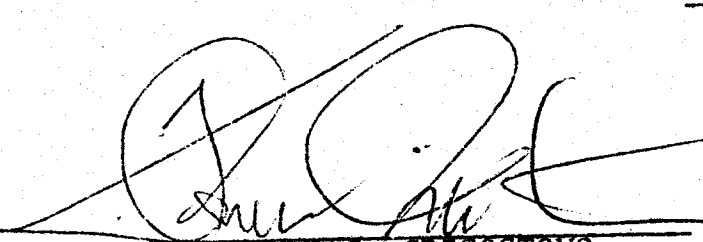


SIXTEENTH GUAM LEGISLATURE
1981 (FIRST) Regular Session

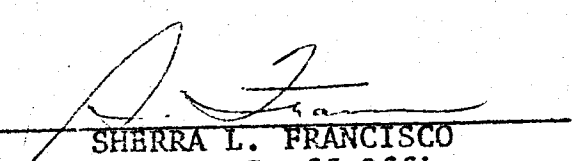
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 480, "An Act to add new Article 2 to Chapter 70 of Title 9 of the Guam Code Annotated prohibiting discrimination on the basis of race, color, religion, ancestry, national origin, sex, or place of birth in regard to housing accommodations", was on the 7th day of December 1981, duly and regularly passed.



FRANK F. BLAS
Acting Speaker


THOMAS C. CRISOSTOMO
Legislative Secretary

This Act was received by the Governor this 22nd day of
December, 1981, at 8:45 o'clock A.M.


SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Office

APPROVED:


PAUL M. CALVO
Governor of Guam

DATED:

12-31-81

P.L. 16-54

SIXTEENTH GUAM LEGISLATURE
1981 (FIRST) Regular Session

Bill No. 480
(As Amended by the Committee on
Housing, Community Development
& Resources)

Introduced by: J. Q. Torres, P. F. Perez, Jr.

AN ACT TO ADD NEW ARTICLE 2 TO CHAPTER 70 OF
TITLE 9 OF THE GUAM CODE ANNOTATED PROHIBITING
DISCRIMINATION ON THE BASIS OF RACE, COLOR,
RELIGION, ANCESTRY, NATIONAL ORIGIN, SEX, OR
PLACE OF BIRTH IN REGARD TO HOUSING ACCOMMODATIONS.

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

2 Section 1. A new Article 2 is added to Chapter 70 of Title
3 9 of the Guam Code Annotated to read:

4 "ARTICLE 2

5 Discrimination in Housing Accommodations

6 Section 70.45. Declaration of Policy. It is hereby
7 declared to be the policy of the territory of Guam in the
8 exercise of its police power for the public safety, public
9 health, and general welfare to assure equal opportunity
10 to all persons to live in decent housing facilities regard-
11 less of race, color, religion, sex or national origin and,
12 to that end, to prohibit discrimination in housing by any
13 person.

14 Section 70.46. Definitions. When used in this Article:

15 (1) 'discrimination' or 'discriminatory housing
16 practice' means any difference in treatment based upon
17 race, color, religion, sex, or national origin, or any
18 act that is unlawful under this Article;

19 (2) 'financial institution' includes any person, as
20 defined herein, engaged in the business of lending money
21 or guaranteeing losses;

1 (3) 'housing accommodation' or 'dwelling' means any
2 building, mobile home or trailer, structure, or portion
3 thereof which is occupied as, or designed, or intended for
4 occupancy as a residence by one or more families, and any
5 vacant land which is offered for sale or lease for the
6 construction or location thereon of any such building,
7 mobile home or trailer, structure, or portion thereof or
8 any real property, as defined herein, used or intended to
9 be used for any of the purposes set forth in this subsection;

10 (4) 'mortgage broker' means an individual who is
11 engaged in or who performs the business or services of a
12 mortgage broker as the same are defined in the Government
13 Code;

14 (5) 'open market' means the market which is informed
15 of the availability for sale, purchase, rental or lease of
16 any housing accommodation, whether informed through a real
17 estate broker or by advertising by publication, signs or
18 by any other advertising methods directed to the public
19 or any portion thereof, indicating that the property is
20 available for sale, purchase, rental or lease;

21 (6) 'owner' includes a lessee, sub-lessee, co-tenant,
22 assignee, managing agent or other person having the right
23 of ownership or possession, or the right to sell, rent or
24 lease any housing accommodation;

25 (7) 'person' includes individuals, children, firms,
26 associations, joint adventures, partnerships, estates,
27 trusts, business trusts, syndicates, fiduciaries, cor-
28 porations and all other groups or combinations;

1 (8) 'real property' includes buildings, structures,
2 lands, tenements, leaseholds, cooperatives and condominiums;
3 and

4 (9) 'real estate broker' or 'real estate salesman'
5 includes any individual, qualified by law, who, for a fee,
6 commission, salary or for other valuable consideration, or
7 who with the intention or expectation of receiving or
8 collecting same, lists, sells, purchases, rents, or leases
9 any housing accommodations, including options thereupon,
10 or who negotiates or attempts to negotiate such activities;
11 or who advertises or holds himself out as engaged in such
12 activities; or who negotiates or attempts to negotiate a
13 loan, secured by a mortgage or other encumbrance, upon
14 transfer of any housing accommodation; or who is engaged in
15 the business of charging an advance fee or contracting for
16 collecting of a fee in connection with a contract whereby
17 he undertakes or promote the sale, purchase, rental or
18 lease of any housing accommodation through its listing in
19 a publication issued primarily for such purpose; or an
20 individual employed by or acting on behalf of any of these.

21 Section 70.47. Unlawful Practices. In connection with
22 any of the transactions set forth in this Section, which
23 affect any housing accommodation on the open market, or in
24 connection with any public sale, purchase, rental or lease
25 of any housing accommodation, it shall be unlawful within
26 the territory for a person, owner, financial institution,
27 real estate broker or real estate salesman, or any
28 representative of the above, to:

29 (1) refuse to sell, purchase, rent or lease, or
30 deny to or withhold any housing accommodation from a person
31 because of his race, color, religion, ancestry, national
32 origin, sex or place of birth;

1 (2) to discriminate against a person in the terms,
2 conditions or privileges of the sale, purchase, rental or
3 lease of any housing accommodation, or in the furnishing
4 of facilities of services in connection therewith;

5 (3) to refuse to receive or transmit a bona fide
6 offer to sell, purchase, rent or lease any housing
7 accommodation from or to a person because of his race,
8 color, religion, ancestry, national origin, sex or place
9 of birth;

10 (4) to refuse to negotiate for the sale, purchase
11 rental or lease of any housing accommodation to a person
12 because of his race, color, religion, ancestry, national
13 origin, sex or place of birth;

14 (5) to represent to a person that any housing
15 accommodation is not available for inspection, sale,
16 purchase, rental or lease when in fact it is so available,
17 or to refuse to permit a person to inspect any housing
18 accommodation, because of his race, color, religion, or
19 national origin, sex or place of birth;

20 (6) to make, publish, print, circulate, post or mail,
21 or cause to be made, published, printed, circulated, posted
22 or mailed, any notice, statement or advertisement, or to
23 announce a policy, or to sign or to use a form or applica-
24 tion for the sale, purchase, rental, lease or financing of
25 any housing accommodation, or to make a record of inquiry
26 in connection with the prospective sale, purchase, rental,
27 lease or financing of any housing accommodation, or to make
28 a record of inquiry in connection with the prospective sale,
29 purchase, rental, lease or financing of any housing
30 accommodation, which indicates any discrimination or any
31 intent to make a discrimination;

1 (7) to offer, solicit, accept or use a listing of
2 any housing accommodation for sale, purchase, rental or
3 lease with the understanding that a person may be subjected
4 to discrimination in connection with such sale, purchase,
5 rental or lease, or in the furnishing of facilities or
6 services in connection therewith;

7 (8) to induce directly or indirectly, or attempt to
8 induce directly or indirectly, the sale, purchase, rental or
9 lease, or the listing for any of the above, of any housing
10 accommodation by representing that the presence or
11 anticipated presence of persons of any particular race,
12 color, religion, sex or national origin or place of birth
13 in the area to be affected by such sale, purchase, rental
14 or lease will or may result in either:

15 (a) the lowering of property values in the area,

16 (b) an increase in criminal or antisocial
17 behavior in the area, or

18 (c) a decline in the quality of schools serving
19 the area;

20 (9) to make any misrepresentations concerning the
21 listing for sale, purchase, rental or lease, or the
22 anticipated listing for any of the above, or the sale,
23 purchase, rental or lease of any housing accommodation in
24 any area in the territory for the purpose of including or
25 attempting to induce any such listing or any of the above
26 transactions;

1 (10) to engage in, or hire to be done, or to conspire
2 with others to commit acts or activities of any nature,
3 the purpose of which is to coerce, cause panic, incite
4 unrest or create or play upon fear, with the purpose of
5 either discouraging or inducing, or attempting to induce,
6 the sale, purchase, rental or lease, or the listing for
7 any of the above, of any housing accommodation;

8 (11) to retaliate or discriminate in any manner
9 against a person because he has opposed a practice declared
10 unlawful by this Article, or because he has filed a
11 complaint, testified, assisted or participated in any
12 manner in any investigation, proceeding, hearing or
13 conference under this Article;

14 (12) to aid, abet, incite, compel or coerce any person
15 to engage in any of the practices prohibited by this
16 Article, or to obstruct or prevent any person from complying
17 with the provisions of this Article, or any order issued
18 thereunder;

19 (13) by canvassing, to commit any unlawful practices
20 prohibited by this Article;

21 (14) otherwise to deny to, or withhold any housing
22 accommodation from a person because of his race, color,
23 religion, ancestry, national origin, sex or place of birth;

24 (15) for any bank, savings and loan association,
25 insurance company or other corporation, association, firm
26 or enterprise whose business consists in whole or in part,
27 in the making of commercial real estate loans, to deny a
28 loan or other financial assistance to a person applying

1 therefor for the purpose of purchasing, constructing,
2 improving, repairing or maintaining a dwelling, or to
3 discriminate against him in the fixing of the amount,
4 interest rate, duration, or other terms or conditions
5 of such loans or other financial assistance, because
6 of the race, color, religion, sex, or national origin
7 of such person or of any person associated with him
8 in connection with such loan or other financial
9 assistance or the purposes of such loan or other
10 financial assistance or of the present or prospective
11 owners, lessees, tenants, or occupants of the dwelling
12 or dwellings in relation to which such loan or other
13 financial assistance is to be made or given; or

14 (16) to deny any qualified person access to or
15 membership or participation in any multiple-listing
16 service, real estate brokers' organization, or other
17 service, organization, or facility relating to the
18 business of selling or renting dwellings, or to
19 discriminate against him in the terms or conditions of
20 such access, membership, or participation on account of
21 race, color, religion, sex or national origin.

22 Section 70.48. Exemptions. This Article shall
23 not apply to:

24 (1) a religious organization, association, or
25 society or any nonprofit institution or organization
26 operating, supervised, or controlled by or in con-
27 junction with a religious organization, association,
28 or society, which limits the sale, rental, or occupancy
29 of dwellings which it owns or operates for other than
30 commercial purposes to persons of the same religion,

1 or which gives preference to such persons, unless membership
2 in such a religion is restricted on account of race, color,
3 sex or national origin;

4 (2) a private club not in fact open to the public,
5 which, as an incident to its primary purpose or purposes,
6 provides lodgings which it owns or operates for other than
7 a commercial purpose, and which limits the rental or
8 occupancy of such lodgings to its members or gives preference
9 to its members;

10 (3) any single-family house sold or rented by an
11 owner; provided, that such private individual owner does
12 not own more than three (3) such single-family houses at
13 any one time; provided further, that in the case of the sale
14 of any such single-family house by a private individual
15 owner not residing in such house at the time of such sale
16 or who was not the most recent resident of such house prior
17 to such sale, the exemption granted by this subsection
18 shall apply only with respect to one such sale within any
19 twenty-four (24) month period; provided further, that such
20 bona fide private individual owner does not own any interest
21 in, nor is there owned or served on his behalf, under any
22 express or voluntary agreement, title to or any right to
23 all or a portion of the proceeds from the sale or rental
24 of, more than three (3) such single-family houses at any
25 one time; provided further, that the sale or rental of any
26 such single-family house shall be excepted from the appli-
27 cation of this Article only if such house is sold or rented:

1 (a) without the use in any manner of the sales
2 or rental facilities or the sales or rental services
3 of any real estate broker, agent, or salesman, or of
4 such facilities or services of any person in the
5 business of selling or renting dwellings, or of any
6 employee or agent or any such broker, agent, salesman
7 or person, and

8 (b) without the publication, posting or mailing,
9 after notice, of any advertisement or written notice
10 in violation of the provisions of Section 70.47 of this
11 Code; but nothing in this provision shall prohibit the
12 use of attorneys, escrow agents, abstractors, title
13 companies and other such professional assistance as
14 necessary to perfect or transfer the title; or

15 (4) rooms or units in dwellings containing living
16 quarters occupied or intended to be occupied by no more
17 than four (4) families living independently or each other,
18 if the owner actually maintains and occupies one of such
19 living quarters as his residence.

20 Section 70.49. Procedure. Any person aggrieved by
21 an unlawful practice prohibited by this Article may file
22 a complaint with the Attorney General within thirty (30)
23 days after the aggrieved person becomes aware of the alleged
24 unlawful practice, and in no event shall exceed more than
25 sixty (60) days after the alleged unlawful practice
26 occurred. The Attorney General or his duly authorized
27 representative shall investigate each complaint and attempt
28 to resolve each complaint. Failure to achieve a resolution

1 acceptable to both parties and in compliance with this
2 Article shall cause the Attorney General to commence
3 prosecution.

4 Section 70.50. Other Remedies. Nothing herein
5 contained shall prevent any person from exercising any
6 right or seeking any remedy to which he might otherwise
7 be entitled.

8 Section 70.51. Penalties. Any person violating any
9 provision of this Article shall, upon conviction thereof,
10 be guilty of a misdemeanor."

11 Section 2. This Act shall be effective ninety (90) days
12 after enactment.