



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A.

REC'd Sep OCT 23 1989



The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 912, which I signed into law this date
as Public Law 20-113.

Sincerely yours,

Joseph F. Ada
JOSEPH F. ADA
Governor

200572

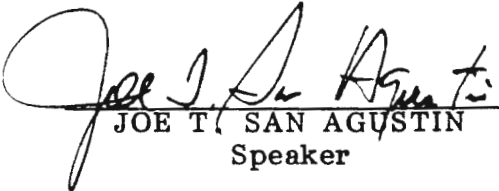
Enclosure




TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

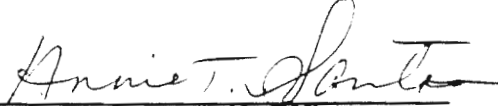
This is to certify that Substitute Bill No. 912 (COR), "AN ACT TO AMEND SECTIONS 13944 AND 13950 OF THE GOVERNMENT CODE, REGARDING PREFERENCE FOR LOTS IN THE AS-TUMBO SUBDIVISION," was on the 2nd day of October, 1989, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

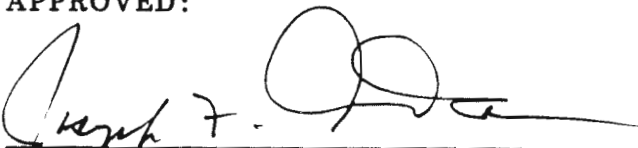
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 11 day of Oct., 1989,
at 4:40 o'clock .m.


Annie T. Santa
Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: October 23, 1989

Public Law No. 20-113

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 912 (COR)
As substituted by the Author
and further amended by the Committee
on Housing and Community Development

Introduced by:

J. T. San Agustin
H. D. Dierking
C. T. C. Gutierrez

G. Mailloux
T. S. Nelson
P. C. Lujan
E. P. Arriola
M. Z. Bordallo
E. D. Reyes
M. D. A. Manibusan

AN ACT TO AMEND SECTIONS 13944 AND
13950 OF THE GOVERNMENT CODE,
REGARDING PREFERENCE FOR LOTS IN THE
AS-TUMBO SUBDIVISION.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 13944 of Chapter X-A, Title XIV of the Government
3 Code, is amended to read:

4 "§13944. Notwithstanding any law, rule or regulation to the
5 contrary, the Authority is authorized to sell lots within the subdivision
6 established by this Chapter for less than fair market value. Such
7 sales shall be made only to either a single person or a family who are
8 bona fide residents of Guam. Such sales shall be in accordance with
9 and limited to the following preferences:

10 (1) First preference shall be given to those families who
11 were, on August 25, 1978, residing within the subdivision area
12 under a Land Management Land Use Permit and continue to reside
13 there, or to families who reside under a Land Management Land
14 Use Permit or Department of Agriculture Land Use Permit on
15 government land which has been designated as a water
16 conservation area as indicated on the Bureau of Planning Land

1 and Water Natural Resources Map who are without fee title to any
2 real property, in or out of the territory, and whose income does
3 not exceed the limits established for a low-income family or a
4 single person residing in low rent housing projects operated by
5 the Authority.

6 (2) Second preference shall be given to those families or
7 heads of a household, as defined by the U.S. Internal Revenue
8 Code, who are, pursuant to a Land Management Land Use Permit,
9 residing on government land designated as a low density area on
10 the Bureau of Planning Land and Natural Resources Map, are
11 without fee title to any real property in or out of the territory,
12 and whose income does not exceed the limits established for a
13 low-income family or a head of a household, as defined by the
14 U.S. Internal Revenue Code, residing in low rent housing
15 projects operated by the Authority.

16 (3) Third preference shall be given to the other eligible
17 families residing on government land under a Land Management
18 Land Use permit who are without fee title to any real property in
19 or out of the territory, and whose income does not exceed the
20 limits established for a low-income family or a head of a
21 household, as defined by the U.S. Internal Revenue Code,
22 residing in low rent housing projects operated by the Authority.

23 (4) Fourth preference shall be given to tenants of low-rent
24 housing programs operated by the Guam Housing Corporation or
25 the Authority who are without fee title to any real property in or
26 out of the territory, and whose income does not exceed the limits
27 established for a low-income family or a head of a household, as
28 defined by the U.S. Internal Revenue Code, residing in low rent
29 housing projects operated by the Authority.

30 (5) Except for those families who were on August 25, 1978,
31 residing within the As-Tumbo Subdivision, in carrying out the
32 provisions of this section, the Authority shall require a sworn
33 statement from each applicant except first preference applicants
34 as to such applicant's ownership of land in Guam or elsewhere.

1 Each deed shall be subject to a right of reverter to the Authority
2 if (i) such statement on non-ownership was false or (ii) the
3 grantee(s) sells or leases to a third party any of the property
4 after the date of execution of the deed.

5 (6) Families who reside in water conservation areas under
6 the First Preference, and those eligible under the Second, Third
7 and Fourth Preferences set out in this Section 13944 shall be
8 chosen by lottery to be conducted no later than June 30, 1990."

9 Section 2. Section 13950 of Chapter X-A, Title XIV of the Government
10 Code is amended to read:

11 "§13950. Rules. The Board shall promulgate reasonable rules
12 and regulations, pursuant to the Administrative Adjudication Law, to
13 effect the purpose of this Chapter, which regulations shall include
14 requirements that (i) the grantees(s) must personally occupy the
15 property conveyed and not lease it to others, (ii) the property may
16 not be conveyed by the grantee(s) to a third party, except that a
17 mortgage to a bona fide lending institution to secure funds to
18 construct a residence on the property, shall not be a violation of such
19 rule even if such mortgage is foreclosed, and (iii) each deed of
20 conveyance shall contain a right of reverter clause to the Authority in
21 the event such regulations are violated."

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 912

Date: 10/2/89

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon +	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks +	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

Introduced

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

AUG 31 '89

Bill No. 912 (COR)

Introduced by:


J. T. San Agustin

AN ACT TO AMEND THE AS-TUMBO SUBDIVISION DEVELOPMENT LAW
REGARDING PREFERENCE FOR LOTS.

Section 1. Section 13944 of Chapter X-A, Title XIV of the Government Code is amended to read:

"Section 13944. Notwithstanding any law, rule or regulation to the contrary, the Authority is authorized to sell lots within the subdivision established by this Chapter for less than fair market value. Such sales shall be made only to bona fide residents of Guam, family or a single person who was, for the two (2) years immediately prior to the effective date of this Act, without fee title to any developable real property within the Territory [and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority]. Such sales shall be in accordance with the following preferences:

(1) First preference shall be given to those families, who were on August 25, 1978, residing within the subdivision area under a Land Management Land Use Permit and continue to reside there, or to families whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority and who reside under a Land Management Land Use Permit or Department of Agriculture Land Use Permit on government land which has been designated as a water conservation area as indicated on the Bureau of Planning Land and Water Natural Resources Map.

(2) Second preference shall be given to those families or single persons who are, pursuant to a Land Management Land Use Permit, residing on government land designated as a low density area on the Bureau of Planning Land and Natural Resources Map and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority.

(3) Third preference shall be given to the other eligible families residing on government land under a Land Management Land Use Permit and whose income does not exceed the limits established for a low-income or a single person residing in low rent housing projects operated by the Authority.

(4) Fourth preference shall be given to tenants of low-rent housing programs operated by the Guam Housing Corporation or the Authority whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority."



20th Guam Legislature

P.O. Box GL, Agana, Guam 96910 • (671) 472-3436/3498
Fax: (671) 477-3466

Senator **GORDON MAILLOUX**

Chairman, Committee on Housing and Community Development

Vice-Chairman on the committee on Health, Welfare and Ecology

Member of the Committees on:

General Governmental Operation

Economic Development

Justice, Judiciary & Criminal Justice

Energy, Utilities and Consumer Protection

Youth, Human Resources, Senior Citizen & Cultural Affairs

Ethics

September 27, 1989

Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred Bill No. 912, "AN ACT TO AMEND THE AS-TUMBO SUBDIVISION DEVELOPMENT LAW REGARDING PREFERENCE FOR LOTS," do recommend that the Bill, as Substituted by the Author and further Amended by the Committee, be passed by the Twentieth Guam Legislature.

Votes of the Committee Members are as follow:

To Do Pass	<u>-11-</u>
To Not Pass	<u>-0-</u>
To Report Out Only	<u>-0-</u>
To Place in Inactive File	<u>-0-</u>
Not Available for Voting	<u>-0-</u>

A copy of the Committee Report and other pertinent documents are enclosed for your perusal.

Sincerely,

Gordon Mailloux
GORDON MAILLOUX

Enclosures

GM/cq

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING MINUTES ON BILL NO. 912

"AN ACT TO AMEND THE AS-TUMBO SUBDIVISION
DEVELOPMENT LAW REGARDING PREFERENCE FOR LOTS"

DATE: SEPTEMBER 20, 1989
TIME: 9:00 A.M.
PLACE: LEGISLATIVE SESSION HALL

MEMBERS PRESENT: Chairperson Senator Gordon Mailloux;
Member Senator Ted S. Nelson; Non-Member Senator Martha C.
Ruth.

WITNESSES PRESENT: Ms. Pilar A. Cruz, Executive Director,
Guam Housing & Urban Renewal Authority (GHURA); Mr. Peter A.
San Nicolas, GHURA.

SUMMARY OF TESTIMONIES

Speaker Joe T. San Agustin, sponsor of Bill No. 912 testified that the land in this subdivision was supposed to be sold to the residents in the area under the provisions of Public Law 14-138, and to date the law has not been implemented. He believed that an injustice has been perpetrated against the residents because of unnecessary government delays in implementing the law.

He noted that GHURA is presently in the process of selling these lots; thereby, compounding the injustice because a number of the residents are being disqualified from acquiring such lots because of GHURA's income requirements. It was clear that the intent of the 14th Guam Legislature was to sell these lots to the residents when the law was passed. Therefore, those families residing on the area in 1978 when the law was enacted retained a vested interest in the land. It is outrageous that after promising this land to the residents, and making them wait 11 years, someone is now going to take away the land at the last minute.

Bill No. 912 would correct this injustice by removing the income requirements for those current residents of the As-tumbo Subdivision who were residing there in 1978. The income restrictions, however, would remain for all other preferences.

Speaker San Agustin submitted a substitute version of the Bill, which would require that all preferences, except the 1978 As-tumbo residents, do not own any land. The current law only provides that they not own land for the two years prior to the enactment of the statute in 1978. Referring to the amendment, the Speaker stated, "This amendment would

uphold the principle of 'land for the landless' which I believe we all share."

Ms. Pilar Cruz recognized that the amendment as proposed under the Bill is fair and reasonable since the affected residents have waited for over 10 years for commencement and completion of the subdivision development. She is concerned thought that the As-tumbo Subdivision Law should be addressed. Specifically, she noted that the term "developable real property" as used in the law is opened to interpretation and should be clarified. Additionally, further review on the existing and proposed eligibility requirements be maintained to address the intent of the Astumbo Subdivision Law in providing affordable residential lots to the landless families.

FINDINGS/RECOMMENDATIONS

The Committee finds that those Astumbo residents residing in said lots in 1978 should have been sold lots at that time, as was intended under Public Law 14-138. In order to protect the vested interest of the 1978 residents in these lots, the income limitation should be removed for these residents.

The stipulations in Public Law 14-138, which were intended to ensure that these lots go to landless families, are now obsolete. Consequently, the Committee feels that the law should be further amended to provide that for all preferences, except the 1978 residents, purchasers of these lots must own no other land, either in or out of the Territory.

The Committee hereby recommends that Bill No. 912, as Substituted by the Author and further Amended by the Committee on Housing and Community development, be passed by the Twentieth Guam Legislature.

ATTACHMENTS:

1. Bill No. 912, as Substituted by the Author and Further Amended by the Committee.
2. Bill No. 912, as referred to the Committee.
3. Testimony of Executive Director, GHURA.
4. Testimony of Speaker Joe T. San Agustin w/ Substitute version of Bill 912.
5. GHURA's "Astumbo Preapplication Analysis," dated Sept. 13, 1989.
6. Attendance Sheet.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT
 VOTE SHEET ON BILL NO. 912
 AS SUBSTITUTED BY THE AUTHOR AND FURTHER
 AMENDED BY THE COMMITTEE ON HOUSING

AN ACT TO AMEND THE AS-TUMBO SUBDIVISION DEVELOPMENT
 LAW REGARDING PREFERENCE FOR LOTS.

<u>Committee Members</u>	<u>To Do Pass</u>	<u>Not To Pass</u>	<u>Report Out Only</u>	<u>Inactive File</u>	<u>Other</u>
<u>Gordon Mailloux</u> GORDON MAILLOUX Chairman	✓				
<u>Madeleine Z. Bordallo</u> MADELEINE Z. BORDALLO Vice Chairperson	✓				
<u>John P. Aguon</u> JOHN P. AGUON Member	✓				
<u>Elizabeth P. Arriola</u> ELIZABETH P. ARRIOLA Member	✓				
<u>Pilar C. Lujan</u> PILAR C. LUJAN Member	✓				
<u>Ted S. Nelson</u> TED S. NELSON Member	✓				
<u>Don Parkinson</u> DON PARKINSON Member	✓				
<u>Eddie D. Reyes</u> EDDIE D. REYES Member	✓				
<u>Francisco R. Santos</u> FRANCISCO R. SANTOS Member	✓				
<u>J. George Bamba</u> J. GEORGE BAMBA Member	✓				
<u>Marilyn D.A. Manibusan</u> MARILYN D.A. MANIBUSAN Member	✓				

Memo 9/28/89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

3e
6/10/89

Bill No. 912
As substituted by the Author
and further Amended by the Committee on Housing
and Community Development

Introduced by:

② *M. B. Manibus* ① J. T. San Agustin ③ *Gutierrez*
④ *A. M. ...*
⑤ *L. S. ...*
⑥ *...*
⑦ *E. D. ...*
AN ACT TO AMEND THE AS-TUMBO SUBDIVISION
DEVELOPMENT LAW REGARDING PREFERENCE FOR
LOTS. *M. B. Manibus* *edg.*
mbn

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

2 Section 1. Section 13944 of Chapter X-A, Title XIV
3 of the Government Code is amended to read:

4 "§13944. Notwithstanding any law, rule or
5 regulation to the contrary, the Authority is authorized
6 to sell lots within the subdivision established by this
7 Chapter for less than fair market value. Such sales shall
8 be made only to bona fide residents of Guam, family or
9 a single person who was, for the two (2) years immediately
10 prior to the effective date of this Act, ~~(without fee title~~
11 ~~to any developable real property within the territory and~~
12 ~~whose income does not exceed the limits established for,~~
13 ~~a low-income family or a single person residing in low~~
14 ~~rent housing projects operated by the Authority].~~ Such
15 sales shall be in accordance with and limited to the
16 following preferences:

HSA

17 (1) First preference shall be given to those
18 *D.P. ...* families who were, on August 25, 1978, residing
19 within the subdivision area under a Land

DP
head of the household
as defined by the U.S.
Internal Revenue Code

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Management Land Use Permit and continue to reside
there, or to families who reside under a Land
Management Land Use Permit or Department of
Agriculture Land Use Permit on government land
which has been designated as a water conservation
area as indicated on the Bureau of Planning Land
and Water Natural Resources Map [.] who are
without fee title to any real property, in or
out of the territory, and whose income does not
exceed the limits established for a low-income
family or a single person residing in low rent
housing projects operated by the Authority.

Head of household

DP

(2) Second preference shall be given to
those families or single persons who are, pursuant
to a Land Management Land Use Permit, residing
on government land designated as a low density
area on the Bureau of Planning Land and Natural
Resources Map, are without fee title to any real
property in or out of the territory, and whose
income does not exceed the limits established
for a low-income family or a single person
residing in low rent housing projects operated
by the Authority.

DP
Head of household
as defined by the
U.S. Internal Revenue Code

(3) Third preference shall be given to
the other eligible families residing on government
land under a Land Management Land Use permit
who are without fee title to any real property

head of a household
as defined by the
U.S. Internal Revenue Code

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in or out of the territory, and whose income
does not exceed the limits established for a
low-income family or a [single person] residing
in low rent housing projects operated by the
Authority.

(4) Fourth preference shall be given to
tenants of low-rent housing programs operated
by the Guam Housing Corporation or the Authority
who are without fee title to any real property
in or out of the territory, and whose income
does not exceed the limits established for a
low-income family or a [single (person)] residing
in low rent housing projects operated by the
Authority.

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GM
Sec. 2. 27 13950. Rules
(See I)
(See II)
~~Sec. 3. (See III)~~

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same as
with
IRC

Handwritten note:
Same as page 2,
line 21


TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Introduced

AUG 31 '89

Bill No. 912 (COR)

Introduced by:


J. T. San Agustin

AN ACT TO AMEND THE AS-TUMBO SUBDIVISION DEVELOPMENT LAW
REGARDING PREFERENCE FOR LOTS.

Section 1. Section 13944 of Chapter X-A, Title XIV of the Government Code is amended to read:

"Section 13944. Notwithstanding any law, rule or regulation to the contrary, the Authority is authorized to sell lots within the subdivision established by this Chapter for less than fair market value. Such sales shall be made only to bona fide residents of Guam, family or a single person who was, for the two (2) years immediately prior to the effective date of this Act, without fee title to any developable real property within the Territory [and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority]. Such sales shall be in accordance with the following preferences:

(1) First preference shall be given to those families, who were on August 25, 1978, residing within the subdivision area under a Land Management Land Use Permit and continue to reside there, or to families whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority and who reside under a Land Management Land Use Permit or Department of Agriculture Land Use Permit on government land which has been designated as a water conservation area as indicated on the Bureau of Planning Land and Water Natural Resources Map.

(2) Second preference shall be given to those families or single persons who are, pursuant to a Land Management Land Use Permit, residing on government land designated as a low density area on the Bureau of Planning Land and Natural Resources Map and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority.

(3) Third preference shall be given to the other eligible families residing on government land under a Land Management Land Use Permit and whose income does not exceed the limits established for a low-income or a single person residing in low rent housing projects operated by the Authority.

(4) Fourth preference shall be given to tenants of low-rent housing programs operated by the Guam Housing Corporation or the Authority whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority."



GHURA

Guam Housing and Urban Renewal Authority
P.O. Box CS Agana, Guam 96910
(671) 477-9851-4 • Fax (671) 477-4184

Joseph F. Ada

Frank F. Blas

Pilar A. Cruz

Ricardo A. Calvo

Board of Commissioners

Rufo C. Taitano

Vicente C. San Nicolas

Marilyn P. Megofna

Jesus T. Lizama

Evelyn A. Blas

Galo E. Camacho

Nicolas D. Francisco

TESTIMONY ON BILL NO. 912

Good afternoon, Mr. Chairman and members of the Committee. I am Pilar A. Cruz, Executive Director of the Guam Housing and Urban Renewal Authority, and I am here today to testify on Bill 912, an Act to amend certain sections of the Astumbo Subdivision Development Law.

What follows are observations and comments on the proposed bill, as well as, the existing Astumbo Subdivision Development law in general.

It appears that the intent of Bill No. 912 is to eliminate the income criteria for eligibility to acquire lots in the Astumbo Subdivision for persons under the first preference residing in the subdivision on August 25, 1978 and continue to reside there. The proposed amendment was probably a result of concerns raised that families who have been living in the subdivision for over ten (10) years, who otherwise would qualify to purchase a lot, would become ineligible because of restrictions imposed by the established income limits.

While we recognize that the amendment as proposed under the bill is fair and reasonable since the affected residents have waited for over ten (10) years for commencement and completion of the subdivision development, other concerns should also be addressed.

The criteria regarding ownership of real developable property should be amended to include the period subsequent to August 25, 1978. The existing Astumbo Subdivision provides that an eligible applicant would be one "who was, for the two (2) years immediately prior to the effective date of this Act, without fee title to any developable real property within the Territory".

Furthermore, the term "developable real property" should be defined under the law to avoid different interpretations.

Without further amendments to the subdivision law, other than exemption on the income limits as covered by the proposed amendment under Bill 912, there are concerns raised that a dichotomy would exist within the same preference group. For example:

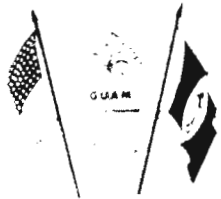


Testimony on Bill No. 912
September 20, 1989
Page 2

- a. "Those families who were on August 25, 1978 residing within the subdivision area...and continue to reside there", could be families of high income currently owning real developable property that was acquired subsequent to August 25, 1978, and would be eligible to purchase a lot for \$2,500.
- b. On the other hand, "those families who [also] were on August 25, 1978 residing within the subdivision area...and continue to reside there", who are very low income families; do not currently own any real developable property, but had fee title to such property two years immediately prior to the effective date of the Act, would be ineligible.

Further review of the existing and proposed eligibility requirements is recommended to maintain the intent of the Astunbo Subdivision Law in providing affordable residential lots to the landless families.

PILAR A. CRUZ
Executive Director
September 20, 1989



JOE T. SAN AGUSTIN
SPEAKER

Office of the Speaker

TWENTIETH GUAM LEGISLATURE

163 Chalan Santo Papa

Agana, Guam U.S.A. 96910

Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

September 20, 1989

Senator Gordon Mailloux
Chairman
Committee on Housing & Community Development
163 Chalan Santo Papa
Agana, Guam

Dear Sen. Mailloux:

Please accept my thanks for promptly scheduling a public hearing on Bill No. 912, which I introduced. This legislation will amend the Asturbo Subdivision Law concerning qualifications for lots to be sold. I would at this time like to submit a substitute version of this measure for the Committee's consideration. Later in this letter, I will elaborate on the main differences between Bill No. 912, as introduced, and the attached substitute version.

This legislation was prompted by concerns raised to me by residents in this subdivision. As you know, the land in this subdivision was supposed to be sold to the residents under the provisions of P.L. 14-138 which was passed 11 years ago. There were also established other categories of persons to receive preferences for these lots. Unfortunately, GHURA, under various Administrations, refused to implement this law. Instead they have insisted on pursuing one housing scheme after another for this site. As a result, 11 years after this law was passed, the residents in this subdivision still do not have any lots.

I believe an injustice has been perpetrated against these people because of unnecessary government delays in implementing this law. Now that GHURA is moving to sell these lots, this injustice is being compounded because a number of these same residents are being disqualified from acquiring these lots. The central problem appears to be that many of these residents no longer meet GHURA's income requirements. I feel this is completely unfair. It was the clear intent of the 14th Guam Legislature that these people be sold the land when this law was passed. In my view, those families who were residents there in 1978, when the law was enacted, retain a vested interest in this land. After promising this land to them and making them wait for 11 years, it is an outrage that we are now going to take the land away from them at the last minute.

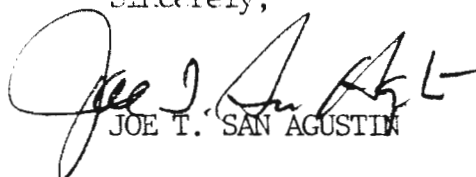
Bill No. 912 would rectify this injustice by amending the law to remove the income limitations for those families who were residing there in 1978. This requirement would though remain for all other preferences. In this manner we can protect the vested interests of those families who have waited 11 years for this law to be implemented.

Sen. Gordon Mailloux
September 20, 1989
Page 2

I would also like to suggest a further amendment to this law which is incorporated in the attached substitute version. A number of my constituents have expressed their concern about the fact that some of the several hundred lots to be sold in this subdivision would go to persons who own land elsewhere. It has been argued that if GHURA is to sell land at nominal prices, it should be to those persons who have no land at all. In line with this thinking, the attached substitute version would further amend the current law for all preferences, aside from the 1978 residents, to require that they own no land in order to qualify for these lots. This amendment would uphold the principle of "land for the landless," which I believe we all share.

Inasmuch as GHURA is processing applications now for these lots, I believe this Legislature should act on this measure at the earliest possible date. Consequently, I am strongly urging your Committee to give Bill No. 912, as substituted, your most expeditious and favorable consideration.

Sincerely,



JOE T. SAN AGUSTIN

attachment

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 912
As substituted

Introduced by: J. T. San Agustin

AN ACT TO AMEND THE AS-TUMBO
SUBDIVISION DEVELOPMENT LAW
REGARDING PREFERENCE FOR LOTS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 13944 of Chapter X-A, Title XIV of the Government
3 Code is amended to read:

4 "\$13944. Notwithstanding any law, rule or regulation to the
5 contrary, the Authority is authorized to sell lots within the subdivision
6 established by this Chapter for less than fair market value. Such
7 sales shall be made only to bona fide residents of Guam, family or a
8 single person who was, for the two (2) years immediately prior to the
9 effective date of this Act, without fee title to any developable real
10 property within the territory [and whose income does not exceed the
11 limits established for a low-income family or a single person residing in
12 low rent housing projects operated by the Authority]. Such sales
13 shall be in accordance with the following preferences:

14 (1) First preference shall be given to those families who
15 were, on August 25, 1978, residing within the subdivision area
16 under a Land Management Land Use Permit and continue to reside
17 there, or to families who reside under a Land Management Land
18 Use Permit or Department of Agriculture Land Use Permit on
19 government land which has been designated as a water
20 conservation area as indicated on the Bureau of Planning Land
21 and Water Natural Resources Map[.] who are without fee title to
22 any real property, in or out of the territory, and whose income
23 does not exceed the limits established for a low-income family or a

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single person residing in low rent housing projects operated by the Authority.

(2) Second preference shall be given to those families or single persons who are, pursuant to a Land Management Land Use Permit, residing on government land designated as a low density area on the Bureau of Planning Land and Natural Resources Map, are without fee title to any real property in or out of the territory, and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority.

(3) Third preference shall be given to the other eligible families residing on government land under a Land Management Land Use Permit who are without fee title to any real property in or out of the territory, and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority.

(4) Fourth preference shall be given to tenants of low-rent housing programs operated by the Guam Housing Corporation or the Authority who are without fee title to any real property in or out of the territory, and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority.

METHODS BY GOVERNMENT EXPENSE

CUAM HOUSING AND URBAN RENEWAL AUTHORITY
POST OFFICE BOX CS
AGANA, GUAM 96910

September 13, 1989

ASTUMBO PREAPPLICATION ANALYSIS:

- I. Total number of applicants for the Astumbo Subdivision Project = 1,393
- II. Total number of eligible applicants at first review = 430
- III. Total number of ineligible applicants at first review = 963
- IV. Total number of applicants from Astumbo area = 172
 - 1) Total eligible applicants from Astumbo area = 45
 - 2) Total ineligible applicants from Astumbo area = 127

Reasons for Ineligibility:

- 1) Over income = 37
- 2) Ownership of real property = 3
- 3) Not residing in Astumbo but has Land Use Permit = 21
- 4) Without permits (subfamilies) = 23
- 5) Unauthorized occupants = 43

- V. Total number of applicants from designated water conservation area = 112
 - 1) Total eligible applicants = 69
 - 2) Total ineligible = 43

Reasons for ineligibility:

- 1) Over income = 17
- 2) Not residing in area but has Land Use Permit = 9
- 3) Without permits (subfamilies) = 9
- 4) Unauthorized occupants = 8

- VI. Total number of applicants residing on government land designated as low density area and eligible for Astumbo = 13; ineligible = 0

Astumbo Preapplication Analysis
 September 13, 1989
 Page 2 of 2

- VII. Total number of eligible applicants residing on government land under a Land Use Permit = 11; ineligible applicants = 0
- VIII. Total number of eligible applicants who are tenants of low-rent housing programs = 292
- IX. Total number of ineligible applicants who do not qualify under the preferences defined under Public Law 14-138 = 793
- X. Total number of residential lots to be developed and sold in Astumbo Subdivision Project = 502