



Territory of Guam
Territorio Guam

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

RECEIVED

OFFICE OF THE SPEAKER

DATE: 1/26/93

TIME: 1:45 PM

RECD BY: [Signature]

JAN 26 1993

**REFER TO
LEGISLATIVE SECRETARY**

[Signature]

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 960 which was signed into law as Public Law
21-146.

Sincerely yours,

[Signature of Frank F. Blas]

FRANK F. BLAS
Governor
Acting

211033

Attachment

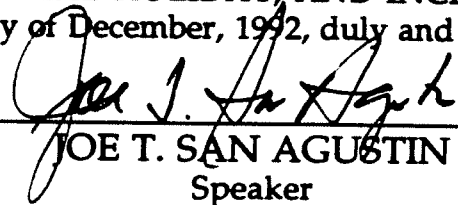


Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

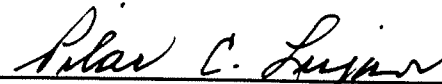
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 960 (LS), "AN ACT TO ENACT THE GUAM SHELTER ACT, WHICH AUTHORIZES GUAM HOUSING CORPORATION TO CONSTRUCT AT LEAST TWO HUNDRED RENTAL UNITS AND GIVING A PRIORITY FOR RENTAL OF SUCH UNITS BY VICTIMS OF TYPHOON OMAR; MAKING AN APPROPRIATION FOR CONSTRUCTION OF INFRASTRUCTURE IN THE DEDEDO AND IJA, INARAJAN SUBDIVISIONS; MAKING THE DEDEDO LOTS AVAILABLE FOR CERTAIN LANDLESS, HOMELESS VICTIMS OF TYPHOON OMAR; REZONING THE PROPERTY; AMENDING §63106 AND SUBPARAGRAPH (D) OF §63500 ON LEAVES OF ABSENCE AND PAY FOR GUAM NATIONAL GUARDSMEN; EXTENDING TEMPORARY EMPLOYMENT FOR PROCESSING TYPHOON CLAIMS; MAKING AN APPROPRIATION FOR THE HOUSING MASTER PLAN; MAKING ALL SOUL'S DAY A TERRITORIAL HOLIDAY; AND INCREASING THE FINE FOR LITTERING," was on the 31st day of December, 1992, duly and regularly passed.



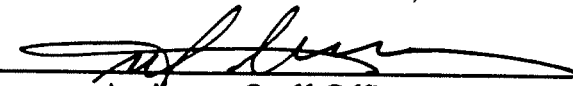
JOE T. SAN AGUSTIN
Speaker

Attested:



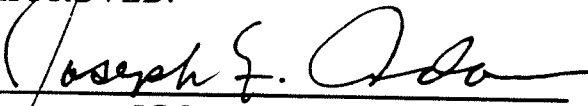
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 2 day of JANUARY, 1993, at 7:45 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: January 12, 1993

Public Law No. 21-146

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 960 (LS)

As substituted by the Committee on
Ways and Means and Committee on
Housing, Community Development,
Federal and Foreign Affairs and as further
substituted by the Committee on Rules

Introduced by:

Committee on Rules
At the request of the Governor

AN ACT TO ENACT THE GUAM SHELTER ACT, WHICH AUTHORIZES GUAM HOUSING CORPORATION TO CONSTRUCT AT LEAST TWO HUNDRED RENTAL UNITS AND GIVING A PRIORITY FOR RENTAL OF SUCH UNITS BY VICTIMS OF TYPHOON OMAR; MAKING AN APPROPRIATION FOR CONSTRUCTION OF INFRASTRUCTURE IN THE DEDEDO AND IJA, INARAJAN SUBDIVISIONS; MAKING THE DEDEDO LOTS AVAILABLE FOR CERTAIN LANDLESS, HOMELESS VICTIMS OF TYPHOON OMAR; REZONING THE PROPERTY; AMENDING §63106 AND SUBPARAGRAPH (D) OF §63500 ON LEAVES OF ABSENCE AND PAY FOR GUAM NATIONAL GUARDSMEN; EXTENDING TEMPORARY EMPLOYMENT FOR PROCESSING TYPHOON CLAIMS; MAKING AN APPROPRIATION FOR THE HOUSING MASTER PLAN; MAKING ALL SOUL'S DAY A TERRITORIAL HOLIDAY; AND INCREASING THE FINE FOR LITTERING.

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

2 Section 1. (a) Short title. This section shall be known as "The Guam
3 Shelter Act".

4 (b) Authorization. The Governor of Guam is authorized to transfer Lot
5 No. 10119-12, Dededo, containing an area of approximately 34.8 acres, as
6 shown on Drawing DLM Sketch No. 1724 (the "Property"), to the Guam

1 Housing Corporation to develop no less than two hundred (200) moderately
2 priced multi-family, multi-story housing rental units. Any remaining portion
3 of the Property shall be developed and used for public parks, open spaces and
4 recreational facilities.

5 Without further legislative authority, the Guam Housing Corporation
6 and the Guam Rental Corporation are authorized to borrow such sums as
7 may be necessary for construction of the units and may secure such loans with
8 any real property owned by either corporation. First preference for rental of
9 the units so developed shall be given to persons who are landless and who
10 have been verified homeless as a result of Typhoon Omar or subsequent
11 typhoon. Second preference for rental of the units so developed shall be
12 given to persons who are landless.

13 (c) **Amendment to P.L. 21-60.** Subsection (b) of §9 of Public Law 21-60,
14 as amended by Public Law 21-72, is further amended to read:

15 "(b) All U.S. citizens and/or permanent resident aliens who
16 are legal residents of Guam, are landless and are living upon
17 government land pursuant to a valid Land Use Permit who were
18 rendered and verified homeless as a result of Typhoons Russ, Yuri
19 or Omar, whose disaster relief loan applications were approved
20 and are pending with the U.S. Small Business Administration or
21 who have been approved for participation in a housing assistance
22 program administered by the Federal Emergency Management
23 Administration and are willing to relocate to the subdivision sites
24 established herein shall be given second preference."

25 (d) **Limitation to five-year residents.** No U.S. citizen or permanent
26 resident alien, at least eighteen (18) years of age, shall be eligible for the
27 benefits provided in Sections 1, 2 or 3 of this Act who has not been domiciled

1 in Guam for a minimum of five (5) years immediately preceding such person's
2 application for benefits.

3 (e) **Housing Trust Fund.** The rents charged by the Guam Housing
4 Corporation to lessees of the rental units authorized by this section shall be
5 held in a separate, restricted trust account, and the funds held in such trust
6 account shall be used for only the following purposes:

7 (i) Repairs and maintenance of the rental units.

8 (ii) As a source of funds to obtain financing for the construction
9 of additional low or moderately priced housing units.

10 (f) **Appropriation for infrastructure for subdivisions.** Nine Million
11 Dollars (\$9,000,000) are hereby appropriated from the unappropriated bond
12 proceeds or earnings in the construction funds of the following bonds: The
13 1985 Highway Bond, the 1989 Water Bond, the 1989 Infrastructure Bond and
14 the 1992 Highway Bond to the Department of Public Works, to construct on-
15 site infrastructure in the Dededo subdivision created pursuant to Subsection
16 (d) of §7 of Public Law 21-60, as amended by Public Law 21-72, and in the Ija,
17 Inarajan subdivision. The on-site infrastructure shall include water and
18 sewer lines, power lines, and roadways in Dededo and water lines, power
19 lines and roadways in Ija, Inarajan. Sidewalks, curbs and gutters shall be
20 required in these two (2) subdivisions.

21 (g) **Rules for rental units.** The Guam Housing Corporation is
22 authorized to establish rules and regulations relative to the rental units
23 authorized in this section in accordance with the Administrative Adjudication
24 Law.

25 (h) **Property rezoned.** The Property is hereby rezoned from
26 Agricultural ("A") to Multi-Family Residential ("R-2").

1 (i) **Severability.** If any part or application of this section is held invalid,
2 the remainder, or its application to other situations or persons, shall not be
3 affected.

4 **Section 2.** §63106 of Title 10, Guam Code Annotated, is amended to
5 read:

6 "§63106. **Leaves of absence.** All officers and employees of
7 the government of Guam who are members of the Guam
8 National Guard shall be entitled to leaves of absence from their
9 respective duties without loss of time or efficiency rating on all
10 days during which they shall be engaged on duty ordered or
11 authorized under the laws of the United States or under this
12 Chapter. The officers and employees shall be entitled to leave
13 with pay for such active duty not to exceed fifteen (15) workdays
14 per fiscal year, and thereafter the officers and employees shall
15 receive leave without pay. Leave under this section accrues for an
16 employee or individual at the rate of fifteen (15) workdays per
17 fiscal year and, to the extent not used in a fiscal year, accumulates
18 in the succeeding fiscal year until it totals fifteen (15) days at the
19 beginning of a fiscal year.

20 **Section 3.** (a) Subparagraph (D) of §63500 of Title 10, Guam Code
21 Annotated, is amended to read:

22 "(D) All members of the Guam National Guard shall
23 receive pay as set out in §63502 of this Chapter, but in no case
24 shall the total pay and allowances received be less, unless waived
25 by the guard member or unless the guard member's employer
26 authorizes leave, other than annual leave, with pay, than that
27 earned at the guard member's civilian employment for a normal

1 eight (8) hour day for each day or fraction served on Territorial
2 Active Duty under the provisions of this Chapter unless such pay
3 exceeds the current government of Guam per diem allowance as
4 set out in §23104(A)(1), Title 5, Guam Code Annotated, in which
5 event, members of the Guam National Guard who are ordered or
6 called into service of the territory will not receive more than the
7 per diem allowance existing at the time of such territorial duty. If
8 the per diem allowance is less than military pay and allowances,
9 the guard member shall receive military pay and allowances. It
10 shall be the responsibility of the guard member to furnish his or
11 her unit commander documentation of his or her civilian salary
12 for a normal eight (8) hour day. The unit commander shall certify
13 days or fractions thereof served on territorial active duty and
14 documentation of the normal eight (8) hour day civilian salary, if
15 any, and forward the same to the office of the Adjutant General
16 or his designee for approval and calculation of territorial active
17 duty pay. Calculations approved by the Adjutant General or his
18 designee shall be forwarded to the Department of Administration
19 for payment. The calculation shall determine the daily amount of
20 military pay as set out in §63502 of this Chapter and the civilian
21 pay a guard member would have earned in a normal eight (8)
22 hour day. If the civilian pay is greater the guard member, unless
23 he or she declines the differential, shall receive the military pay
24 plus the difference between the military pay and the civilian pay
25 for each day or fraction thereof. Methods of determining normal
26 eight (8) hour daily pay calculations for various civilian business,
27 to include but not be limited to sole proprietorships, partnerships,

1 and corporations, or employments and methods of pay, including
2 government and private sector civilian jobs, shall established by
3 the Adjutant General."

4 (b) **Retroactive.** The provisions of this section shall be retroactive for
5 members of the Guam National Guard who were ordered to and served any
6 territorial active duty from August 29, 1992 to October 31, 1992.

7 **Section 4. (a) Legislative statement.** The Guam Legislature has been
8 informed that the Individual and Family Grant Program, a fully funded
9 federal program, continues to process cases for assistance to individuals and
10 families who suffered damage and losses due to Typhoon Omar. To date,
11 approximately 5,000 of 12,500 cases have been processed with over \$7,000,000
12 in assistance having been extended. To continue this much needed
13 processing, the Governor has requested the Legislature to extend, for a
14 period of one hundred twenty (120) days, the authorization for temporary
15 employees utilized in the processing, first granted in Section 2(b) of Public
16 Law 21-134. As the program is federally funded in its entirety, the Legislature
17 concurs with the desirability of the extension request.

18 (b) **Extension.** An extension of one hundred twenty (120) days, up to
19 April 30, 1993, for ten (10) temporary employees, employed pursuant to the
20 provisions of Section 2(b) of Public Law 21-134, for the administration of the
21 Individual and Family Grant Program is hereby granted.

22 **Section 5. Appropriation for master plan.** Nine Hundred Eighty
23 Thousand Dollars (\$980,000) are hereby appropriated from the General Fund
24 to the Guam Housing Corporation to complete the master plan described in
25 Section 9 of Public Law 21-99.

26 **Section 6. (a) Legislative findings.** The Legislature finds that the
27 observance of All Soul's Day is a deeply-rooted Guam tradition and an

1 integral part of the cultural heritage of the people of Guam, the observation
2 of which serves to strengthen family ties and promote respect for the memory
3 of one's ancestors.

4 (b) **Creation of holiday.** §1000 of Title 1, Guam Code Annotated, is
5 hereby amended to read as follows:

6 "§1000. **Holidays.** The holidays of this Territory are:

- 7 1. Every Sunday.
- 8 2. Christmas Day, December 25.
- 9 3. New Year's Day, January 1.
- 10 4. President's Day, third Monday in February.
- 11 5. Good Friday.
- 12 6. Memorial Day, last Monday in May.
- 13 7. Independence Day, July 4.
- 14 8. Liberation Day, July 21.
- 15 9. Labor Day, first Monday in September.
- 16 10. Guam Discovery Day, first Monday in March.
- 17 11. All Soul's Day, November 2.
- 18 12. Veteran's Day, November 11.
- 19 13. Thanksgiving Day, fourth Thursday in November.
- 20 14. Every day on which an election is held throughout Guam,
21 except for elections to the Youth Congress.
- 22 15. Our Lady of Camarin Day, December 8.
- 23 16. Every day appointed by the President of the United States or
24 the Governor of Guam for a public fast, thanksgiving day,
25 or holiday."

26 **Section 7. Increase in fine for littering.** Paragraph (a) of §51207 of Title
27 10, Guam Code Annotated, is amended to read:

1 "(a) Littering and defacement shall be punishable by a fine
2 of not less than Five Hundred Dollars (\$500) nor more than One
3 Thousand Dollars (\$1,000) which shall not be suspended by the
4 Court. Additionally, any person convicted under this section may
5 be ordered to pick up and remove litter or defacement, as the case
6 may be, from a public place under the supervision of the agency,
7 or as the Court shall otherwise provided, for a period not less
8 than eight (8) hours for each offense. Furthermore, persons
9 convicted under this section may be required to pay the costs of
10 removing any litter or defacement that they caused."



-146



COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT, FEDERAL AND FOREIGN AFFAIRS

TWENTY-FIRST GUAM LEGISLATURE

163 Chalan Santo Papa
Agaña, Guam 96910

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

December 29, 1992

The Honorable Joe T. San Agustin
Speaker
Twenty First Guam Legislature
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs and the Committee on Ways and Means, to which was referred Bill No. 960 - *An Act enacting the Guam Shelter Act.* . . has had the same under consideration and herewith reports out said Bill No. 960 with their recommendation **TO DO PASS** as amended and substituted by the Committees. Votes of the Committees were as follows:

	HCDFFA	W & M
TO DO PASS	-7-	-10-
TO DO NOT PASS	-0-	-0-
ABSTAIN	-0-	-0-
NOT VOTING/OFF ISLAND	-2-	-4-

Sincerely yours,

F.R. Santos
Chairman
Housing, Community Development
Federal and Foreign Affairs

Carl T.C. Gutierrez
Chairman
Ways and Means

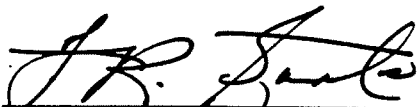


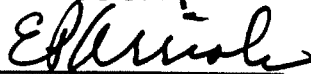
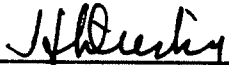
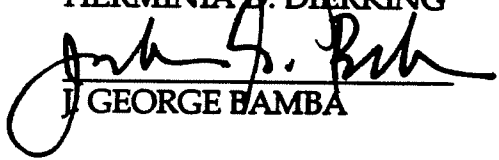
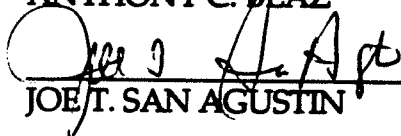
**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,
FEDERAL, AND FOREIGN AFFAIRS
TWENTY FIRST GUAM LEGISLATURE
155 Hesler Street
Agaña, Guam 96910**

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

Voting Sheet

Bill 960 LS: An Act enacting the Guam Shelter Act;...

	TO DO PASS	TO DO PASS	TO REPORT OUT ONLY	NOT VOTING OFF ISLAND
 FRANK R. SANTOS	✓	_____	_____	_____
 PI-LAR C. LUJAN	✓	_____	_____	_____
 JOHN P. AGUON	✓	_____	_____	_____
 ELIZABETH P. ARRIOLA	✓	_____	_____	_____
 HERMINIA D. DIERKING	✓	_____	_____	_____
 GEORGE BAMBA	✓	_____	_____	_____
MARILYN D.A. MANIBUSAN	_____	_____	_____	_____
EDWARD R. DUENAS	_____	_____	_____	_____
ANTHONY C. BLAZ	_____	_____	_____	_____
 JOE T. SAN AGUSTIN	✓	_____	_____	_____

**TWENTY FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session**

Bill No. 960 LS

**As Substituted by the
Committee on Ways & Means and
Committee on Housing, Community
Development, Federal and Foreign
Affairs**

Introduced by:

**At the request of the
Governor**

**AN ACT ENACTING THE GUAM SHELTER ACT;
AUTHORIZING GUAM HOUSING CORPORATION TO
CONSTRUCT AT LEAST TWO HUNDRED RENTAL
UNITS AND GIVING A PRIORITY FOR RENTAL OF
THESE UNITS BY VICTIMS OF TYPHOON OMAR AND
MAKING AN APPROPRIATION FOR CONSTRUCTION
OF INFRASTRUCTURE IN THE DEDEDO AND IJA,
INARAJAN SUBDIVISIONS AND MAKING THE
DEDEDO LOTS AVAILABLE FOR CERTAIN LANDLESS,
HOMELESS VICTIMS OF TYPHOON OMAR.**

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

**2 Section 1. Short Title. This Act shall be known as "The
3 Guam Shelter Act".**

**4 Section 2. Authorization. The Governor of Guam may
5 transfer a portion not exceeding twenty (20) acres of Lot 10119-12
6 Dededo as shown on DLM SK. No. 1724 containing an area of
7 approximately 34.8 acres to Guam Housing Corporation to develop at
8 least two hundred (200) moderately priced multi-family housing rental
9 units. The units shall be rented to people who do not own land on Guam
10 or elsewhere. Without further legislative authority the Guam Housing**

COMMITTEE FINDINGS AND RECOMMENDATIONS

- The Committee finds that Typhoons Russ, Yuri and Omar, as well as, other typhoons of lesser strength, have exacerbated the shortage of affordable housing on Guam to such a level that it is imperative for the government of Guam itself to initiate the construction of affordable housing for those who lost their residences because of these natural disasters.
- The Committee finds it imperative that the government of Guam take advantage of the federal funding made available through the Federal Emergency Management Agency. It has been determined that adequate funds to build 200 concrete homes has been made available to Guam. To utilize this funding, the government of Guam must identify available land and appropriate the funds to provide the required infrastructure.
- The Committee further finds it imperative for the government to act as expeditiously as possible as it has been informed that the availability of the funds after August 28, 1993, the anniversary of Typhoon Omar's destructive visit to Guam, is not definitively known.

1 Corporation and the Guam Rental Corporation are authorized to borrow
2 such sums as may be necessary for construction of the units and may
3 secure any real property owned by either corporation for that purpose.
4 First preference for rental of the units so developed shall be persons who
5 are landless and are on the waiting list for rental housing or rental
6 assistance at either Guam Housing and Urban Renewal Authority or Guam
7 Rental Corporation. Second preference for rental of the units so
8 developed shall be persons who are landless and have been verified
9 homeless as a result of Typhoon Omar or a subsequent typhoon.

10 Section 3. Subsection (b) of §9 of Public Law 21-60, as
11 amended by Public Law 21-72, is further amended to read:

12 “(b) All U. S. citizens and/or permanent resident aliens
13 who are legal residents of Guam, are landless and are living
14 upon government land pursuant to a valid Land Use Permit
15 [site whose homes] who were [damaged by] rendered and
16 verified homeless as a result of Typhoon Russ, Yuri or Omar,
17 who disaster relief loan applications were approved and are
18 pending with the U. S. Small Business Administration or who
19 have been approved for participation in a housing assistance
20 program administered by the Federal Emergency Management
21 Administration and are willing to relocate to the subdivision
22 sites established herein shall be given second preference.”

23 Section 4. Appropriation. Nine Million Dollars
24 (\$9,000,000) are appropriated from the unappropriated bond proceeds
25 or earnings in the construction funds of the following bonds: the 1985
26 Highway Bond, the 1989 Water Bond, the 1989 Infrastructure Bond and
27 the 1992 Highway Bond to the Department of Public Works for the

1 purpose of constructing on-site infrastructure in the Dededo subdivision
2 created pursuant to Subsection (d) of §7 of Public Law 21-60, as amended
3 by Public Law 21-72 and in the Ija, Inarajan subdivision. The on-site
4 infrastructure shall include water and sewer lines, power lines and
5 roadways in Dededo and water lines, power lines and roadways in Ija,
6 Inarajan. Sidewalks, curbs and gutters shall not be required in these two
7 subdivisions.

8

- The Committee finds and recommends that the proposed legislation, as transmitted by the Office of the Governor should be amended as follows:
 - For infrastructure work to be funded by the appropriations contained in the measure, the subdivision at Ija, Inarajan should be substituted in place of the Talofofu subdivision as contained in the original proposal.
 - To designate the government land to be utilized for the program established herein as Lot No. 10119-12, situated in the Municipality of Dededo, said to contain an area of approximately 34.8 acres, as delineated on DLM SK No. 1724.
 - The measure should be amended to include a provision that beneficiaries under this measure, if said beneficiaries are land use permittees who resided upon said land use permit, will be required to surrender their land use permits. (This amendment is intended to provide homes for those who lived on land use permits whose homes were destroyed by the typhoons covered.)
 - The measure should be amended to include a provision that married children of bona fide land use permittees, which married children can be verified as living upon the parcel covered by the parents land use

permit, shall be qualified to receive benefits under this measure. (This amendment is intended to cover the married children of land use permittees who were living with the land use permittee, whether the married children were housed with the parents or in a separate structure situated on the land use permit parcel. The amendment will be required if the land use permittees will be required to surrender the land use permit upon qualification and granting of a parcel or residential structure under this measure.)

PUBLIC HEARING

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 960, An Act enacting the Guam Shelter Act, scheduled a public hearing for Tuesday, December 22, 1992, at 9:00 a.m., in the Legislative Public Hearing Room, Agana. Public notices and advertisements were published and forwarded as per requirements of the Standing Rules of the 21st Guam Legislature.

Committee members present at the public hearing were:

- Senator Francisco R. Santos, Chairman
- Senator Pilar C. Lujan, Vice Chairperson
- Senator J. George Bamba

Witnesses appearing before the Committee to provide testimony were:

- Mr. Peter Leon Guerrero, President
Guam Housing Corporation
- Mr. Frank L.G. Castro, Director
Department of Land Management
- Mr. Peter San Nicolas
Guam Housing Corporation
- Mr. Ron Peterson
Federal Emergency Management Agency

Summary of Testimony

Mr. Peter Leon Guerrero, representing the Guam Housing Corporation, the agency assigned by Governor Ada as the lead agency in this matter, presented written testimony in support of the measure. That testimony is appended hereto for the record.

Committee members, specifically, Senator Bamba, asked Mr. Leon Guerrero questions relative to the FEMA funding availability. Senator Lujan was concerned that if the infrastructure work was not completed as expeditiously as expected and the construction of the homes were not completed prior to the anniversary date of Omar that the funding would no longer be available. The members were concerned as to whether the funding would be available or continued after the August 28, 1993 anniversary of Typhoon Omar if the project was already well under construction.

Mr. Leon Guerrero could not respond definitively to those questions and stated that he would get back to the Committee when he receives word on that matter.

Mr. Ron Peterson, representing FEMA, could not definitely state whether the funding would be available after that date. However, he did state that the matter would have to be discussed between Guam and the FEMA offices in Washington as the Guam office is not in a position to comment on the continuing availability of such funding.

Mr. Frank L.G. Castro, representing the Department of Land Management, testified in favor of the bill, requesting

that the measure be amended to reflect the actual parcel of property to be used for the project.

Mr. Castro was asked, by Senator Bamba, whether he would be amenable to amendments to the measure which would require individuals receiving a parcel of property under the measure to surrender their land use permits for the property on which they were previously residing and on which their previous homes were destroyed. Mr. Castro noted that he would have no objections to this and, in fact, would support such an amendment.

The public hearing ended with Mr. Roy Gutierrez, a private citizen and building contractor noting that he was supportive of the immediate passage of the measure.

The public hearing was adjourned by the Chairma at 10.30 a.m.



**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT,
FEDERAL AND FOREIGN AFFAIRS
TWENTY-FIRST GUAM LEGISLATURE**



163 Chalan Santo Papa
Agaña, Guam 96910

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

December 15, 1992

The Honorable Joseph F. Ada
Governor of Guam
Adelup Complex
Adelup Point, Guam

Dear Governor,

The Committee on Housing, Community Development, Federal and Foreign Affairs has scheduled a public hearing to receive public testimony on *Bill 960: An Act enacting the Guam Shelter Act authorizing the construction of rental units for certain landless and homeless victims of Typhoon Omar*. The dates and time for the public hearing are:

Date: December 22, 1992
Time: 9:00 A.M.
Place: Public Hearing Room
Guam Legislature Temporary Building

This letter is being transmitted as an invitation to you, and the heads of affected agencies of the government of Guam, and a solicitation for comments on this most important issue and measure.

Sincerely yours,



F.R. Santos

cc: All Senators
All Media

SEP 14 '92

TWENTY FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

92 SEP 10 AM 9:42

Bill No. 960 (LS)

Introduced by:

At the request of
the Governor

Commi
Rule

AN ACT ENACTING THE GUAM SHELTER ACT;
AUTHORIZING GUAM HOUSING CORPORATION
TO CONSTRUCT AT LEAST TWO HUNDRED RENTAL
UNITS AND GIVING A PRIORITY FOR RENTAL
OF THESE UNITS BY VICTIMS OF TYPHOON OMAR
AND MAKING AN APPROPRIATION FOR CONSTRUCTION
OF INFRASTRUCTURE IN THE TALOFOFO AND DEDEDO
SUBDIVISIONS AND MAKING THE DEDEDO LOTS
AVAILABLE FOR CERTAIN LANDLESS, HOMELESS
VICTIMS OF TYPHOON OMAR.

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

1 Section 1. Short Title. This Act shall be known as "The Guam
2 Shelter Act".

3 Section 2. Authorization. The Governor of Guam may transfer
4 a portion not exceeding twenty (20) acres of Lot 10125-3 Dededo to
5 Guam Housing Corporation to develop at least two hundred (200)
6 moderately priced multi-family housing rental units. The units
7 shall be rented to people who do not own land on Guam or elsewhere.
8 Without further legislative authority the Guam Housing Corporation
9 and the Guam Rental Corporation are authorized to borrow such sums
10 as may be necessary for construction of the units and may secure
11 any real property owned by either corporation for that purpose.
12 First preference for rental of the units so developed shall be
13 persons who are landless and have been verified homeless as a
14 result of Typhoon Omar.

15 Section 3. Subsection (b) of 59 of Public Law 31-70, as
16 amended by Public Law 31-72, is further amended to read:

1 "(b) All U.S. citizens and/or permanent resident aliens
2 who are legal residents of Guam, are landless and are living upon
3 government land pursuant to a valid Land Use Permit [site whose
4 homes] who were [damaged by] rendered and verified homeless as a
5 result of Typhoon Russ, Yuri or Omar, whose disaster relief loan
6 applications were approved and are pending with the U.S. Small
7 Business Administration or who have been approved for participation
8 in a housing assistance program administered by the Federal
9 Emergency Management Administration and are willing to relocate to
10 the subdivision sites established herein shall be given second
11 preference."

12 Section 4. Appropriation. Nine Million Dollars (\$9,000,000)
13 are appropriated from the unappropriated bond proceeds or earnings
14 in the construction funds of the following bonds: the 1985 Highway
15 Bond, the 1989 Water Bond, the 1989 Infrastructure Bond and the
16 1992 Highway Bond to the Department of Public Works for the purpose
17 of constructing on-site infrastructure in the Dededo subdivision
18 created pursuant to Subsection (d) of §7 of Public Law 21-60, as
19 amended by Public Law 21-72 and in the Talofofu subdivision, Lot
20 402-R11. The on-site infrastructure shall include water and sewer
21 lines, power lines and roadways in Dededo and water lines, power
22 lines and roadways in Talofofu. Sidewalks, curbs and gutters shall
23 not be required in these two subdivisions.

William B. Jones
9/9/92
5:10 pm



Secretary of Guam
For the Governor

OFFICE OF THE GOVERNOR
LUPENAN I MAGALANI
AGANA, GUAM 96913, U.S.A.

The Honorable Joe T. San Agustin
Speaker, 21st Guam Legislature

Dear Mr. Speaker:

Transmitted herewith for your consideration is a bill containing a housing relief package for our victims of Typhoon Omar. It is our utmost desire, Mr. Speaker, that this package be approved swiftly and without delay, in order that we may begin the projects contained therein immediately and get the lives of our people back to normal.

It is our further desire that this package be implemented in order that Guam reduce the pattern of individuals and families being rendered homeless by typhoons such as Omar. To that end, this package consists of two sections.

The first section of the package involves the construction by GHC of 200 rental units on GovGuam land in Dededo. This would be of particular benefit for those persons who have no land.

Many individuals affected by the typhoon may have no land and insufficient financial resources to obtain either land or a house. Some of the homeless were actually renters prior to the storm. Our theory is that many who utilized this rental facility will qualify for Section 8 Housing Assistance, and thus, their rent will be subsidized and affordable. There is, in any case, a shortage of Section 8 - qualified rental units in Guam.

Legislative action is only necessary to designate the government property in Dededo for the purpose of constructing the rental area. Funding for the project can be handled by the Guam Housing Corporation using private lending resources and GHC equity as collateral.

The second section of the package involves amending Public Law 21-72, section 21, to provide individuals who were rendered homeless by the direct destruction of Typhoon Omar and who are landless and meet other



The Honorable Joe T. San Agustin
Page Two

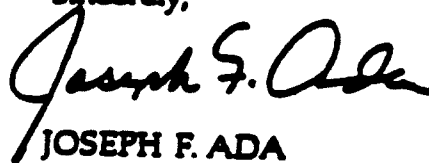
qualifications with lots in Yigo, Agat and two areas of Dededo, who prior to the typhoon, were living on agricultural lease lots or landuse permit lots.

In addition, I have asked the Federal Emergency Management Authority to use its resources to construct housing units at the Dededo subdivision specified in our bill for victims of Typhoon Omar who formerly lived on land-use permit lands. The two-fold purpose of this section would be not only to provide relief to those persons formerly living on land-use permit lands who lost their homes, but to provide those persons with a residential lot while maintaining their lease lands for the original agricultural purpose. We are, thus, solving several problems at once. Families that previously only had an agricultural permit would now have a residential lot upon which to build a home that is in compliance with local law, and yet, still keep the land that they are farming, so long as they continue to farm it, thus fulfilling the original intent of the law. However, should they cease farming their land-use area, they would lose it, as the law dictates.

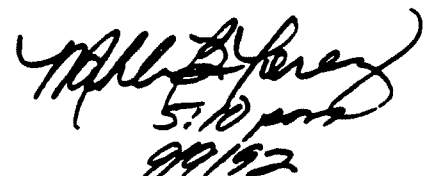
What we want to do, Mr. Speaker, is make sure that these persons are better off after this typhoon than they were before the typhoon. In addition, if these families qualify for SBA Disaster Assistance, they will be able to build a concrete typhoon resistant home without suffering as they are now. For those who do not qualify for an SBA loan, I have asked FEMA to look into the possibility of coming up with a package to construct, at the very least, a minimum typhoon resistant house on the residential lots. These units could be constructed using a combination of funds, including hazard mitigation money. The Government of Guam will pay for infrastructure for the subdivision, utilizing approximately \$9 million from funds available through GovGuam bonds. FEMA officials have already received our request and will be contacting officials in Washington on the matter.

Mr. Speaker, time is of the essence. I implore you and your colleagues to expeditiously approve this package in order that we may begin work immediately. Thank you once again and si Yu'os Ma'asa.

Sincerely,



JOSEPH F. ADA
Governor of Guam



5:10 pm
9/9/92



Territory of Guam
Territorial Government

OFFICE OF THE GOVERNOR
1. FERNAN I MAGALANI
AGANA GUAM 96911

December 4, 1992

The Honorable Joe T. San Agustin
Speaker
Twenty First Guam Legislature
Agana, Guam 96910

Dear Mr. Speaker:

In September of this year following Typhoon Omar I transmitted a housing relief bill known as Bill No. 960 (LS), which, in part, allows the implementation of a Federal Emergency Management Agency program to construct homes for eligible residents hardest hit by the recent typhoons.

I am pleased to inform you that FEMA's headquarters has approved my request to implement the program on Guam and that FEMA officials on-island are prepared to proceed immediately to effect the program. Indeed, much already has been accomplished by FEMA and Gov Guam in anticipation of approval.

Implementation of this important housing project hinges, however, on the swift passage of Bill No. 960 (LS). We cannot allow this opportunity to provide housing for hundreds of our residents to be jeopardized by delay. I would request, however, that Section 3 of the measure be amended in order to extend this opportunity to more of the people than those currently covered in the bill. This amendment is shown in Section 3 of the attached proposed substitute bill.

We have determined that a good number of the land lease lots were occupied by extended families where parents and children of permit holders have established households of their own in separate structures on the lots. Many of these homes were destroyed leaving these families both homeless and landless. We estimate that up to 250 household are affected and would be eligible for a FEMA built home, and as many as 30 households would be eligible for an SBA loan to rebuild. I hope that you will consider the plight of these families during your consideration of this measure.

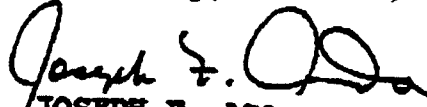
Enclosed is a proposed substitute bill which contains the three other amendments that I have requested. These requests were contained in my letter to you of October 16, 1992 (attached as Exhibit 1) and Guam Housing Corporation's testimony before the Committee on Ways and Means of October 27, 1992 (attached as Exhibit 2.)



Mr. Speaker
Page Two
December 4, 1992

Thank you, Mr. Speaker, and I trust that you and your colleagues will act expeditiously on this urgent matter.

Sincerely,


JOSEPH F. ADA
Governor

TWENTY-FIRST GUAM LEGISLATURE
(SECOND) Regular Session 1992

Bill No.

Introduced by:

At the request of the Governor

AN ACT ENACTING THE GUAM SHELTER ACT;
AUTHORIZING GUAM HOUSING CORPORATION
TO CONSTRUCT AT LEAST TWO HUNDRED RENTAL
UNITS AND GIVING A PRIORITY FOR RENTAL
OF THESE UNITS BY VICTIMS OF TYPHOON
OMAR AND MAKING AN APPROPRIATION
FOR CONSTRUCTING OF INFRASTRUCTURE
IN THE DEDEDO SUBDIVISON AND MAKING
THE DEDEDO LOTS AVAILABLE FOR
CERTAIN LANDLESS, HOMELESS VICTIMS
OF TYPHOON OMAR.

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

Section 1. Short Title. This Act shall be known as the "Guam Shelter Act".

Section 2. Authorization. The Governor of Guam may transfer Lot 10119-12 Dededo, as shown on Department of Land Management Sketch No. 1724 containing an area of approximately 34.8 acres to Guam Housing Corporation to develop at least two hundred (200) moderately priced multi-family housing rental units. The units shall be rented to people who do not own land on Guam or elsewhere. Without further legislative authority the Guam Housing Corporation and the Guam Rental Corporation are authorized to borrow such sums as may be necessary for construction of the units and may secure any real property owned by either corporation for that purpose. First preference for rental of the units so developed shall be persons who are landless and are on the waiting list for rental housing or rental assistance at either Guam Housing and Urban Renewal Authority or Guam Rental Corporation. Second preference for rental of the units so

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

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
28

developed shall be persons who are landless and have been verified homeless as a result of Typhoon Omar or a subsequent typhoon.

Section 3. Subsection (b) of 59 of Public Law 21-60, as amended by Public Law 21-72, is further amended to read:

"(b) All U.S. citizens and/or permanent resident aliens who are legal residents of Guam, are landless and are living upon government land pursuant to a valid Land Use Permit [site whose homes] or parents or children of Land Use Permit holders who are heads of households with separate residences within the permit site and who were [damaged by] rendered and verified homeless as a result of Typhoon Russ, Yuri or Omar, whose disaster relief loan applications were approved and are pending with the U.S. Small Business Administration or who have been approved for participation in a housing assistance program administered by the Federal Emergency Management Administration and are willing to relocate to the subdivision sites established herein shall be given second preference."

Section 4. Appropriation. Nine Million Dollars (\$9,000,000) are appropriated from the unappropriated bond proceeds or earnings in the construction funds of the following bonds: the 1985 Highway Bond, the 1989 Water Bond, the 1989 Infrastructure Bond and the 1992 Highway Bond to the Department of Public Works for the purpose of constructing on-site infrastructure in the Dededo subdivision created pursuant to Subsection (d) of §7 of Public Law 21-60, as amended by Public Law 21-72. The on-site infrastructure shall include water and sewer lines, power lines and roadways in Dededo. Sidewalks, curbs and gutters shall not be required in this subdivision.

11/2/92
Testimony on
Bill No. 960 (LS)

TESTIMONY BEFORE THE
COMMITTEE ON WAYS & MEANS
21ST GUAM LEGISLATURE
ON BILL NO. 960 (LS)
THE HONORABLE CARL T.C. GUTIERREZ, CHAIRMAN
OCTOBER 27 1992

Submitted by
Peter J. Leon Guerrero
President, Guam Housing
Corporation

Mr. Chairman and members of the Committee, I am Peter Leon Guerrero, President of Guam Housing Corporation. I want to thank you for the invitation to appear before you and represent the administration's support of Bill No. 960 (LS).

We wish to begin by making reference to the attached copy of the Governor's October 16, 1992 letter to the Speaker requesting amendments to the bill. We reiterate the Governor's request and further ask that the Committee consider another amendment as follows:

On page 1, line 13 after "and" insert the following:

"are on the waiting list for rental housing or rental assistance at either Guam Housing and Urban Renewal Authority or Guam Rental Corporation. Second preference for rental of the units so developed shall be persons who are landless and have been verified homeless as a result of Typhoon Omar or a subsequent typhoon."

GHURA and GRC have a combined waiting list of over 1,500 applicants for rental assistance, many of whom have been waiting for years for relief from the high rents demanded by the market. We believe, therefore, that it is appropriate that our people, who have long awaited the government's assistance, be afforded the opportunity to benefit from government sponsored housing projects.

Because of the shortage of affordable rental units, certainly aggravated by the destruction caused by Typhoon Omar, the Governor requested that Guam Housing Corporation and Guam Rental Corporation direct resources toward the development of additional rental units. The GRC Board of Directors has authorized the initial expenditure of \$200,000 for project development contingent upon securing the necessary land. Our staff is coordinating with the Guam Economic Development Authority and the Governor's financial advisor to explore funding sources for the project to include the possibility of borrowing against the equity in GRC-owned property.

Also, the GHC Board of Directors has authorized the creation of a planning and development division to handle the work associated with our real estate development activities along with program development for our mortgage lending operations.

As a side note, the Committee may be interested in knowing that the ongoing comprehensive housing study engaged by GEDA and GHC is taking into account the impact Typhoon Omar had on Guam's housing market. The needs assessment component of the study should provide valuable data for our strategic planning efforts to include disaster mitigation.

Regarding section 3 and 4 of the bill the Governor has requested the Federal Emergency Management Agency to implement its Emergency Created Resources for housing. This program enables FEMA to provide funding for the construction of houses where the disaster area requires emergency housing and no alternate housing is available. We expect approval for program implementation from FEMA headquarters shortly.

The plan calls for homes to be built for homeowners whose homes were destroyed by Typhoon Omar on those homeowners' land and on a group site for those homeowners who cannot rebuild a permanent structure.

The latter group are those who lived on land-use permit lands. Implementation of the ECR program on property suitable for residential use would provide permanent, typhoon-proof homes for these disaster victims and also enable the land-use permit lands to be returned to their original purpose of farming. By providing a site for construction, these residents would be able to own a home funded by FEMA, an SBA loan or both.

The subdivision for which we are requesting authorization to implement this program is within Lot No. 10125-R8 which is the subject of P.L. 21-60 as amended by P.L. 21-72. The appropriation under section 4 of this bill will be used primarily for this subdivision. The placement of on-site infrastructure would allow for an increase in the number of available lots thereby increasing the number of disaster victims that can be assisted.

A Housing Task Force comprised of officials from FEMA, SBA, Red Cross, FmHA and GovGuam have been working diligently since Typhoon Omar passed in order to meet the emergency housing needs of our people. With the passage of Bill No. 960 (LS), affordable rentals and homeownership opportunity will be a step closer to reality.

Mr. Chairman, as we are sure that the Committee members have questions regarding this housing initiative, we will now close our written testimony and attempt to address what concerns the Committee may have. Si Yuus Maase.





Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
LORINDA I. MALGALAN
AGANA, GUAM 96911, S.A.

The Honorable Joe T. San Agustin
Speaker, 21st Guam Legislature

Dear Mr. Speaker:

Transmitted herewith for your consideration is a bill containing a housing relief package for our victims of Typhoon Omar. It is our utmost desire, Mr. Speaker, that this package be approved swiftly and without delay, in order that we may begin the projects contained therein immediately and get the lives of our people back to normal.

It is our further desire that this package be implemented in order that Guam reduce the pattern of individuals and families being rendered homeless by typhoons such as Omar. To that end, this package consists of two sections.

The first section of the package involves the construction by GHC of 200 rental units on GovGuam land in Dededo. This would be of particular benefit for those persons who have no land.

Many individuals affected by the typhoon may have no land and insufficient financial resources to obtain either land or a house. Some of the homeless were actually renters prior to the storm. Our theory is that many who utilized this rental facility will qualify for Section 8 Housing Assistance, and thus, their rent will be subsidized and affordable. There is, in any case, a shortage of Section 8 - qualified rental units in Guam.

Legislative action is only necessary to designate the government property in Dededo for the purpose of constructing the rental area. Funding for the project can be handled by the Guam Housing Corporation using private lending resources and GHC equity as collateral.

The second section of the package involves amending Public Law 21-72, section 21, to provide individuals who were rendered homeless by the direct destruction of Typhoon Omar and who are landless and meet other

qualifications with lots in Yigo, Agat and two areas of Dededo, who prior to the typhoon, were living on agricultural lease lots or landuse permit lots.

In addition, I have asked the Federal Emergency Management Authority to use its resources to construct housing units at the Dededo subdivision specified in our bill for victims of Typhoon Omar who formerly lived on land-use permit lands. The two-fold purpose of this section would be not only to provide relief to those persons formerly living on land-use permit lands who lost their homes, but to provide those persons with a residential lot while maintaining their lease lands for the original agricultural purpose.

We are, thus, solving several problems at once. Families that previously only had an agricultural permit would now have a residential lot upon which to build a home that is in compliance with local law, and yet still keep the land that they are farming so long as they continue to farm it, thus fulfilling the original intent of the law. However, should they cease farming their land-use area, they would lose it as the law dictates.

What we want to do, Mr. Speaker, is make sure that these persons are better off after this typhoon than they were before the typhoon. In addition, if these families qualify for SBA Disaster Assistance, they will be able to build a concrete typhoon resistant home without suffering as they are now. For those who do not qualify for an SBA loan, I have asked FEMA to look into the possibility of coming up with a package to construct, at the very least, a minimum typhoon resistant house on the residential lots. These units could be constructed using a combination of funds, including hazard mitigation money. The Government of Guam will pay for infrastructure for the subdivision, utilizing approximately \$9 million from funds available through GovGuam bonds. FEMA officials have already received our request and will be contacting officials in Washington on the matter.

Mr. Speaker, time is of the essence. I implore you and your colleagues to expeditiously approve this package in order that we may begin work immediately. Thank you once again and si Yudos Malase.

Sincerely,

Joseph F. ADA
JOSEPH F. ADA
Governor of Guam

Joe T. San Agustin

SEP 14 '92

TWENTY FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

92 SEP 10 AM 9:42

Bill No. 960 (LS)

Introduced by:

At the request of
the Governor

Committee
Rules

AN ACT ENACTING THE GUAM SHELTER ACT;
AUTHORIZING GUAM HOUSING CORPORATION
TO CONSTRUCT AT LEAST TWO HUNDRED RENTAL
UNITS AND GIVING A PRIORITY FOR RENTAL
OF THESE UNITS BY VICTIMS OF TYPHOON OMAR
AND MAKING AN APPROPRIATION FOR CONSTRUCTION
OF INFRASTRUCTURE IN THE TALOFOFO AND DEDEDO
SUBDIVISIONS AND MAKING THE DEDEDO LOTS
AVAILABLE FOR CERTAIN LANDLESS, HOMELESS
VICTIMS OF TYPHOON OMAR.

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

1 Section 1. Short Title. This Act shall be known as "The Guam
2 Shelter Act".

3 Section 2. Authorization. The Governor of Guam may transfer
4 a portion not exceeding twenty (20) acres of Lot 10125-3 Dededo to
5 Guam Housing Corporation to develop at least two hundred (200)
6 moderately priced multi-family housing rental units. The units
7 shall be rented to people who do not own land on Guam or elsewhere.
8 Without further legislative authority the Guam Housing Corporation
9 and the Guam Rental Corporation are authorized to borrow such sums
10 as may be necessary for construction of the units and may secure
11 any real property owned by either corporation for that purpose.
12 First preference for rental of the units so developed shall be
13 persons who are landless and have been verified homeless as a
14 result of Typhoon Omar.

15 Section 3. Subsection (b) of 59 of Public Law 21-70, as
16 amended by Public Law 21-72, is further amended to read:

1 "(b) All U.S. citizens and/or permanent resident aliens
2 who are legal residents of Guam, are landless and are living upon
3 government land pursuant to a valid Land Use Permit [site whose
4 homes] who were [damaged by] rendered and verified homeless as a
5 result of Typhoon Russ, Yuri or Omar, whose disaster relief loan
6 applications were approved and are pending with the U.S. Small
7 Business Administration or who have been approved for participation
8 in a housing assistance program administered by the Federal
9 Emergency Management Administration and are willing to relocate to
10 the subdivision sites established herein shall be given second
11 preference."

12 Section 4. Appropriation. Nine Million Dollars (\$9,000,000)
13 are appropriated from the unappropriated bond proceeds or earnings
14 in the construction funds of the following bonds: the 1985 Highway
15 Bond, the 1989 Water Bond, the 1989 Infrastructure Bond and the
16 1992 Highway Bond to the Department of Public Works for the purpose
17 of constructing on-site infrastructure in the Dededo subdivision
18 created pursuant to Subsection (d) of §7 of Public Law 21-60, as
19 amended by Public Law 21-72 and in the Talofofo subdivision, Lot
20 402-R11. The on-site infrastructure shall include water and sewer
21 lines, power lines and roadways in Dededo and water lines, power
22 lines and roadways in Talofofo. Sidewalks, curbs and gutters shall
23 not be required in these two subdivisions.

Walter B. Jones
9/19/92
5:10 pm