



Territory of Guam
Territorio Guam

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

Recd by P. Coluyan
12/30/94
6:00 pm.

DEC 30 1994

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1040, which I have signed into law this date as
Public Law 22-153.

Sincerely yours,

JOSEPH F. ADA
Governor

220920

Attachment

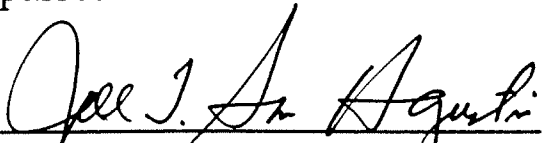


Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

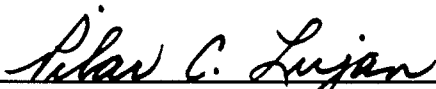
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 1040 (COR), "AN ACT TO AMEND SUBPARAGRAPH (b) OF SECTION 62104, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PARENTAL SUBDIVISION," was on the 9th day of December, 1994, duly and regularly passed.



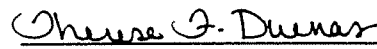
JOE T. SAN AGUSTIN
Speaker

Attested:



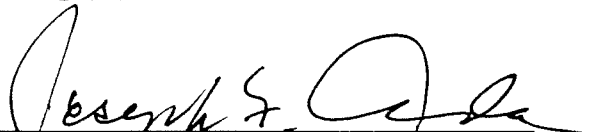
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of December,
1994, at 4:39 o'clock P.M.



Theresa J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: DEC 30 1994

Public Law No. 22-153

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 1040 (COR)
As amended by the Committee
on Housing and Community
Development and as further
substituted on the floor

Introduced by:

M. D. A. Manibusan
V. C. Pangelinan
A. C. Blaz
E. D. Reyes
T. S. Nelson
T. C. Ada
J. P. Aguon
E. P. Arriola
J. G. Bamba
M. Z. Bordallo
D. F. Brooks
F. P. Camacho
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
D. Parkinson
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND SUBPARAGRAPH (b) OF SECTION
62104, TITLE 21, GUAM CODE ANNOTATED,
RELATIVE TO PARENTAL SUBDIVISION.

- 1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. (a) Legislative statement.** The Legislature recognizes and
3 respects the rights of private property owners to dispose of their land and

1 without further burden other than the necessary governing requirements. It
2 is the intent and the desire of the Legislature to lift a one-year prohibition
3 period imposed on our citizens of the Territory who acquire property from
4 their parents from conveying title to parts of, or all of, the acquired property
5 to their children. Such prohibition is perceived to be an undue burden by the
6 government on the rights of private property owners.

7 Many private property owners also can barely pay the cost of land
8 surveyors for the design, computation, mapping and surveying of their
9 anticipated subdivisions and, by imposing the requirement of having them
10 improve the streets and alleys with stabilized coral base even before the map
11 is approved, another hardship is imposed on those people. While they should
12 eventually make the necessary improvement, they should be given the
13 opportunity of accomplishing this within a reasonable time frame and not
14 upon submission of the map to the Department of Land Management for
15 approval, unless the subdivider can afford the surveying, mapping and
16 improving at the sametime.

17 (b) **Amendment.** Subparagraph (b) of Section 62104, Title 21,
18 Guam Code Annotated, is amended to read as follows:

19 "(b) Article 5 of this Chapter shall also not apply to land
20 which has been owned in fee simple by a person who divides said
21 land among his living children or their descendants by way of
22 inter-vivos gift; provided, however, that such land shall be
23 deeded to said children or descendants in fee simple and said
24 deeds shall contain alienation clauses to the effect that the
25 children or descendants shall not give, sell, or convey in fee simple
26 such lots for a period of at least five (5) years; and further
27 provided, that the Territorial Planner or Commission shall

1 require street and utility easements on said land to insure lot
2 divisions consistent with the general plan and that the minimum
3 size of each lot, including that retained by the grantor, if any, shall
4 be no less than seven thousand two hundred (7,200) square feet.
5 Where the streets and alleys have not been improved within the
6 subdivision, the subdivider, for the purposes of having his
7 subdivision map approved and recorded by Land Management,
8 shall be required either to secure a bond for the said improvement,
9 or to sign an affidavit stating to the effect that the said
10 improvement shall be accomplished within a reasonable period.
11 The government of Guam shall not be held responsible for making
12 the said improvement. The deed transferring the property may
13 provide that the children or descendants may mortgage the
14 property for the purpose of constructing a residence on the
15 property."

16 **Section 2. (a) Legislative findings.** The Twenty-Second Guam
17 Legislature finds that the provisions of Section 21, on page no. 15 of the
18 current rules and regulations covering SUMMARY ZONE CHANGES have
19 effectively denied the rights of small land owners whose properties were
20 rezoned under the fast tract zoning system into subdividing and/or selling the
21 rezoned property as a whole or in a part to non-families for a period of not
22 less than five (5) years from date property is rezoned. While the said
23 provisions of the current rules and regulations have its intent, the Legislature
24 finds that it's not proper to continue to deny property owners the right to
25 enhance their livelihood by not allowing them the right to subdivide and sell
26 parts of their rezoned properties. More often than not, people find the

1 necessity of subdividing their rezoned properties and to sell parts thereof in
2 order to develop the part or parts they intend to keep and use.

3 **(b) Amendment.** Section 21, page 15, of the current rules and
4 regulations for Summary Zone Change is amended to read as follows:

5 "Section 21 (a). Once the property is rezoned under the fast track
6 system, there are no time limitations required for subdividing, selling or
7 maintaining ownership of the property or properties prior to subdividing,
8 developing and selling the property or properties involved.

9 (b) If the rezoned property is to be divided into six (6) or more
10 lots, the owner is required to comply with the requirements of the
11 Subdivision Law, Title 21, Guam Code Annotated, Chapter 62 and Title
12 13, 2 GAR, Chapter 3, Subchapter B. However, such a requirement
13 shall not apply if the rezoned property is to be subdivided into less than
14 six (6) lots."

VOTING SHEET
(as revised)

Bill No. 1040

12/9/94
(Date)

Resolution No. _____

Question: _____

Senators	Aye	No	Declined to Vote	Required to vote	Excused from voting	ABSENT/OUT DURING ROLL CALL
Ada, Thomas C.	✓					
AGUON, John P.	✓					
ARRIOLA, Elizabeth P.	✓					
BAMBA, George J.	✓					
BLAZ, Anthony C.	✓					
BORDALLO, Madeleine Z.						✓
BROOKS, Doris F.	✓					
CAMACHO, Felix P.	✓					
DIERKING, Hermina D.	✓					
GUTIERREZ, Carl T. C.	✓					
LUJAN, Pilar C.	✓					
MANIBUSAN, M. D. A.	✓					
NELSON, Ted S.	✓					
PANGELINAN, Vicente C.	✓					
PARKINSON, Don	✓					
REYES, Edward D.	✓					
SAN AGUSTIN, Joe T.	✓					
SANTOS, Francis E.	✓					
SHIMIZU, David L. G.	✓					
TANAKA, Thomas V. C.	✓					
UNPINGCO, Antonio R.	✓					

TOTAL

20					1
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Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development

Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

November 29, 1994

SPEAKER JOE T. SAN AGUSTIN
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred **Bill No. 1040**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 1040, as amended by the Committee** - "An Act To Amend Subparagraph (b) of Section 62104, Title 21, Guam Code Annotated, Relative to Parental Subdivision".

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


EDWARD D. REYES

Attachments

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

July 5, 1994

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 1040, as amended by the Committee** - "An Act To Amend Subparagraph (b) of Section 62104, Title 21, Guam Code Annotated, Relative to Parental Subdivision".

Transmitted herewith for your information and action is the Committee on Housing and Community Development's Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original and Amended Bill 1040;
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.


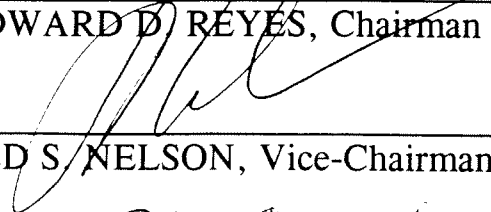
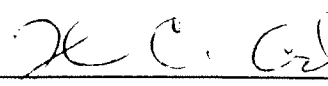
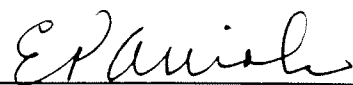
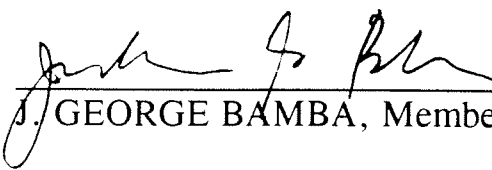


Your attention and cooperation in this matter is greatly appreciated.


EDWARD D. REYES

Attachments.

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
22nd Guam Legislature
VOTING RECORD



Bill No. 1040, as amended by the Committee - "An Act To Amend Subparagraph (b) of Section 62104, Title 21, Guam Code Annotated, Relative to Parental Subdivision"

	<u>TO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE</u> <u>FILE</u>
 EDWARD D. REYES, Chairman	✓			
 TED S. NELSON, Vice-Chairman				
 THOMAS C. ADA, Member	✓			
 ELIZABETH P. ARRIOLA, Member	✓			
 J. GEORGE BAMBA, Member	✓			
ANTHONY C. BLAZ, Member				
FELIX P. CAMACHO, Member				
 MARILYN D.A. MANIBUSAN, Member	✓			
 VICENTE C. PANGELINAN, Member	✓			
JOE T. SAN AGUSTIN, Ex-Officio Member				

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) REGULAR SESSION

Bill No. 1040
as amended by the Committee on
Housing and Community Development

Introduced by:

M.D. Manibusan 
V.C. Pangelinan
A.C. Blaz
E.D. Reyes 
T.S. Nelson

AN ACT TO AMEND SUBPARAGRAPH (b) OF SECTION 62104,
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PARENTAL
SUBDIVISION.

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

1 **SECTION 1. (a) Legislative Statement.** The Legislature recognizes and respects
2 the rights of private property owners to dispose of their land and without further burden
3 other than the necessary governing requirements. It is the intent and the desire of the
4 Legislature to lift a one-year prohibition period imposed on our citizens of the Territory
5 who acquire property from their parents from conveying title to parts of, or all of, the
6 acquired property to their children. Such prohibition is perceived to be an undue burden
7 by the government on the rights of private property owners.

8 Many private property owners also can barely pay the cost of land surveyors for
9 the design, computation, mapping and surveying of their anticipated subdivisions and, by
10 imposing the requirement of having them improve the streets and alleys with stabilized
11 coral base even before the map is approved, another hardship is imposed on those
12 people. While they should eventually make the necessary improvement, they should be
13 given the opportunity of accomplishing this within a reasonable time frame and not upon
14 submission of the map to the Department of Land Management for approval, unless the
15 subdivider can afford the surveying, mapping and improving at the same time.

1 **(b). Amendment Subparagraph (b) of Section 104, Title 21, Guam Code**
2 **Annotated, is amended to read as follows:**

3 “(b) Article 5 of this Chapter shall also not apply to land which has been owned in
4 fee simple [~~for a period of not less than one (1) year~~] by a person who divides said land
5 among his living children or their descendants by way of inter-vivos gift; provided,
6 however, that such land shall be deeded to said children or descendants in fee simple and
7 said deeds shall contain alienation clauses to the effect that the children or descendants
8 shall not give, sell, or lease such lots for a period of at least five (5) years; and further
9 provided, that [~~before the map be filed for record,~~] the Territorial Planner or
10 Commission shall require street and utility easements on said land to insure lot divisions
11 consistent with the general plan and that the minimum size of each lot, including that
12 retained by the grantor, if any, shall be no less than five thousand (5,000) square feet.
13 Where the streets and alleys have not been improved within the subdivision, the
14 subdivider, for the purposes of having his subdivision map approved and recorded by
15 Land Management, shall be required either to secure a bond for the said improvement,
16 or to sign an affidavit stating to the effect that the said improvement shall be
17 accomplished within two (2) years or sooner, whichever comes first. If not improved
18 within the two (2) year period, Land Management shall take the action of vacating the
19 approval and recordation of the map(s) involved. The government of Guam shall not be
20 held responsible for making the said improvement. The deed transferring the property
21 may provide that the children or descendants may mortgage the property for the purpose
22 of constructing a residence on the property.”

COMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT
Twenty-Second Guam Legislature

COMMITTEE REPORT
BILL NO. 1040
as amended by the Committee

“AN ACT TO AMEND SUBPARAGRAPH (b) OF
SECTION 62104, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO PARENTAL
SUBDIVISION”

July 5, 1994

I. OVERVIEW

The Committee on Housing and Community Development scheduled a public hearing on June 27, 1994 at 9:00 p.m. at the Legislative Public Hearing Room. Public notice was printed in the Pacific Daily News on June 23, 1994. Members present were:

Senator Edward Reyes, Chairman
Senator Ted Nelson, Vice-Chairman
Senator Tom Ada
Senator Marilyn Manibusan
Senator Ben Pangelinan.

Other Senators present were:

Speaker Joe T. San Agustin
Senator John Aguon
Senator Tommy Tanaka

Appearing before the Committee to testify on the bill was:

Frank Castro, Director of Land Management

II. SUMMARY OF TESTIMONY

Mr. Frank Castro, Director of the Department of Land Management testified that he fully supports the intent of removing the one year statutory requirement so that when land owners acquire title to properties, they can immediately take action to execute a parental subdivision of such properties for distribution to their children, provided however, that the recipients of the parental subdivision shall not convey or lease their granted shares for a period of not less than five years.

Mr. Castro testified further that, in an area where there is no sewer, it is a mandate of law that if a septic tank and leaching field system is to be applied, lot sizes shall not be less than 10,000 square feet although the administrator of GEPA has the authority to reduce the 10,000 to 7,000 square feet. The net effect would be that an owner of a 5,000 square feet cannot be allowed to construct a septic tank and leaching field.

III. FINDING AND RECOMMENDATION

The Committee finds that the scarcity of, and affordability of available, lands force many local families to judiciously subdivide their lots for the benefit of their children and the generations to come. However, the current law requires passage of at least one year before a parent may subdivide a piece of property for the children. This requirement is an undue burden by the government on the rights of private property owners and the Committee recommends its repeal.

The Committee also finds that the requirement for certain improvements to be completed before the subdivision map can be approved and recorded at Land Management is burdensome to people who do not possess the resources to do the improvements and recommends a change in law to give them some breathing room. The Committee suggests a 2-year grace period to meet the street and alley improvement.

Accordingly, the Committee on Housing and Community Development, to which was referred **Bill No. 1040**, does hereby submit its findings and recommendation to the Twenty-Second Guam Legislature **"TO DO PASS" Bill No. 1040, as amended by the Committee** - "An Act To Amend Subparagraph (b) of Section 62104, Title 21, Guam Code Annotated, Relative to Parental Subdivision".

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

94 JUN -3 AM 10:43

BILL NO. 1040

Introduced by: M.D. MANIBUSAN
V.C. PANGELINAN
A.C. BLAZ
E.D. REYES

mdm
km
R

AN ACT TO AMEND SUBPARAGRAPH (b) OF
SECTION 62104, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO PARENTAL SUBDIVISION

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

2 Section 1. (a) Legislative Statement. The Legislature
3 recognizes and respects the rights of private property owners
4 to dispose of their land and without further burden other
5 than the necessary governing requirements.

6 It is the intent and the desire of the Legislature to lift
7 a one-year prohibition period imposed on our citizens of
8 the Territory who acquire property from their parents from
9 conveying title to parts of, or all of, the acquired property
10 to their children. Such prohibition is perceived to be an
11 undue burden by the government on the rights of private
12 property owners.

13 Section 2. Subparagraph (b) of Section 62104, Title
14 21, Guam Code Annotated, is amended to read as follows:

15 "(b) Article 5 of this Chapter shall also not
16 apply to land which has been owned in fee simple
17 [~~for a period of not less than one (1) year~~] by a

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person who divides said land among his living children or their descendants by way of inter-vivos gift; provided, however, that such land shall be deeded to said children or descendants in fee simple and said deeds shall contain alienation clauses to the effect that the children or descendants shall not give, sell, or lease such lots for a period of at least five (5) years; and further provided, that before the map be filed for record, the Territorial Planner or Commission shall require street and utility easements on said land to insure lot divisions consistent with the general plan and that the minimum size of each lot, including that retained by the grantor, if any, shall be no less than five thousand (5,000) square feet. The deed transferring the property may provide that the children or descendants may mortgage the property for the purpose of constructing a residence on the property."



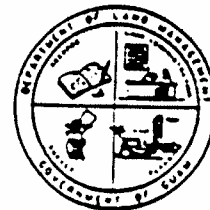
**DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')**

Government of Guam

P.O. Box 2950

Agana, Guam 96910

Tel: (671) 475-LAND • Fax: (671) 477-0883



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

F. L. G. CASTRO
Director

JOAQUIN A. ACFALLE
Deputy Director

May 31, 1994

Memorandum

To: Senators Eduardo D. Reyes, Ben Pangelinan, Marilyn Manibusan, Ted S. Nelson and Tony Blaz

From: Director of Land Management

Subject: SUGGESTION FOR FURTHER AMENDMENT OF SUBSECTION (b), SECTION 9, PUBLIC LAW NO. 21-144

Submitted for your possible consideration and action is a suggestion to remove the existing one (1) year limitation before land owners can execute parental subdivisions of their properties for distribution to their children.

While I can see the logics of prohibiting Grantees to parental subdivision from disposing titles to properties acquired through such a subdivision for at least five (5) years, parents who acquired properties within less than one (1) year should be allowed to execute a parental subdivision for distribution to their children.

During my tenureship here at Land Management, I have observed many occasions when an owner of a property becomes argumentive as to why he/she cannot be allowed to execute a parental subdivision of a property he or she acquired within less than one year and the only thing which we can relay is, it is a mandate of law and we cannot close our eyes to the limitation. With that in mind, it prompted me into communicating with Senator Manibusan and now, I am communicating with you.

I viewed the existing statute as being inconvenient to the people of Guam and wondered if such could be turn around for the convenience of people. If a person is allowed to acquire title to property and that person can immediately be allowed to subdivide that property for sell or other purposes, why must we impose a one-year limitation to those who wants to convey titles to parts of his acquired property to his children.

I am optimistic that the suggested amendment will be much appreciated by many land owners.


F. L. G. CASTRO

Attachment



Commonwealth Now

KATHY
21-144

5/19

1 funding or personnel required for the most efficient and
2 economical accomplishment of the provisions contained herein
3 and shall submit a request for such funding to the Legislature
4 within thirty (30) days of the enactment hereof."

5 Section 9. (a) Amendment to parental subdivision statutes.
6 Subparagraph (b) of §62104, Title 21, Guam Code Annotated, is hereby
7 repealed and reenacted to read:

8 "(b) Article 5 of this Chapter shall also not apply to land which
9 has been owned in fee simple for a period of not less than one (1) year
10 by a person who divides said land among his living children or their
11 descendants by way of inter vivos gift; provided, however, that such
12 land shall be deeded to said children or descendants in fee simple and
13 said deeds shall contain alienation clauses to the effect that the
14 children or descendants shall not give, sell, or lease such lots for a
15 period of at least five (5) years; and further provided, that before the
16 map be filed for record, the Territorial Planner or the Commission
17 shall require street and utility easements on said land to insure lot
18 divisions consistent with the general plan and that the minimum size
19 of each lot, including that retained by the grantor, if any, shall be no
20 less than five thousand (5,000) square feet. The deed transferring the
21 property may provide that the children or descendants may
22 mortgage the property for the purpose of constructing a residence on
23 the property."

24 (b) Subparagraph (a) of §62105, Title 21, Guam Code Annotated, is
25 hereby repealed and reenacted to read:

26 "(a) An agricultural subdivision shall mean a subdivision
27 having no lots, parcels or sites smaller than twenty thousand (20,000)



DEPARTMENT OF LAND MANAGEMENT

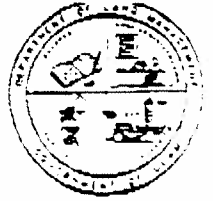
(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

Tel: (671) 475-LAND • Fax: (671) 477-0883



F. L. G. CASTRO
Director

JOAQUIN A. ACFALLE
Deputy Director

JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

February 15, 1994

The Honorable Marilyn D.A. Manibusan
Senator
Twenty-Second Guam Legislature
Agana, Guam 96910

Subject: Subsection (b), Section 62501, Article 3, 21 GCA

Dear Senator Manibusan:

In the interests of most, if not all of our local land owners, who wish to subdivide their lands for distribution, I am recommending that the mandates provided for under SUBSECTION (b), SECTION 62501, ARTICLE 3, 21 GCA be amended to add a new paragraph and to read:

"WHERE THE STREETS AND ALLEYS HAVE NOT BEEN IMPROVED WITHIN THE SUBDIVISION, THE SUBDIVIDER, FOR THE PURPOSES OF HAVING HIS SUBDIVISION MAP APPROVED AND RECORDED BY LAND MANAGEMENT, SHALL BE REQUIRED EITHER TO SECURE A BOND FOR THE SAID IMPROVEMENT, OR TO SIGN AN AFFIDAVIT STATING TO THE EFFECT THAT THE SAID IMPROVEMENT SHALL BE ACCOMPLISH WITHIN ONE YEAR OR SOONER WHICHEVER COMES FIRST. IF NOT IMPROVED WITHIN THE ONE YEAR PERIOD, LAND MANAGEMENT SHALL TAKE THE ACTION OF VACATING THE APPROVAL AND RECORDATION OF THE MAP(S) INVOLVED. THE GOVERNMENT SHALL NOT BE HELD RESPONSIBLE FOR MAKING THE SAID IMPROVEMENT."

The situation now exists that unless streets and alleys are improved with stabilized coral base, the Chief Planner of the Department of Land Management will not now approve any map where the said improvements have not been made and of course, we cannot argue his points because that is what the current statute provided. He is correct and when he refused to approve a map where the needed street improvements have not been made, he maintains the right to stand in his position. To resolve such an issue, the above recommended new provisions have to be considered.

Many land owners can barely meet the need of paying Land Surveyors for the design, computation, mapping and surveying of their anticipated subdivisions and by imposing the requirement of having them to improve the streets and alleys with stabilized coral base even before the map(s) are approve is really placing hardship on people and that should be corrected. While they must eventually make the necessary improvement, they must be given the opportunity

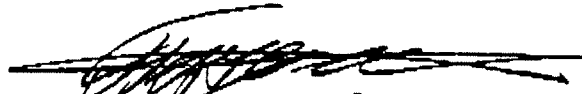


Letter to the Honorable Marilyn D.A. Manibusan
Re: Subsection (b), Section 62501, Article 3, 21 GCA
February 15, 1994
Page 2

of accomplishing that within a reasonable time frame and not upon submission of the map for approval, unless otherwise, the subdivider can afford the surveying, mapping and improvement at the sametime.

However, I am sure that you can agree with me and we should take the move of helping our people. With that in mind, I am looking forward for your favorable legislative action. Otherwise, we cannot get the Chief Planner into approving maps where the said improvements have not been made by the Subdivider.

Sincerely yours,



F. L.G. CASTRO
Director, Department of
Land Management



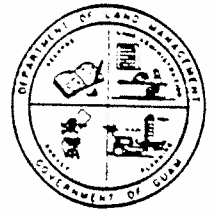
DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

Tel: (671) 475-LAND • Fax: (671) 477-0883



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

June 23, 1994

F. L. G. CASTRO
Director

JOAQUIN A. ACFALLE
Deputy Director

The Honorable Edward D. Reyes
Chairman, Committee on Housing
and Community Development
Twenty-Second Guam Legislature
Agana, Guam 96910

Subject: Legislative Bill No. 1040

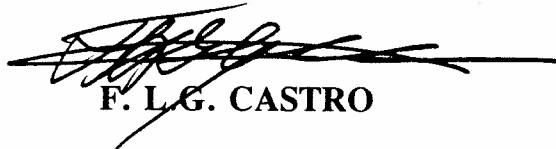
Dear Mr. Chairman:

I fully support the intent of removing the one year statutory requirement so that when land owners acquire title to properties, they can immediately take the action of executing a parental subdivision of such properties for distribution to their children, provided however, that the recipients of the parental subdivision shall not convey or lease their granted shares for a period of not less than five years. With this in mind, I encourage the Legislature into removing the one year limitation.

At this point Mr. Chairman, I ask that we take a close look at the language of lines 12, 13 and 14 where it is stated in part that "and that the minimum size of each lot including that retained by the grantor, if any, shall be no less than five thousand (5,000) square feet".

I just notice a problem on the said language. In an area where there is no sewer, it is a mandate of law that if a septic tank and leaching field system is to be applied, lot sizes shall not be less than 10,000 square feet although the Administrator of GEPA has the authority to reduce the 10,000 to 7,000 square feet. His authority however does not apply to lots less than 7,000 square feet in size.

Accordingly, I am suggesting that the Administrator of GEPA's authority be extruded down to 5,000 square feet instead of only 7,000 square feet. Otherwise an owner of a 5,000 square feet lot cannot be allowed to construct a septic tank and leaching field.


F. L. G. CASTRO





TWENTY-SECOND GUAM LEGISLATURE

MARILYN D.A. MANIBUSAN

Senator

*Rec'd
6/9/94
Q*

June 8, 1994

MEMORANDUM

TO: Senator Eddie D. Reyes
Chairman, Committee on Housing &
Community Development

FROM: Senator Marilyn Manibusan

SUBJECT: Public Hearing on Bill 1040

Thank you for your co-sponsorship and support on Bill 1040.

To date, several families have called regarding this matter.

I appreciate your scheduling this bill on June 27th, the next scheduled hearing date for the Committee, *or earlier.*

Again, thank you for your support.

Sincerely,

MARILYN D.A. MANIBUSAN

Attachments



TWENTY-SECOND GUAM LEGISLATURE

MARILYN D.A. MANIBUSAN

Senator

June 8, 1994

MEMORANDUM

TO: Senator Eddie D. Reyes
Chairman, Committee on Housing &
Community Development

FROM: Senator Marilyn Manibusan

SUBJECT: Public Hearing on Bill 1040


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Again, thank you for your support.

Sincerely,


MARILYN D.A. MANIBUSAN

Attachments



Goodwill Industries of Guam, Inc.

130 Rehabilitation Center Street, Tamuning, Guam 96911

Phone (671) 646-1008 / (671) 646-4885 • Fax (671) 649-1664

JESUS P. CRUZ, CHIEF EXECUTIVE OFFICER

June 14, 1994

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Senator Eddie D. Reyes
Chairman, Committee on Housing and
Community Development

Dear Senator Reyes;

As Chairman of the Territorial Land Use Commission, many times people seek my assistance on the issue of Parental Deed. It is hard to face these people with no solution to the problems except to tell them it is the law.

I am elated to see Bill No.1040 introduced by Senator Manibusan co-sponsored by you, along with Senator Pangelinan and Senator Blaz.

This bill if passed into law will truly be the light at the end of the tunnel for the citizens of our territory. I am supporting this bill whole heartedly.

I am therefore, asking that Bill no.1040 be given a strong consideration for passage by the Twenty-Second Guam Legislature.

I like to take this opportunity to express my sincere gratitude to you and your committee for intertaining Bill No.1040.

Respectfully yours,


JESUS P. CRUZ

Chairman

Territorial Land Use Commission

Territorial Seashore Protection Commission

JCP:atr

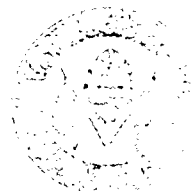
Accredited by Goodwill Industries International, Inc.

NOTICE OF PUBLIC HEARING

Senator Edward D. Reyes

Chairman

Committee on Design and Community Development
11th Session Guam Legislature



Bill No. 1045 - An Act to establish an Affordable Housing Program within the Government of Guam by T.N.C. Yalaka;

Bill No. 1085 - An Act to establish the "Housing Enterprise Zone" in Certain Municipalities of the Territory of Guam, as substituted and amended by the author, E.D. Reyes;

Main Features

- * To establish policy framework for the HEZ to reduce high cost of housing through partnership between Government and the private sector.
- * GHIC administers the program with applicable agency participation.
- * Legislative Policy: To decrease housing cost to a reachable level.
- * Spur the economy and provide new employment.

Bill No. 1040 - An Act to Amend Subparagraph (b) of Section 62104, Title 21, Guam Code Annotated, Relative to Parental Subdivision; by M. Manibasa;

Bill No. 1064 - An Act to Authorize the Governor of Guam to Lease Certain Government Property to Non-Profit Organizations, as mandated by P.L. 20-199 (August 1990); by E.D. Reyes

Replacement of Mr. Fred C. Quiatagua to serve as a member of the Chamorro Land Trust Commission

Replacement of Mr. Gary E. Camacho to serve as a member of the Chamorro Land Trust Commission

Replacement of Mr. Vicente Cruz San Nicolas to serve as a member of the Chamorro Land Trust Commission

Replacement of Mr. Randolph Antonio Lopez to serve as a member of the Chamorro Land Trust Commission

Date: June 27, 1994

Time: 9:00 AM

Place: Public Hearing Room
Guam Legislature Building
155 Hesler St., Agaña

The Public is invited to attend and participate

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

24 JUN -3 AM 10:43

BILL NO. 1040

Introduced by: M.D. MANIBUSAN
V.C. PANGELINAN
A.C. BLAZ
E.D. REYES

mdm

AN ACT TO AMEND SUBPARAGRAPH (b) OF
SECTION 62104, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO PARENTAL SUBDIVISION

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

2 Section 1. (a) Legislative Statement. The Legislature
3 recognizes and respects the rights of private property owners
4 to dispose of their land and without further burden other
5 than the necessary governing requirements.

6 It is the intent and the desire of the Legislature to lift
7 a one-year prohibition period imposed on our citizens of
8 the Territory who acquire property from their parents from
9 conveying title to parts of, or all of, the acquired property
10 to their children. Such prohibition is perceived to be an
11 undue burden by the government on the rights of private
12 property owners.

13 Section 2. Subparagraph (b) of Section 62104, Title
14 21, Guam Code Annotated, is amended to read as follows:

15 "(b) Article 5 of this Chapter shall also not
16 apply to land which has been owned in fee simple
17 [~~for a period of not less than one (1) year~~] by a

1 person who divides said land among his living children
2 or their descendants by way of inter-vivos gift; pro-
3 vided, however, that such land shall be deeded to said
4 children or descendants in fee simple and said deeds
5 shall contain alienation clauses to the effect that
6 the children or descendants shall not give, sell, or
7 lease such lots for a period of at least five (5) years;
8 and further provided, that before the map be filed for
9 record, the Territorial Planner or Commission shall
10 require street and utility easements on said land to
11 insure lot divisions consistent with the general plan
12 and that the minimum size of each lot, including that
13 retained by the grantor, if any, shall be no less than
14 five thousand (5,000) square feet. The deed transferring
15 the property may provide that the children or descendants
16 may mortgage the property for the purpose of constructing
17 a residence on the property."



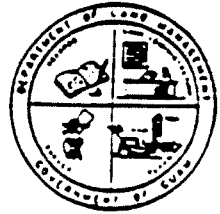
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JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

F. L. G. CASTRO
Director

JOAQUIN A. ACFALI
Deputy Director

May 31, 1994

Memorandum

To: Senators Eduardo D. Reyes, Ben Pangelinan, Marilyn Manibusan, Ted S. Nelson and Tony Blaz

From: Director of Land Management

Subject: SUGGESTION FOR FURTHER AMENDMENT OF SUBSECTION (b), SECTION 9, PUBLIC LAW NO. 21-144

Submitted for your possible consideration and action is a suggestion to remove the existing one (1) year limitation before land owners can execute parental subdivisions of their properties for distribution to their children.

While I can see the logics of prohibiting Grantees to parental subdivision from disposing titles to properties acquired through such a subdivision for at least five (5) years, parents who acquired properties within less than one (1) year should be allowed to execute a parental subdivision for distribution to their children.

During my tenureship here at Land Management, I have observed many occasions when an owner of a property becomes argumentive as to why he/she cannot be allowed to execute a parental subdivision of a property he or she acquired within less then one year and the only thing which we can relay is, it is a mandate of law and we cannot close our eyes to the limitation. With that in mind, it prompted me into communicating with Senator Manibusan and now, I am communicating with you.

I viewed the existing statute as being inconvenient to the people of Guam and wondered if such could be turn around for the convenience of people. If a person is allowed to acquire title to property and that person can immediately be allowed to subdivide that property for sell or other purposes, why must we impose a one-year limitation to those who wants to convey titles to parts of his acquired property to his children.

I am optimistic that the suggested amendment will be much appreciated by many land owners.


F. L. G. CASTRO

Attachment



Commonwealth of Guam

1 funding or personnel required for the most efficient and
2 economical accomplishment of the provisions contained herein
3 and shall submit a request for such funding to the Legislature
4 within thirty (30) days of the enactment hereof."

5 Section 9. (a) Amendment to parental subdivision statutes.
6 Subparagraph (b) of §62104, Title 21, Guam Code Annotated, is hereby
7 repealed and reenacted to read:

8 "(b) Article 5 of this Chapter shall also not apply to land which
9 has been owned in fee simple for a period of not less than one (1) year
10 by a person who divides said land among his living children or their
11 descendants by way of inter vivos gift; provided, however, that such
12 land shall be deeded to said children or descendants in fee simple and
13 said deeds shall contain alienation clauses to the effect that the
14 children or descendants shall not give, sell, or lease such lots for a
15 period of at least five (5) years; and further provided, that before the
16 map be filed for record, the Territorial Planner or the Commission
17 shall require street and utility easements on said land to insure lot
18 divisions consistent with the general plan and that the minimum size
19 of each lot, including that retained by the grantor, if any, shall be no
20 less than five thousand (5,000) square feet. The deed transferring the
21 property may provide that the children or descendants may
22 mortgage the property for the purpose of constructing a residence on
23 the property."

24 (b) Subparagraph (a) of §62105, Title 21, Guam Code Annotated, is
25 hereby repealed and reenacted to read:

26 "(a) An agricultural subdivision shall mean a subdivision
27 having no lots, parcels or sites smaller than twenty thousand (20,000)



DEPARTMENT OF LAND MANAGEMENT
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JOSEPH F. ADA
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May 31, 1994

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F. L. G. CASTRO

Attachment



KAT Y
5/19
21-144

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REPEAL OF SUBPARAGRAPH (B) OF SECTION 9, TITLE 21, GUAM CODE ANNOTATED

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

FACSIMILE TRANSMISSION COVERSHEET

DATE: June 28, 1994

TO: G EPA

ATTN: Mr Angel Mangera

FROM: Alvin Duena

SUBJECT: EPA authority to reduce lot area requirement

MESSAGE:

- For your information/Files
- For your review & comments
- For your approval
- Per our conversation
- Per your request
- See Remarks below

Is the GEPF Authority to adjust
lot area requirement based on law or rules or both?
What are they?
As stated testimony for discussion

TRANSMITTING 2 PAGE(S), INCLUDING THIS COVER SHEET.
PLEASE CALL (671) 472-3452-4 IF ALL PAGES ARE NOT RECEIVED.

CONTACT PERSON: Alvin

THIS MESSAGE BEING SENT TO FAX NO: 646-9402

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

BILL NO. 1040

Introduced by: M.D. MANIBUSAN *mdm*
V.C. PANGELINAN *vc*
A.C. BLAZ *ac*
E.D. REYES *ed*

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Introduced

JUN 24 '94

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

BILL NO. 1040(CDP) Introduced by: M.D. MANIBUSAN
V.C. PANGELINAN
A.C. BLAZ
E.D. REYES

mdm

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