



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor of Guam*

May 26, 2011

31-11-565

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

5/26/11  
11:30 AM

Dear Madame Speaker:

Transmitted herewith is Bill No. 15-31 (COR) "AN ACT TO ADD NEW §§61309(c) OF ARTICLE 3, AND 61640 OF ARTICLE 6, ALL OF CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A POLICY FOR THE APPROVAL OF WORKFORCE HOUSING FACILITIES FOR TEMPORARY WORKERS", which I signed into law on May 25, 2011 as **Public Law 31-72**.

*Senseramente,*

**EDDIE BAZA CALVO**

2011 MAY 27 AM 9:55

Attachment: copy of Bill

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) Regular Session

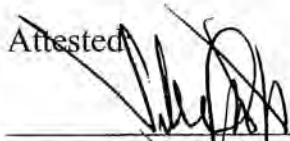
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that Bill No. 15-31 (COR), "AN ACT TO ADD NEW §§61309(c) OF ARTICLE 3, AND 61640 OF ARTICLE 6, ALL OF CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A POLICY FOR THE APPROVAL OF WORKFORCE HOUSING FACILITIES FOR TEMPORARY WORKERS", was on the 10<sup>th</sup> day of May, 2011, duly and regularly passed.



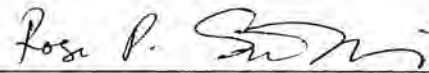
Judith T. Won Pat, Ed.D.  
Speaker

Attested



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 20 day of May, 2011, at  
1:05 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:



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

Date: MAY 25 2011

Public Law No. 31-72

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN*  
**2011 (FIRST) Regular Session**

**Bill No. 15-31 (COR)**

As amended on the Floor.

Introduced by:

F. F. Blas, Jr.  
T. C. Ada  
V. Anthony Ada  
B. J.F. Cruz  
Chris M. Dueñas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD NEW §§61309(c) OF ARTICLE 3, AND  
61640 OF ARTICLE 6, ALL OF CHAPTER 61 OF TITLE  
21, GUAM CODE ANNOTATED, RELATIVE TO ES-  
TABLISHING A POLICY FOR THE APPROVAL OF  
WORKFORCE HOUSING FACILITIES FOR TEMPO-  
RARY WORKERS.**

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

2 **Section 1. Legislative Statement.** The Department of Defense has indi-  
3 cated its intentions to significantly expand military activity on Guam and pursue a

1 construction program which is anticipated to create a need for an extraordinary  
2 number of foreign construction and support workers.

3 These workers will require new housing facilities and related infrastructure.  
4 *I Liheslaturan Guåhan* finds that in 1993 the Guam Land Use Commission  
5 (GLUC) had previously implemented guidelines for the development of workforce  
6 housing, including barracks type facilities on Guam.

7 Furthermore, the Guam Land Use Commission has recognized that the  
8 planned military build-up establishes the need to further define the manner and  
9 conditions under which such workforce facilities can be approved. *I Liheslatura*  
10 opines that Title 21, Guam Code Annotated, Chapter 61, Zoning Law, Article 3,  
11 creates appropriate zones and that §61309(a)(11) of Title 21, Guam Code Anno-  
12 tated, allows “Other uses which in the judgment of the Commission, as evidenced  
13 by a resolution in writing, are similar to those listed herein [for the M1 Zone].

14 Therefore, it is the position of *I Liheslaturan Guåhan* that for purposes of es-  
15 tablishing a clear policy for the approval of temporary workforce housing, *I Li-*  
16 *heslaturan Guåhan* establishes the following policy for implementation by the  
17 Guam Land Use Commission.

18 **Section 2.** A new §61309(c) is hereby *added* to Article 3 of Chapter 61,  
19 Title 21, Guam Code Annotated, to read:

20 **“(c) POLICY FOR WORKFORCE HOUSING FACILITIES**  
21 **FOR TEMPORARY WORKERS.**

22 The policy for the development of temporary workforce housing *shall*  
23 be as follows:

24 (1) The term *temporary workforce housing shall* be consistent with  
25 §26A101 (b) of Chapter 26A, Title 10, Guam Code Annotated, as follows:

26 [“(b) *Temporary workforce housing* means any enclosures of living  
27 spaces, reasonably contiguous, together with the land appertaining thereto,

1 established, operated or used as living quarters and, at a minimum, fifty-one  
2 percent (51%) of the residents are temporary workers, including, but *not* lim-  
3 ited to, facilities known by varying nomenclatures or designations as dormi-  
4 tories, hotels, motels, travel lodges, or tourist homes.”].

5 (2) The Guam Land Use Commission (GLUC) *shall* liberally inter-  
6 pret the term *temporary workforce housing* in order to ensure the protection  
7 of the public’s interests, safety and welfare.

8 (3) Temporary workforce housing is hereby established as an ap-  
9 proved conditional use under the M1 Light Industrial Zone pursuant to  
10 §61309, and the GLUC *shall not* approve any workforce housing develop-  
11 ment in any zoning area other than an M1 Zone.

12 (4) Applications for the development of temporary workforce hous-  
13 ing *shall* come before the GLUC as a “Conditional Use” subject to the re-  
14 view process of the Agency Review Committee, and *shall* be subject to spe-  
15 cific conditions of approval as established by the GLUC.

16 In addition to other conditions imposed by the GLUC, all temporary  
17 workforce housing conditions for approvals *shall* include the following  
18 minimum conditions:

19 (A) Unless specifically limited, approvals *shall* be for an ini-  
20 tial term of twenty-four (24) months, and thereafter *shall* be renewed  
21 annually. Renewals *shall* be on forms issued by the Chief Planner, and  
22 subject to inspection by the Chief Planner and a public hearing before  
23 the GLUC.

24 (B) The project must be served by an adequate sanitary sewer  
25 system.

1 (C) The project must have adequate fire flow indicated by a  
2 minimum six (6) inch diameter water line or other minimum water  
3 service conditions imposed by the Guam Waterworks Authority.

4 (D) The project must comply with all health and safety regu-  
5 lations of the government of Guam and the OSHA regulations, as ap-  
6 plicable.

7 (E) Each approved project *shall* include a substantial perime-  
8 ter fence which *shall* be at least of “chain link” quality and a mini-  
9 mum six (6) feet in height, and be subject to a complete landscape  
10 plan.

11 (F) The project must include a development plan indicating  
12 specific design parameters for sleeping, toilet and shower facilities,  
13 laundry services, food services, security, medical care, transportation  
14 services and recreation areas.”

15 **Section 3.** A new §61640 is hereby *added* to Part 3 of Article 6 of Chapter  
16 61, Title 21, Guam Code Annotated, to read:

17 “§61640. For any property rezoned to M1 within two (2) years of  
18 also applying for a conditional use for workforce housing, the property *shall*  
19 revert to the zone prior to the granting of the M1 zone when the approval for  
20 workforce housing expires, or a new application for continued M1 zone  
21 must be filed.”

22 **Section 4. Severability.** *If* any provision of this law or its application to  
23 any person or circumstance is found to be invalid or contrary to law, such invalid-  
24 ity shall *not* affect other provisions or applications of this law which can be given  
25 effect without the invalid provisions or applications, and to this end the provisions  
26 of this law are severable.

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# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

## VOTING SHEET

ABill No. 15-31(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15      0      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence


**I MINA'TRENTAI UNO NA LIHESLATURAN GU HA N**  
**2011 (FIRST) Regular Session**

**Bill No. 15-31 (COR)**

Introduced by:

F. F. Blas, Jr. 

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2011 JAN -11 AM 9:40  


**AN ACT TO ESTABLISH A POLICY FOR THE  
APPROVAL OF WORKFORCE HOUSING  
FACILITIES FOR TEMPORARY WORKERS.**

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

**Section 1. Legislative Statement.** The Department of Defense has indicated its intentions to significantly expend military activity on Guam and pursue a construction program which is anticipated to create a need for an extraordinary number of foreign construction and support workers.

These workers will require new housing facilities and related infrastructure. *I Liheslaturan Guåhan* finds that in 1993 the Guam Land Use Commission (GLUC) has previously implemented guidelines for the development of workforce housing including barracks type facilities on Guam.

Furthermore, the Guam Land Use Commission has recognized that the planned military build-up establishes the need to further define the manner and conditions under which such workforce facilities can be approved. *I Liheslatura* opines that Title 21 of the Guam Code Annotated, Chapter 61 Zoning Law, Article 3, creates appropriate zones and that Title 21 of the Guam Code Annotated §61309(a)(11) allows



1 “Other uses which in the judgment of the Commission, as evidenced by a resolution in  
2 writing, are similar to those listed herein [for the M1 Zone].

3 Therefore, it is the position of *I Liheslaturan Guåhan* that for purposes of  
4 establishing a clear policy for the approval of temporary workforce housing, *I*  
5 *Liheslaturan Guåhan* establishes the following policy for implementation by the Guam  
6 Land Use Commission.

7 **Section 2. Adoption of Policy for Workforce Housing Facilities for**  
8 **Temporary Workers.**

9 **“POLICY FOR WORKFORCE HOUSING FACILITIES**  
10 **FOR TEMPORARY WORKERS.**

11 For purposes of this policy, the following terms are defined to mean:

12 1. The term, “*Temporary Workforce Housing*” shall include any  
13 structure, either existing or proposed, intended to be occupied for the residential  
14 housing of six (6) or more employees within a single residential unit, apartment,  
15 house or barrack.

16 2. The Guam Land Use Commission (GLUC) shall liberally interpret  
17 the term “*Temporary Workforce Housing*” in order to ensure the protection of  
18 the public’s interests, safety and welfare.

19 3. Temporary Workforce Housing is hereby established as an  
20 approved conditional use under the M1 Light Industrial Zone pursuant to  
21 §61309 and the GLUC shall not approve any workforce housing development in  
22 any zoning area other than an M1 Zone.

23 4. Applications for the development of Temporary Workforce  
24 Housing shall come before the GLUC as a “Conditional Use” subject to the  
25 review process of the Agency Review Committee and shall be subject to specific  
26 conditions of approval as established by the GLUC.

1 In addition to other conditions imposed by the GLUC, all Temporary Workforce  
2 Housing conditions all approvals shall include the following minimum conditions:

3 A. Unless specifically limited, approvals shall be for an initial term of  
4 Twenty-four (24) months and, thereafter shall be renewed annually. Renewals  
5 shall be on forms issued by the Chief Planner and subject to inspection by the  
6 Chief Planner and a public hearing before the GLUC.

7 B. The project must be served by an adequate sanitary sewer system.

8 C. The project must have adequate fire flow indicated by a minimum  
9 six inch diameter water line or other minimum water service conditions imposed  
10 by the Guam Waterworks Authority.

11 D. The project must comply with all health and safety regulations of  
12 the Government of Guam and the OSHA regulations, as applicable.

13 E. Each approved project shall include a substantial perimeter fence  
14 which shall be at least of “chain link” quality and a minimum six feet in height  
15 and be subject to a complete landscape plan.

16 F. The Project must include a development plan indicating specific  
17 design parameters for sleeping, toilet and shower facilities, laundry services,  
18 food services, security, medical care, transportation services and recreation  
19 areas.”

20 **Section 3. Severability.** *If any provision of this law or its application to*  
21 *any person or circumstance is found to be invalid or contrary to law, such invalidity*  
22 *shall not affect other provisions or applications of this law which can be given effect*  
23 *without the invalid provisions or applications, and to this end the provisions of this law*  
24 *are severable.”*