

I Mina'Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
144-34 (COR)	Telena C. Nelson	AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.	7/10/17 4:47 p.m.	7/20/17	Committee on Housing, Utilities, Public Safety, and Homeland Security	3/15/18 9:00 a.m.	3/21/18 1:56 p.m.	Fiscal Note Request 7/24/17 Fiscal Note Waiver 8/2/17




OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÀTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

March 7, 2018

The Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuàttro na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: **The Honorable Régine Biscoe Lee** 
Chairperson, Committee on Rules

RE: **Committee Report on the Bill No 144-34 (COR)**

Dear Acting Speaker Terlaje:

Transmitted herewith is the Committee Report on the Bill No. 144-34 (COR)- As introduced by Senator Telena C. Nelson "AN ACT TO *ADD* A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017."

Committee votes are as follows:

- 4 TO DO PASS
- 0 TO NOT PASS
- 4 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Sincerely,


Senator Telena Cruz Nelson

RECEIVED
MAR 15 2018

COMMITTEE ON RULES
1:47 PM

2018 MAR 21 PM 1:56 PM



**OFFICE OF SENATOR
TELENA CRUZ NELSON**

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

COMMITTEE REPORT

Bill No. 144-34 (COR)

**AN ACT TO ADD A NEW CHAPTER
48 TO DIVISION 1 OF TITLE 21,
GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE
GUAM LANDLORD AND TENANT
ACT OF 2017**




OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

March 7, 2018

MEMORANDUM

To: All Members
Committee on Housing, Utilities, Public Safety and Homeland Security

From: Senator Telena Cruz Nelson
Committee Chairperson 

Subject: Committee Report on Bill No. 144-34 (COR)

Transmitted herewith for your consideration is the Committee Report Bill NO. 144-34 (COR)- As introduced by Senator Telena C. Nelson "AN ACT TO *ADD* A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017."

This report includes the following:

- Copy of COR Referral of Bill NO. 144-34 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 144-34 (COR), As Introduced
- Copy of COR Pre-Referral Checklist
- Related News Reports
- Fiscal Note Requirement and Funding Availability Note

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Thomas C. Ada,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodríguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUÀTTRO NA LIHESLATURAN GUÀHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

July 20, 2017

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Vice Speaker Therese M. Terlaje**
Acting Chairperson, Committee on Rules

Re: **Referral of Bill No. 144-34 (COR)**

Buenas yan Háfa adai.

As per my authority as Chairperson of the Committee on Rules and subject to § 6.01 (d)(1), Rule VI of our Standing Rules (see B(3) of the pre-referral checklist), I am forwarding the referral of **Bill No. 144-34 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Senator Telena C. Nelson, Chairperson of the Committee on Housing, Utilities, Public Safety and Homeland Security**. I also request that the same be forwarded to the prime sponsor of the subject bill.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Jeanenne Cordero at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Vice Speaker Therese M. Terlaje
Acting Chairperson, Committee on Rules



Bernice Rivera <bernice.rivera@guamlegislature.org>

FIRST NOTICE: Confirmation Hearing; Public Hearing; Round Table Meeting on Thursday, February 15, 2018

Bernice Rivera <bernice.rivera@guamlegislature.org>

Wed, Feb 7, 2018 at 6:30 PM

To: phnotice@guamlegislature.org

Bcc: Carlos Camacho <ironwoodhousing@gmail.com>, Chris Duenas <chris.duenas@ghc.guam.gov>, Clyde Beaver <clyde.beaver@ghc.guam.gov>, Caesar Villanueva <caesar.villanueva@ghc.guam.gov>, Mary Guerrero <maryguerrero55@yahoo.com>, Lynn Arnaiz <lynn.arnaiz@ghc.guam.gov>, Michael Duenas <mjduenas@ghura.org>, Pedro Leon Guerrero <pleonguerrero@ghura.org>, Millie Taitano <mtaitano@ghura.org>, GARADMIN <garadmin@guamrealtors.com>, Gar Admin3 <admin3@guamrealtors.com>, Peggy Araullo Llagas <ceo@guamrealtors.com>, Christopher Murphy <csmgum@gmail.com>, Marcel Camacho <senmarcel@gmail.com>, Odessa Martinez <odessa@homerep.net>, "Alice P. Cruz" <alice.cruz@revtax.guam.gov>, Toni Johnson <toni.bluepacific@gmail.com>, "Richard T. Gutierrez" <chiefappraisals@teleguam.net>, dlmdir@land.guam.gov, michael.borja@land.guam.gov, gtaitano@hotmail.com, sarah.thomasnededog@westcare.com, Juan Flores <juan.flores@westcare.com>, John Blas <john.blas@westcare.com>, tcarriola@gmail.com, tcarriola@yahoo.com, juan.trinidad@usw.salvationarmy.org, frank.tajeron@salvationarmy-guam.org, mcogadmin@teleguam.net, Peter Mesa <pmesa@guamlegislature.org>

February 7, 2018

MEMORANDUM

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson

Subject: **First Notice of Confirmation Hearing; Public Hearing; and Round Table Meeting on Thursday, February 15, 2018 beginning at 9:00 a.m.**

Håfa Adai!

The Committee on Housing, Utilities, Public Safety, and Homeland Security will convene a Confirmation Hearing; Public Hearing; and Round Table Meeting **on Thursday, February 15, 2018 beginning at 9:00 a.m. in the Public Hearing Room of I Liheslaturan Guåhan at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam.** The Committee will hear and accept testimonies on the following:

9:00 a.m. to 12:00 noon:

-

▪ Referral of Appointment of:

Guam Real Estate Commission:

-

▪ **RICHARD T. GUTIERREZ, General Public Member**

BILL NO. 144-34 (COR)- As Introduced by Senator Telena C. Nelson- AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

BILL NO. 146-34 (COR)- As Introduced by Senator Telena C. Nelson- AN ACT TO AMEND § 4703(d)(1) AND (2), BOTH OF ARTICLE 7, CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE FIRST-TIME HOMEOWNER ASSISTANCE PROGRAM ELIGIBLE TRANSACTION CONTRACT MAXIMUM AMOUNT FROM \$250,000 TO \$300,000.

BILL NO. 147-34 (COR)- As corrected by the Prime Sponsor Senator Telena C. Nelson- AN ACT TO AMEND § 4103(f) AND TO ADD § 4103(g), BOTH OF ARTICLE 1, CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING GUAM RESIDENTS RELOCATING TO GUAM FOR EMPLOYMENT OR TO CARE FOR RELATIVES DUE TO MEDICAL REASONS FROM THE GUAM HOUSING CORPORATION'S FIRST TIME HOMEOWNER'S REQUIREMENT, AND ALLOWING GUAM RESIDENTS TO OBTAIN FINANCING WITH THE HOUSING CORPORATION TO BUILD OR CONSTRUCT AFFORDABLE, TYPHOON-RESISTANT HOMES ON LAND TRUST PROPERTY.

2:30 p.m. to 4:00 p.m.

ROUND TABLE MEETING ON HOUSING FOR THE HOMELESS.

Individuals who wish to submit testimony may send electronic documents via email to senatortcnelson@guamlegislature.org or have them delivered to the office of Senator Telena Nelson at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910 at least forty-eight (48) hours prior to the hearing. Should you have any questions on concerns, please contact Senator Nelson's office at 989-7696/4678. *Si Yu'os Ma'ãse!*

--

Bernice Rivera

Committee Director

The Office of Senator Telena Cruz Nelson

Committee on Housing, Utilities, Public Safety & Homeland Security

I Mina'trentai Kuáttro na Liheslaturan Guåhan

34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 989-4678/7696

F: (671) 969-7679

bernice.rivera@guamlegislature.org

 **First Notice 2-15-18.pdf**
59K




OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

February 7, 2018

MEMORANDUM

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson 

Subject: **First Notice of Confirmation Hearing; Public Hearing; and Round Table Meeting on Thursday, February 15, 2018 beginning at 9:00 a.m.**

Håfa Adai!

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9:00 a.m. to 12:00 noon:

▪ **Referral of Appointment of:**

Guam Real Estate Commission:

- **RICHARD T. GUTIERREZ, General Public Member**

BILL NO. 144-34 (COR)- As Introduced by Senator Telena C. Nelson- AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

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OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN | 34th GUAM LEGISLATURE

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2:30 p.m. to 4:00 p.m.

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Bernice Rivera <bernice.rivera@guamlegislature.org>

SECOND NOTICE: Confirmation Hearing; Public Hearing; Round Table Meeting on Thursday, February 15, 2018

Bernice Rivera <bernice.rivera@guamlegislature.org> Mon, Feb 12, 2018 at 3:38 PM
Bcc: Carlos Camacho <ironwoodhousing@gmail.com>, Chris Duenas <chris.duenas@ghc.guam.gov>, Clyde Beaver <clyde.beaver@ghc.guam.gov>, Caesar Villanueva <caesar.villanueva@ghc.guam.gov>, Mary Guerrero <maryguerrero55@yahoo.com>, Lynn Arnaiz <lynn.arnaiz@ghc.guam.gov>, Michael Duenas <mjduenas@ghura.org>, Pedro Leon Guerrero <pleonguerrero@ghura.org>, Millie Taitano <mtaitano@ghura.org>, GARADMIN <garadmin@guamrealtors.com>, Gar Admin3 <admin3@guamrealtors.com>, Peggy Araullo Llagas <ceo@guamrealtors.com>, Christopher Murphy <csmguam@gmail.com>, Marcel Camacho <senmarcel@gmail.com>, Odessa Martinez <odessa@homerep.net>, "Alice P. Cruz" <alice.cruz@revtax.guam.gov>, Toni Johnson <toni.bluepacific@gmail.com>, "Richard T. Gutierrez" <chiefappraisals@teleguam.net>, dlmdir@land.guam.gov, michael.borja@land.guam.gov, gtaitano@hotmail.com, sarah.thomasnededog@westcare.com, Juan Flores <juan.flores@westcare.com>, John Blas <john.blas@westcare.com>, Theresa Arriola <tcarriola@gmail.com>, tcarriola@yahoo.com, juan.trinidad@usw.salvationarmy.org, frank.taijeron@salvationarmy-guam.org, mcogadmin@teleguam.net, Peter Mesa <pmesa@guamlegislature.org>

February 12, 2018

MEMORANDUM

To: All Senators, Stakeholders, and Media
From: Senator Telenia Cruz Nelson, Chairperson
Subject: **Second Notice of Confirmation Hearing; Public Hearing; and Round Table Meeting on Thursday, February 15, 2018 beginning at 9:00 a.m.**

Håfa Adai!

The Committee on Housing, Utilities, Public Safety, and Homeland Security will convene a Confirmation Hearing; Public Hearing; and Round Table Meeting on **Thursday, February 15, 2018 beginning at 9:00 a.m. in the Public Hearing Room of *I Liheslaturan Guåhan* at the Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam.** The Committee will hear and accept testimonies on the following:

9:00 a.m. to 12:00 noon:

▪ **Referral of Appointment of:**

Guam Real Estate Commission:

- **RICHARD T. GUTIERREZ, General Public Member**

BILL NO. 144-34 (COR)- As Introduced by Senator Telenia C. Nelson- AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

BILL NO. 146-34 (COR)- As Introduced by Senator Telenia C. Nelson- AN ACT TO AMEND § 4703(d)(1) AND (2), BOTH OF ARTICLE 7, CHAPTER 4, TITLE 12, GUAM CODE

ANNOTATED, RELATIVE TO INCREASING THE FIRST-TIME HOMEOWNER ASSISTANCE PROGRAM ELIGIBLE TRANSACTION CONTRACT MAXIMUM AMOUNT FROM \$250,000 TO \$300,000.

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2:30 p.m. to 4:00 p.m.

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--

Bernice Rivera

Committee Director

The Office of Senator Telena Cruz Nelson

Committee on Housing, Utilities, Public Safety & Homeland Security

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 989-4678/7696

F: (671) 969-7679

bernice.rivera@guamlegislature.org

 **Second Notice 2-15-18.pdf**
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OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

February 12, 2018

MEMORANDUM

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson 

Subject: **Second Notice of Confirmation Hearing; Public Hearing; and Round Table Meeting on Thursday, February 15, 2018 beginning at 9:00 a.m.**

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▪ **Referral of Appointment of:**

Guam Real Estate Commission:

- **RICHARD T. GUTIERREZ, General Public Member**

BILL NO. 144-34 (COR)- As Introduced by Senator Telena C. Nelson- AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

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OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN | 34th GUAM LEGISLATURE

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2:30 p.m. to 4:00 p.m.

ROUND TABLE MEETING ON HOUSING FOR THE HOMELESS.

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OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÁTTO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

AGENDA

Confirmation Hearing/Public Hearing/Round Table Meeting
Thursday, February 15, 2018
Beginning at 9:00 a.m.
Public Hearing Room, Guam Congress Building

- I. Call to order
- II. Opening Remarks
- III. Introduction
- IV. Call for Testimony/Discussion

9:00 a.m.

- EXECUTIVE APPOINTMENT OF MR. RICHARD T. GUTIERREZ, TO SERVE AS GENERAL PUBLIC MEMBER, GUAM REAL ESTATE COMMISSION FOR A TERM OF FOUR (4) YEARS FROM JANUARY 16, 2017 TO JANUARY 15, 2021.
- BILL NO. 144-34 (COR)- AS INTRODUCED BY SENATOR TELENA C. NELSON: AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD TENANT RENTAL ACT OF 2017.

GUAM CONGRESS BLDG 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910
Tel: (671) 989-7696/4678 | Email: senatortcnelson@guamlegislature.org

- **BILL NO. 146-34 (COR) -AS INTRODUCED BY SENATOR TELENA C. NELSON: AN ACT TO AMEND § 4703(D)(1) AND (2), BOTH OF ARTICLE 7, CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE FIRST-TIME HOMEOWNER ASSISTANCE PROGRAM ELIGIBLE TRANSACTION CONTRACT MAXIMUM AMOUNT FROM \$250,00.00 TO \$300,000.00.**

- **BILL NO. 147-34 (COR)- AS CORRECTED BY THE PRIME SPONSOR SENATOR TELENA C. NELSON- AN ACT TO AMEND § 4103(f) AND TO ADD § 4103(g), BOTH OF ARTICLE 1, CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING GUAM RESIDENTS RELOCATING TO GUAM FOR EMPLOYMENT OR TO CARE FOR RELATIVES DUE TO MEDICAL REASONS FROM THE GUAM HOUSING CORPORATION'S FIRST TIME HOMEOWNER'S REQUIREMENT, AND ALLOWING GUAM RESIDENTS TO OBTAIN FINANCING WITH THE HOUSING CORPORATION TO BUILD OR CONSTRUCT AFFORDABLE, TYPHOON-RESISTANT HOMES ON LAND TRUST PROPERTY.**

2:30 p.m.

- **ROUND TABLE MEETING ON HOUSING FOR THE HOMELESS.**

I Mina'trentai Kuáttro Na Liheslaturan Guåhan
 Committee on Housing, Utilities, Public Safety, and Homeland Security
 Office of Senator Telena Cruz Nelson
 Public Hearing Sign-in Sheet

Thursday, February 15, 2018 • 9:00 a.m. • Public Hearing Room, Guam Congress Building

Bill No. 144-34 (COR): As Introduced by Senator Telena C. Nelson- AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

NAME	AGENCY OR ORGANIZATION (IF ANY)	Support? Oppose?	Written Testimony	Oral Testimony	Contact Number	EMAIL ADDRESS
E. Scott Campbell	GUAM Ass. of Realtors	Support			687-3645	Campbell@guam.gu
Randy Gutierrez	G.A.R	Supporting			988-0725	randygutierrez87@oliva
C Murphy	RE Comm	support			4887371	
Christ Felix	G.A. Realtors	Support ✓	✓		6892121	Felix@Guam.net
Maria Miller	GAR	Support	✓			
JOHN QUICHUWA	PACIFIC RIM MNGT.	Support			8985472	johnquichuwa@

August 31, 2017

HONORABLE Telen C. Nelson
Chair of Committee on Housing, Utilities, Public Safety and Security
34th Guam Legislature
Suite 302
155 Hesler Place
Hagatna, Guam 96910

Buenas Yan Hafa Adai Senator Nelson!

As per our meetings and conversations with you and your staff the Guam Association of REALTORS® (GAR) has formed a committee and reviewed your Bill 144-34 (COR)- The Guam Landlord and Tenant Rental Act of 2017. We were a bit surprised by your submittal of this Bill as it was our understanding that you were going to form a "Round Table" of interested groups before submission. It was at that time we were hoping to give our input and work with your staff in forming a Bill that would be fair and acceptable to both Landlords as well as Tenants. However since you have prepared the Bill without our review and input we are hoping you will be open to considering some changes and amendments to the Bill based on our input below.

The first item is an overall one as the bill seems to apply to both commercial as well as residential leases. We strongly suggest that this Bill focus on Residential leases only as commercial leases can be very complicated and call for special security deposit, repairs and maintenance items as well as notices and deadlines. Because of that we ask that this bill clearly state that it applies only to residential leases and not commercial ones and that the word "residential" be inserted throughout the Bill in appropriate sections.

The below input is on a section by section basis with our problem of the current wording and some possible suggested alternatives:

Section 48102- Definitions:

We suggest you add definitions of the following words/phrases in order to clarify and avoid any misunderstandings

1. Casualty- Other insurable perils that include earthquake, wind, typhoon, and other natural disasters.
2. Days- Days are working days and do not include weekends and federal and local Guam government holidays.
3. Essential Services- Services needed for the enjoyment and use of the rented dwelling unit.
4. Normal wear and tear- Deterioration or depreciation in value by ordinary and reasonable use but does not include items that are missing from the dwelling unit. (This is from Hawaii state law definitions).

(We feel these definition additions will help avoid legal misunderstandings in the future and clarify what is meant.)

Section 48201 Security Deposits. (b)- We suggest you add "Less normal wear and tear" to the end of the first sentence after "... under 48204". This will clarify that the tenant is not responsible for normal wear and tear.

Section 48201 Security Deposits (c) - We ask that you consider removing this subsection all together. The previous section clearly states the deposit must be refunded within 14 days from the expiration of the lease and the tenant has many legal means to seek refund if landlord does not pay. We feel the penalty of twice the amount is not needed and the attorney fee clause is covered elsewhere in the law and in the lease. The standard lease GAR uses state that attorney fees are paid by the losing party to the prevailing one.

Section 48202. Landlord to Maintain Premises.

- (1) We ask that you add "not caused by tenant" at the end of the subsection after the word "safety". (This protects landlord from liabilities caused by tenant actions).
- (2) We ask you again add "not caused by tenant" after the last word "condition". We also ask you add "Tenant shall notify Landlord of said needed repairs and this section is based on landlord being able to do said repairs." (The reason for this addition is that the tenant needs to notify the landlord and that there are some cases where the landlord cannot do the repairs –such as

cases where the dwelling is in a condominium and the repair is a common area one where the landlord cannot do the repairs and must wait for the Association to do them.)

(3) Again we ask that you add “provided landlord is able to them” to the end of the subsection (This is for the same reason as above where the unit is in a condominium and the landlord cannot do the repairs when it is a common area element).

(b)- We ask that you add subsections (a) (1) & (3) to this so it reads “...prescribed in subsections (a) (1);(2);(3) and (4) of this section... (These added subsections may be covered in the lease agreement especially in condominium or townhouse complexes).

Section 48203. Subsection (a)-We ask that you add “unless buyer is credited the security deposit and all parties are notified at which time the buyer becomes liable for the security deposit and any refunds” to the end of this subsection after “...48201”. (In virtually all sales of rented units the new buyer is credited with the security deposit and becomes liable for payment to tenant after vacancy. To keep the old owner liable will create many problems and possible lawsuits when tenant vacates the unit. This addition protects the tenant and insures a peaceful transition of the deposit from seller to buyer.)

Section 48204 (a) (5)- We ask you to remove “with his consent” and insert “who are his guests and invitees” to the middle of the subsection. (This is to avoid the tenant claiming the person in his unit was there without his consent to avoid problems. Clearly if the person was in his unit he is an invitee and tenant should be responsible for his actions.)

Section 48206 (We ask that you remove this section entirely and replace it with the Hawaii State Access laws which would read :)

- (a) The tenant shall not unreasonably withhold the tenant’s consent to the landlord to enter into the dwelling unit in order to inspect the premises; make necessary or agreed repairs, decorations, alterations, or improvements; supply services as agreed; or exhibit the dwelling unit to prospective purchasers, mortgagees, or tenants.
- (b) The landlord shall not abuse this right of access nor use it to harass the tenant. Except in case of emergency or where impracticable to do so, the landlord shall give tenant at least 24 hours notice of the landlord’s intent to enter and shall enter only during reasonable hours.
- (c) The landlord shall have no other right of entry, except by court order, unless the tenant appears to have abandoned the premises, or the landlord may, during any extended absence of the tenant, enter the dwelling unit as reasonably necessary for purposes of inspection, maintenance, and safe-keeping.

(We believe this section is better and more modern than the one in this bill and protects both parties fairly).

Section 48301.

(1). In line three (3) after the words "...before the date specified" add "or show reason why the date cannot be met".. (We ask this be added because sometimes in Guam due to shipping delays and lack of parts/inventories the repair can take more than 14 days.)

(2). We ask you remove this subsection entirely. This is because many of the repairs are subcontracted out and it seems unfair the landlord suffer due to a subcontractor's mistake or problem. Also in many instances a repair is made to a refrigerator or air conditioner only to have it break again for another or similar reasons beyond landlord's control or responsibility within 6 months.

Section 48302.

(a) Add the phrase "on the effective or occupancy date of the lease" after the word 'possession"
(This is to clarify the date intended for deliver).

(a) (2)- We ask you to remove this subsection entirely. This subsection would create a serious problem if the unit was occupied by a previous tenant who refuses to move out. The new tenant would have the right to obtain possession of a unit that is occupied by someone else thru no fault of the landlord and the landlord would be liable. This does happen sometimes where the previous tenant does not move out when they promise to due to flight or personal problems and the landlord gets caught between old and new tenants. Subsection (a) (1) above gives the new tenant adequate relief.

(b)

Section 48303- We ask you remove this section entirely and replace it with a new section below. We ask this due to the problem of allowing a tenant the right to withhold rent or use portions of the rent to do repairs. This leaves the final decision of the repairs needed and cost of repairs in the hands of the tenant alone. Leases cover this type of problem and gives proper tenant relief. Instead we would like to propose a new section:

Section 48303- Withholding of rent.

(a) Tenant may not do self or contracted repairs without the express written consent of landlord and tenant may not deduct expenses or costs for such repairs from their rent unless approved in writing from landlord.

- (b) Tenant may not withhold rent for repairs not done.
- (c) Tenant may not repair at landlord's expense if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of his family or other persons on the premises.

Section 48304 (a) (2)- Change "house" to "housing on first line (Make it more understandable).

At the end of this subsection after "... noncompliance" Add "But in no case will landlord be responsible or liable for cost of substitute housing unless agreed to in writing by both parties". (This is avoiding tenant receiving his pro-rata rent rebated and then moving into a very expensive hotel and billing the landlord for that as well).

- (c) At the end of the section, remove "with his consent" (again this avoids tenant claiming the person in his unit is not there by his consent)

Section 48305- add a new subsection (c)

- (d) This section does not apply to fire or casualty damage caused by tenant, their family, guest or invitees (This is to avoid tenant causing damages accidentally or on purpose to the dwelling in order to terminate the lease)

Section 48306- Make the following changes: in line 3 after "tenant may" add the word "either" and after "possession" change and to "or". Then line 4 is replaced with "In either case, the tenant shall be entitled from the landlord the actual and verifiable cost of damages sustained by him. If rental agreement is terminated the landlord shall return all security deposit recoverable under

section 28201." (This removed the 2 months' rent or treble damages which we believe is unfair to landlord. In future sections we remove Landlords' similar rights to collect also to be fair)

Section 48311 (a) – Line 5- remove "thirty (30)" and insert (five (5) days. After end of line "notice" add "unless otherwise agreed to in writing by landlord and tenant." (All current leases and notices are five day ones and we believe this is fair and reasonable)

- (a)Line 6- after the word "remedied change to "within the five (5) days, the rental agreement..." (Same as above)

(a)Lines 10-140 remove "if substantially... agreement" (This was discussed and requested to be removed in section 48301(2). We believe landlord should not be liable for repairs the tenant contracts out).

(b) Change lines 1-2 from "fourteen (14) days" to "five (5) days" and change line 4 from "thirty (30) days" to "five (5) days". (Same reasons as above)

Section 48312- Line 4- Change "fourteen (14) days" to five (5) days" (same reasons as above)

Section 48313- (a) Add to end of section after "...tenant" – "and consider dwelling unit abandoned". (This will allow landlord to enter unit and start abandoned procedures.).

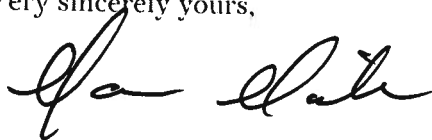
Section 48314 lines 4-5 after "...an amount" replace with "equal to rent owed, costs of eviction and reasonable attorney's fees". (This makes it similar to tenant rights amended in section 48306).

Section 48315

- (a) Lines 3-4. Replace words after "... landlord may recover" with "actual damages, costs, rental loss and reasonable attorney's fees." (Again removes treble damages in earlier sections).
- (b) Lines 4-5. Replace words after "tenant may recover actual damages" with ", costs and reasonable attorneys fees. Also Landlord shall return that portion of the security deposit which is recoverable by the tenant under Section 48201 of this Chapter." (This is equal to landlord rights and adds the refund of security deposit.)

We hope you are open to these suggestions/changes and we would be glad to go thru these suggestions and a more detailed reasoning for them at our meeting. Please feel free to call me (777-7792) or our CEO, Peggy Llagas (477-4271/689-4271). Again, it is our goal to help you finalize a Landlord Tenant Act for Guam that is fair to all parties.

Very sincerely yours,



Maria E. Miller
2017 President, Guam Association of REALTORS®

Cc:
Guam Real Estate Commission
GAR-Legislative Committee
Peggy Araullo Llagas, CEO and Government Affairs Director



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÁTTRU NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 144-34 (COR) was introduced on July 10, 2017 by Senator Telena Cruz Nelson and was subsequently referred on July 20, 2017 by the Committee on Rules to the Committee on Housing, Utilities, Public Safety and Homeland Security.

The Committee convened a public hearing on February 15, 2018 at 9:00 a.m. at *I Liheslaturan Guahan*.

Public Notice Requirements

Notices were disseminated via e-mail to all senators and all main media broadcasting outlets on February 7, 2018 (5-Day Notice), and again on February 12, 2018 (48-Hour Notice).

Senators Present

Senator Telena Cruz Nelson, Chairperson
Vice Speaker Therese Terlaje, Vice-Chairperson

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 9:03 AM.

Senator Nelson:

We'll now hear Bill 144-34. If there's anyone that would like to give testimony or address any concerns, please come forward. Just to give you a little bit of a back story or a history on this Bill. We submitted this Bill towards the mid of last year, and we held a Round Table Hearing concerning all these Bills that we're hearing today. We have a committee report addressing this Round Table Hearing; and so we have to hear this Bill first and then we'll make the substitutions from what we have from the Public Hearing and also the Round Table Hearing; and of course if need be, if some of the changes we make is not germane to this Bill, we'll hold another Public Hearing, but it will be determined by how many amendments we make in the current Bill to justify that. And, of course the committee that I Chair; the members in the committee will also decide on that matter. We'll go first with you Chris and then we'll work our way down.

Chris Felix:

Thank you Senator and Vice Speaker. Once again I'm Chris Felix. I'm speaking on behalf of the Guam Association of Realtors, of which I'm this year's President. I don't want to rehash this. We've met privately. We've discussed it at the Round Table. I have resubmitted the letter we gave last year with our comments, our suggestions. We would like a Landlord Tenant Act that is fair and reasonable to both parties, and it's our hope that you'll look at our recommended changes and hopefully hear them; and we can speak later after you amend and adjust the Bill accordingly. And, I thank you for your time.

Senator Nelson:



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
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Thank you Mr. Felix.

Chris Murphy:

Thank you Madam Chairman. My name once again is Chris Murphy. I'm representing the Guam Real Estate Commission. I too was in that initial meeting, and the information that was provided in the letter from Mr. Felix included input from our side. So, I'm also in support of a well-defined and fair Landlord Tenant Code; and I too would like to see the Bill after the facts so that we can the appropriate comments or adjustments at that time. Thank you.

Senator Nelson:

Thank you; and just for the record Mr. Murphy, there were some concerns on behalf of the Guam Real Estate Commission that you did address; and at that Round Table Hearing we did agree that we would hold the Bill before we heard a Public Hearing to get additional feedback from you. So, they weren't specifically addressed, but you said that you did have some concerns about certain areas, and that you would submit your concerns via writing. So if there's anything else that you'd like to add please just submit that piece.

Chris Murphy:

Yes, we will. Thank you.

Senator Nelson:

Okay, Thank you, sir.

Maria Miller:

Maria Miller, Immediate Past President of GAR; and so basically this was my letter from last year so I'm with this gentleman. We don't really want to rehash everything. We're here to work with you and the commission, whatever is best for our business. I manage hundreds of properties so; I know that this is really needed.

Senator Nelson:

Thank you very much. Vice Speaker do you have any questions?

Vice Speaker Terlaje:

Just very quickly. I haven't reviewed your letter I think Mr. Felix. Is it consistent with what the earlier GAR letter had?

Chris Felix:

I'm sorry Senator. Yes, that is the letter. We're just staying with the same letter that was written by Maria, and I just resubmitted it. It's identical. It's the same letter. Thank you.

Vice Speaker:

Okay; alright; thank you. Okay, I've read that letter. Thank you very much.

GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910

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Senator Nelson:

Yes, and I'd like to thank all of you for your support, and acknowledging that we do need to address a Landlord Tenant Law, and we need to make some changes of course that is equally fair, not just for the business community, but also for the people of Guam. So must definitely we want to ensure that this is also for the best interest for the community as a whole. And so, thank you for your support, your constant input and your wisdom and experience in this realm; it's greatly appreciated because we want to ensure that everything is equal, fair and impartial; so thank you for that.

III. FINDINGS & RECOMMENDATIONS

The Committee on Housing, Utilities, Public Safety and Homeland Security reports that a public hearing was held for Bill No. 144-34 (COR), as Introduced on February 15, 2018 at 9:00 a.m.

The Committee on Housing, Utilities, Public Safety and Homeland Security hereby reports out Bill No. 144-34 (COR), as Introduced with the recommendation *TO REPORT OUT ONLY*

**I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (First) Regular Session**

Bill No. KA-34 (COR)

Introduced by:

Telena C. Nelson 

**AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING THE GUAM LANDLORD AND TENANT
RENTAL ACT OF 2017.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the “Guam Landlord and
Tenant Rental Act of 2017.”

Section 2. A new Chapter 48 is *added* to Division 1 of Title 21, Guam
Code Annotated, to read:

“CHAPTER 48

GUAM LANDLORD AND TENANT RENTAL ACT OF 2017

ARTICLE 1. General Provisions

ARTICLE 2. Landlord/Tenant Obligations

ARTICLE 3. Remedies

ARTICLE 1

General Provisions

§ 48101. Territorial Application.

§ 48102. Definitions.

§ 48103. Notice.

§ 48104. Terms and Condition of Rental Agreement.

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1
2 **§ 48101. Territorial Application.** This Act applies to, regulates, and
3 determines rights, obligations, and remedies under a rental agreement for a
4 dwelling unit located within the Territory of Guam.

5 **§ 48102. Definitions.** As used in this Chapter, unless the context
6 otherwise requires:

7 (a) Action includes recoupment, counterclaim, suit in law or equity,
8 and any other proceeding in which rights are determined;

9 (b) Bona Fide Purchaser is a purchaser for a valuable
10 consideration paid or parted with in the belief that the vendor
11 had a right to sell, and without any suspicious circumstances to
12 put him on inquiry;

13 (c) Building or housing code includes any law, ordinance, rule, or
14 regulation concerning fitness for habitation, use, operation, or
15 occupancy;

16 (d) Common Areas refers to areas shared by others in the same
17 building such as swimming pool, playground, and laundry
18 facility;

19 (e) Dwelling unit means a structure or a part of a structure that is
20 used as a home, residence, or sleeping place by one or more
21 persons who maintains a household;

22 (f) Essential Services refers to basic needs such as running water,
23 electricity, gas, or hot water;

24 (g) Good Faith means transaction done, honestly, objectively with
25 no deliberate intent to defraud the other party;

26 (h) Landlord means the owner, lessor, or manager of the property
27 or premises;

- 1 (i) Owner means one or more persons in whom is vested all or part
2 of the legal title to the property or premises;
- 3 (j) Premises means a dwelling unit and the structure of which is a
4 part of the grounds, areas, and facilities promised for use by the
5 tenant;
- 6 (k) Rent means all payments to be made to or for the benefit of the
7 landlord under the rental agreement;
- 8 (l) Rental agreement means any agreement, written or not,
9 concerning use and occupancy of a dwelling unit;
- 10 (m) Security means money or property given to assure payment or
11 performance under a rental agreement;
- 12 (n) Tenant means a person entitled under a rental agreement to
13 occupy a dwelling unit to the exclusion of others;
- 14 (o) Willful is defined as an intentional act.

15 **§ 48103. Notice.**

- 16 (a) A person has notice of a fact if they:
- 17 (1) have actual knowledge of the fact; or
18 (2) have received a notification of the fact.
- 19 (b) A person is deemed having received notice when it comes to
20 their attention, for which;
- 21 (1) in the case of the landlord, notification is delivered at
22 the place of business of the landlord or the place where the
23 rental agreement was executed;
- 24 (2) in the case of the tenant, notification is personally
25 tendered to the tenant or mailed by registered or certified mail
26 to the place of the tenant's known residence.

27 **§ 48104. Terms and Conditions of Rental Agreement.**

1 (a) A landlord and a tenant may include in a rental agreement terms
2 and conditions not prohibited by this Act or other law, rule, or regulation;

3 (b) In the absence of a rental agreement, the tenant shall pay as rent
4 the fair market rental value for the use and occupancy of the dwelling unit;

5 (c) Rent is payable without demand or notice at the time and place
6 agreed upon by the parties.

7 **§ 48105. Prohibited Provisions in Rental Contracts.**

8 (a) A rental agreement shall not provide that the tenant agrees to
9 waive or forego rights or remedies under this Act;

10 (b) A provision in a rental agreement that is prohibited under this
11 Act shall be unenforceable.

12
13 **ARTICLE 2**

14 **Landlord/Tenant Obligations**

15
16 **§ 48201. Security Deposits.**

17 (a) A landlord shall not demand any security deposit greater in
18 value than one month's periodic rent;

19 (b) Upon termination of tenancy, property or money held by
20 landlord as security may be applied to the payment of accrued rent and the
21 amount of any damages which the landlord has suffered by tenant's
22 noncompliance under § 48204. If security is to be applied to payment
23 accrued or damages, landlord must present tenant, within fourteen (14) days
24 after termination of tenancy, an itemized listing of cost of accrued payments
25 and damages;

26 (c) If the landlord fails to comply with subsection (b) of this
27 Section and fails to return any prepaid security deposit, the tenant may

1 recover the property and money due to him with damages equal to twice the
2 amount wrongfully withheld plus reasonable attorney's fees.

3 **§ 48202. Landlord to Maintain Premises.**

4 (a) A landlord shall:

5 (1) comply with the requirements of all applicable
6 building and housing code relative to health and
7 safety;

8 (2) make all repairs reasonably necessary to maintain the
9 premises in a fit and habitable condition;

10 (3) maintain a reasonably good and safe working order of
11 all electrical, plumbing, sanitation, ventilation, air-
12 conditioning, to include properly functioning
13 elevators;

14 (4) provide and maintain appropriate receptacles for the
15 removal of garbage for the dwelling unit and arrange
16 for their removal;

17 (b) The landlord and tenant may agree that the tenant perform the
18 duties prescribed in subsections (a)(2) and (4) of this Section
19 but only if the transaction is entered in good faith.

20 **§ 48203. Limitation of Relief of Liability.**

21 (a) The landlord must convey in written notice to tenant of sale of
22 dwelling unit in good faith to a bona fide purchaser to be relieved of liability under
23 the rental agreement and this Act. However, the landlord remains liable to the
24 tenant for recoverable security deposit under § 48201;

25 (b) Unless otherwise agreed, a manager of the premises that includes a
26 dwelling unit is relieved of liability under the rental agreement and this Act after
27 written notice to the tenant of termination of his management.

1 **§ 48204. Tenant to Maintain Dwelling Unit.**

2 (a) A tenant *shall*:

3 (1) maintain the dwelling unit and premises that he uses
4 as clean and safe as premises permit to comply with
5 housing codes affecting health and safety;

6 (2) dispose from his dwelling unit and common areas
7 used from all garbage, rubbish, and other waste in a clean
8 and safe manner;

9 (3) not deliberately or negligently destroy, deface,
10 damage, or remove any part of the premises or permit any
11 person to do so;

12 (4) use in a reasonable manner all power, water, and other
13 common areas provided by landlord;

14 (5) conduct himself and require other persons on the
15 premises with his consent to conduct themselves in a
16 manner so as not to disturb neighbors or other tenants.

17 **§ 48205. Rules and Regulations.**

18 (a) A landlord may adopt a rule or regulation concerning the tenant's use
19 and occupancy of the premises and is enforceable without the consent of the tenant
20 if all the following criteria listed are satisfied:

21 (1) its purpose is to promote the safety and welfare of the
22 tenants, or to preserve the landlord's property from
23 deliberate abuse;

24 (2) it applies to all tenants on the premises in a fair
25 manner;

26 (3) it is not for the purpose of evading obligation of the
27 landlord;

1 (4) the tenant is given thirty (30) days' prior notice of
2 when it is to be adopted;

3 (b) If a rule or regulation is to adopted after the tenant enters into a rental
4 agreement, then it is not valid without the consent of the tenant unless it meets the
5 criteria listed in subsection (a) of this Section.

6 **§ 48206. Rights to Access.**

7 (a) The tenant shall not unreasonably withhold consent to the landlord to
8 enter the dwelling unit in order to inspect the premises or to make necessary
9 repairs or improvements;

10 (b) The tenant shall not unreasonably withhold consent to the landlord to
11 exhibit the dwelling unit to prospective purchasers, mortgagees, or contractors
12 provided the landlord gives at least three (3) days advance notice of a reasonable
13 time;

14 (c) A landlord may enter the dwelling unit without consent of the tenant
15 in a case of emergency.

16
17 **ARTICLE 3**

18 **Remedies**

19 **PART 1 Tenant Remedies**

20
21 **§ 48301. Noncompliance by the Landlord-In General.**

22 (a) Except as provided in this Act, if there is a noncompliance by the
23 landlord with the rental agreement or a noncompliance with Section 48202 of this
24 Chapter affecting health and safety, the tenant may deliver a written notice to the
25 landlord specifying the acts and omissions constituting the breach and that the
26 rental agreement will terminate upon a date not less than thirty (30) days after

1 receipt of the notice if the breach is not remedied in fourteen (14) days, and the
2 rental agreement shall terminate as provided in the notice subject to the following:

3 (1) If the breach is remedied by repairs, the payment of
4 damages or otherwise, and the landlord adequately
5 remedies the breach before the date specified in the
6 notice, the rental agreement shall not terminate by reason
7 of the breach;

8 (2) If substantially the same act or omission which
9 constituted a prior noncompliance of which notice was
10 given recurs within six (6) months, the tenant may
11 terminate the rental agreement upon at least fourteen (14)
12 days written notice specifying the breach and the date of
13 termination of the rental agreement;

14 (3) The tenant shall not terminate for a condition caused
15 by the deliberate or negligent act or omission of the
16 tenant, a member of his family, or other person on the
17 premises with his consent.

18 (b) Except as provided in this Act, the tenant may recover actual damages
19 and obtain injunctive relief for the noncompliance by the landlord with the rental
20 agreement or with Section 48202 of this Chapter. If the landlord's noncompliance
21 is willful, the tenant may recover reasonable attorney's fees;

22 (c) The remedy provided in subsection (b) of this Section is in addition to
23 any right of the tenant arising under subsection (a) of this Section;

24 (d) If the rental agreement is terminated, the landlord shall return that
25 portion of the security deposit which is recoverable by the tenant under Section
26 48201 of this Chapter.

27 **§ 48302. Failure to Deliver Possession.**

1 (a) If the landlord fails to deliver possession of the dwelling unit to the
2 tenant, rent abates until possession is delivered and the tenant may:

3 (1) terminate the rental agreement upon at least five (5)
4 days written notice to the landlord, and upon termination
5 the landlord shall return all security deposit;

6 (2) demand performance of the rental agreement by the
7 landlord, and if the tenant elects, obtain possession of the
8 dwelling unit from the landlord or any person wrongfully
9 in possession and recover the actual damages sustained
10 by him.

11 (b) If the landlord's failure to deliver possession is willful and not in good
12 faith, the tenant may recover from the landlord an amount twice the actual
13 damages sustained, and reasonable attorney's fees.

14 **§ 48303. Self-help for Minor Defects and Repairs.**

15 (a) If the landlord fails to comply with the rental agreement or with
16 Section 48202 of this Chapter, and the reasonable cost of compliance is less than
17 Three Hundred Dollars (\$300) or an amount equal to one-half the monthly rent,
18 whichever is greater, the tenant may recover damages for the breach under
19 Subsection 48201(b) of this Chapter or may notify the landlord of his intention to
20 correct the condition at the landlord's expense. If the landlord fails to comply
21 within fourteen (14) days after being notified by the tenant in writing or as
22 promptly as conditions require in case of emergency, the tenant may cause the
23 work to be done by a licensed contractor and, after submitting to the landlord an
24 itemized statement, deduct from his rent the actual and reasonable cost or the fair
25 and reasonable value of the work, not exceeding the amount specified in this
26 subsection;

1 (b) A tenant may not repair at the landlord's expense if the condition was
2 caused by the deliberate or negligent act or omission of the tenant, a member of his
3 family, or other person on the premises with his consent.

4 **§ 48304. Wrongful Failure to Provide Essential Services.**

5 (a) If, contrary to the rental agreement or Section 48204 of this Chapter,
6 the landlord willfully or negligently fails to supply essential service pursuant to the
7 rental agreement, the tenant may give written notice to the landlord specifying the
8 breach and may:

9 (1) take reasonable and appropriate measures to secure
10 essential service during the period of the landlord's
11 noncompliance and deduct their actual and reasonable
12 cost from the rent; or

13 (2) procure substitute house during the period of
14 landlord's noncompliance, in which case the tenant is
15 excused from paying rent for the period of the landlord's
16 noncompliance;

17 (b) Rights of the tenant does not apply if the condition was caused by the
18 deliberate negligent act or omission of the tenant, a member of his family or person
19 on the premises with his consent.

20 **§ 48305. Fire or Casualty Damage.**

21 (a) If the dwelling unit or premises are damaged or destroyed by fire or
22 casualty to the extent that enjoyment of the dwelling unit is substantially impaired,
23 the tenant may:

24 (1) immediately vacate the premises and notify the
25 landlord in writing within fourteen (14) days thereafter of
26 his intention to terminate the rental agreement, in which
27 case the rental agreement terminates as of the date of

1 terminate upon a date not less than thirty (30) days after receipt of the notice. If the
2 breach is not remedied in fourteen (14) days, the rental agreement shall terminate
3 as provided in the notice subject to the following. If the breach is remediable by
4 repairs or the payment of damages or otherwise and the tenant adequately remedies
5 the breach before the date specified in the notice, the rental agreement shall not
6 terminate. If substantially the same act or omission which constituted a prior
7 noncompliance of which notice was given recurs within six (6) months, the
8 landlord may terminate the rental agreement upon at least fourteen (14) days
9 written notice specifying the breach and the date of termination of the rental
10 agreement;

11 (b) If rent is unpaid when due and the tenant fails to pay rent within fourteen
12 (14) days after written notice by the landlord of nonpayment and his intention to
13 terminate the rental agreement if the rent is not paid within that period, the landlord
14 may terminate the rental agreement thirty (30) days after receipt of notice;

15 (c) Except as provided in this Act, the landlord may recover actual damages
16 and obtain injunctive relief for noncompliance by the tenant with the rental
17 agreement or with Section 48301 of this Chapter. If the tenant's noncompliance is
18 willful, the landlord may recover reasonable attorney's fees.

19 **§ 48312. Failure to Maintain.** If there is noncompliance by the tenant
20 with Section 48301 of this Chapter materially affecting health and safety that can
21 be remedied by repair, replacement of damaged item, and the tenant fails to comply
22 as promptly as conditions require in case of emergency or within fourteen (14)
23 days after written notice by the landlord specifying the breach and requesting that
24 the tenant remedy it within that period of time, the landlord may enter the dwelling
25 unit and cause the work to be done in a workmanlike manner and submit the
26 itemized bill for the actual and reasonable cost or the fair and reasonable thereof as

1 rent on the next date periodic rent is due, or if the rental agreement has terminated,
2 for immediate payment.

3 **§ 48313. Remedies for Absence, Nonuse and Abandonment.**

4 (a) If the rental agreement requires the tenant to give notice to the
5 landlord of an anticipated extended absence in excess of seven (7) days pursuant to
6 Section 48208 of this Chapter and the tenant willfully fails to do so, the landlord
7 may recover actual damages from the tenant;

8 (b) During any absence of the tenant in excess of seven (7) days, the
9 landlord may enter the dwelling unit at times reasonably necessary;

10 (c) If the tenant abandons the dwelling unit, the landlord shall make
11 reasonable efforts to rent it at a fair rental. If the landlord rents the dwelling unit
12 for a term beginning before the expiration of the rental agreement, it terminates as
13 of the date of the new tenancy. If the landlord fails to use reasonable efforts to rent
14 the dwelling unit at a fair rental or if the landlord accepts the abandonment as a
15 surrender, the rental agreement is deemed to be terminated by the landlord as of the
16 date the landlord has notice of the abandonment. If the tenancy is from month-to-
17 month or week-to-week, the term of the rental agreement for this purpose is
18 deemed to be a month or week, as the case may be.

19 **§ 48314. Holdover.**

20 If the tenant remains in possession without the landlord's consent after
21 expiration of the term of the rental agreement or its termination, the landlord may
22 bring an action for possession of the premises. If the tenant's holdover is willful
23 and not in good faith the landlord may also recover an amount not more than two
24 (2) month's rent and reasonable attorney's fees.

25 **§ 48315. Refusal of Lawful Access.**

26 (a) If the tenant refuses to allow lawful access, the landlord may obtain

1 injunctive relief to compel access, or terminate the rental agreement. In either case
2 the landlord may recover up to treble damages if damages result in less of rental
3 income and reasonable attorney's fees.

4 (b) If the landlord makes an unlawful entry or makes repeated demands
5 for entry by which have the effect of unreasonably harassing the tenant, the tenant
6 may obtain injunctive relief to prevent the recurrence of the conduct or terminate
7 the rental agreement. In either case the tenant may recover actual damages equal to
8 two (2) month's rent and reasonable attorney's fees."

9 **Section 3. Severability.** If any provision of this Act or its application to
10 any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this Act that can be
12 given effect without the invalid provisions or application, and to this end the
13 provisions of this Act are severable.

14 **Section 4. Effective Date.** This Act *shall* become effective upon
15 enactment.



COMMITTEE ON RULES

I Mina'Trentai Kuáttro na Liheslaturan Guåhan • 34th Guam Legislature

PRE-REFERRAL CHECKLIST

BILL NO. 144-34 (COR) AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, CREATING THE GUAM LANDLORD AND TENANT RENTAL ACT.		
(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Return to Prime Sponsor) → 7-20-17 @ 10:00</p>	<p>Notice to Legal Bureau: <u>7.11.17 8:55 a.m.</u></p> <p>Completed by Legal Bureau: <u>7.11.17 10:40 a.m.</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>7.11.17 8:55 a.m.</u></p> <p>Completed by OFB: <u>7.14.17 12:43 pm.</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> N/A</p>	<p>Completed by: <u>7-20-17 @ 2pm</u></p> <p style="color: red; text-align: right;">TMS 7/20/17</p>



PRE-REFERRAL CHECKLIST

BILL NO. 144-34 (COR)
 AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, CREATING THE GUAM LANDLORD AND TENANT RENTAL ACT.

(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) <u>7-20-17 @ 2pm JC</u> Completed by: (Signature, Date & Time) <u>7-20-17 @ 2pm JC</u>
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input checked="" type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: <i>Comte. on Housing</i> <i>Sen. Nelson</i>	Date & Time: <u>7-19-17 @ 1237</u> <i>ack. by Acting COR, V. Kr Terhaje.</i>

For COR Office Use Only <i>COR had email issues receiving responses fr. DFB & legal Bureau.</i>	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Initial: <u>JC 7-20-17 @ 2pm</u> If NO: Provide letter of explanation (see attached).
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ack. by Acting COR, V. Kr Terhaje.

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Thomas C. Ada,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUAHAN
I MINA 'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

AUG 02 2017

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Note Waiver

Buenas yan Háfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 144-34 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Jean Cordero, Committee on Rules Director, at 472-3455.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

AUG 01 2017

Senator Regine Biscoe Lee
Chairperson, Committee on Rules
I Mina' Trentai Kuattro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai Senator Lee:

The Bureau requests that Bill No(s). 144-34 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Legislative Bill No. 144-34, cited as the "Guam Landlord and Tenant Rental Act of 2017," seeks to add a new Chapter 48 to Division 1, Title 21 of the Guam Code Annotated. The new Chapter establishes general provisions, obligations, and remedies in local law for business relations between a landlord and tenant.

The intent of the Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Si Yu'os Ma'ase,

LESTER L. CARLSON, JR.
Acting Director



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

COMMITTEE VOTE SHEET

Bill No. 144-34 (COR) As Introduced

"AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017."

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Telena C. Nelson Chairperson	<i>TC 3/2/18</i>	✓				
Vice Speaker Therese M. Terlaje Vice Chairperson						
Speaker Benjamin J.F. Cruz Member	<i>[Signature]</i>			✓		
Senator Regine Biscoe Lee Member	<i>[Signature]</i>					
Senator Michael F.Q. San Nicolas Member	<i>[Signature]</i>			✓		
Senator Thomas C. Ada Member	<i>TC 3/19/18</i>			✓		
Senator Joe S. San Agustin Member	<i>[Signature]</i>	✓				
Senator Mary Camacho Torres Member	<i>[Signature]</i>			✓		
Senator Louise Borja Muña Member	<i>[Signature]</i>	✓				
Senator James V. Espaldon Member						
Senator William M. Castro Member	<i>[Signature]</i>	✓				

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUÅHAN
I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

COMMITTEE REPORT CHECKLIST

Part 1 / 1

BILL NO. 144-34 (COR)

As introduced.

AN ACT TO ADD A NEW CHAPTER 48 TO DIVISION 1 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM LANDLORD AND TENANT RENTAL ACT OF 2017.

Introduced by: Telena Cruz Nelson

REFERRED TO:

Senator Telena Cruz Nelson
Committee on Housing, Utilities, Public Safety, and Homeland Security

(A) FISCAL NOTE or WAIVER	(1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: Tues, July 25, 2017 @ 10:07 a.m.
	(2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: Tues, August 1, 2017 @ 4:11 p.m.
	(3) Waived by COR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Date & Time:
	(4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report)
	(5) Bill contains an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(4/5)(b) Funding source identified? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"	(4/5)(c) Funds available and sufficient? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))

If no boxes checked:

UNABLE TO PLACE ON SESSION AGENDA
2 GCA § 9102



**Committee Report Checklist on
Bill No. 144-34 (COR).
Part 1 / 1**

(B) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (A L Senators & ALL Media)	Date and Time of Notice: <i>Wed., Feb. 7, 2018 @ 6:30 pm.</i>
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: <i>Mon., Feb. 12, 2018 @ 3:30 pm.</i>
	(2) Date and Time of Hearing: <i>Thurs., Feb. 15, 2018 @ 9am.</i>	or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES: Attach memo indicating WAIVER
	(3) Location: Public Hearing Room, Guam Congress Building	
	(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
	(a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO
	(b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO
	COR Chair	

**Committee Report Checklist on
Bill No. 144-34 (COR).
Part 1 / 1**

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: <i>THURS., March 15, 2018 @ 1:47pm.</i>	Notes:	If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time:		
	(2) LAND LEGISLATION		
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td> <td style="width: 50%;"> (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government </td> </tr> </table>		
	(i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government	
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
	(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		

