


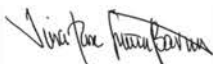




I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
355-35 (COR)	Clynton E. Ridgell Tina Rose Muña Barnes Jose "Pedo" Terlaje Therese M. Terlaje Sabina Flores Perez Kelly Marsh (Taitano), PhD	AN ACT TO ADD A NEW ARTICLE 4 OF CHAPTER 36, TITLE 18, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROGRAM TO PROVIDE RELIEF ON RENT AND MORTGAGE PAYMENTS DURING A PUBLIC HEALTH EMERGENCY AND TO GRANT LANDLORDS MORTGAGE PAYMENT RELIEF IN EXCHANGE FOR EXEMPTING RENT FOR THE DURATION OF A PUBLIC HEALTH EMERGENCY AND TO CITE THIS ACT AS THE "PANDEMIC RENT AND MORTGAGE RELIEF ACT."	5/11/20 8:00 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 355 -35 (COR)

Introduced by:

Clynton E. Ridgell 
Tina Rose Muña Barnes 
Jose "Pedo" Terlaje 
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Kelly Marsh (Taitano), Ph.D. 

AN ACT TO ADD A NEW ARTICLE 4 OF CHAPTER 36, TITLE 18, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROGRAM TO PROVIDE RELIEF ON RENT AND MORTGAGE PAYMENTS DURING A PUBLIC HEALTH EMERGENCY AND TO GRANT LANDLORDS MORTGAGE PAYMENT RELIEF IN EXCHANGE FOR EXEMPTING RENT FOR THE DURATION OF A PUBLIC HEALTH EMERGENCY AND TO CITE THIS ACT AS THE "PANDEMIC RENT AND MORTGAGE RELIEF ACT."

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

2 **Section 1.** A new Article 4 is *added* to Chapter 36, Title 18, Guam Code
3 Annotated, to read:

4 **"ARTICLE 4**

5 **PANDEMIC RENT AND MORTGAGE RELIEF ACT**

6 § 36401. Definitions.

7 § 36402. Pandemic Rent and Mortgage Relief Program.

8 § 36403. Requirements of Mortgagors.

9 § 36404. Requirements of Landlords.

1 § 36405. Requirements of Mortgagees.

2 § 36406. Renter Reporting Requirement.

3 § 36407. Term Extension.

4 § 36401. Definitions. For purposes of this Act, the following
5 definitions shall apply.

6 (a) “Board” shall mean the Guam Banking and Insurance Board.

7 (b) “Commissioner” shall mean the Commissioner of Banking and
8 Insurance.

9 (c) “Mortgagee” shall mean the bank, credit union, or other financial
10 institution that has issued the mortgage to the mortgagor.

11 (d) “Mortgagor” shall mean the person or entity who is responsible
12 for the payment of the mortgage.

13 (e) “Landlord” shall mean a person who rents or leases residential
14 property to one or more tenants and may also be a mortgagor.

15 (f) “Public Health Emergency” for the purposes of this Article shall
16 mean an emergency declared and extended by *i Maga'hågan Guåhan* through
17 an Executive Order due to a pandemic.

18 (g) “Renter” shall mean the person responsible for payment of rent
19 or a lease to a landlord.

20 (h) “Residential Property” shall mean a property either occupied by
21 the mortgagor or the mortgagor’s tenants.

22 (i) “Suspension” shall mean a period of time where a mortgagor
23 does not owe any obligation for the duration of the public health emergency.

24 § 34602. Pandemic Rent and Mortgage Relief Program.
25 Notwithstanding any provision of law, there shall exist a Pandemic Rent and
26 Mortgage Relief Program overseen by the Board and the Commissioner,
27 allowing a mortgagor to apply and be approved for a suspension of their

1 obligation to make mortgage payments or a renter of a residential property to
2 apply and be approved for cancellation of rental payments due during the
3 public health emergency provided that loss of income or unemployment has
4 directly resulted from the public health emergency. This suspension of
5 mortgage or cancellation of rental payments will be at a percentage that is
6 commensurate with the percentage of the loss of income that has directly
7 resulted from the public health emergency.

8 All mortgagors and renters shall be obligated to continue the full
9 payment of their mortgages and rental agreements:

10 (a) after the end of the public health emergency or

11 (b) upon which time during the public health emergency their
12 income has been restored to pre-public health emergency levels.

13 Mortgagors and renters will not be required to pay higher monthly
14 payments in order to pay for the months during which their mortgage
15 payments were suspended or rental payments were cancelled due to the public
16 health emergency.

17 **§ 34603. Requirements of Mortgagors.** Mortgagors under the
18 provisions of this Act shall be subject to the following requirements:

19 (a) All mortgagors applying to this program shall provide to the
20 mortgagee a report of their loss of income which shall include:

21 (1) copies of notices from employers indicating job loss, lost
22 wages or compensation, or a reduction in hours worked as a direct result
23 of the public health emergency or

24 (2) copies of notices from income providers indicating the
25 amount of income lost as a direct result of the public health emergency.

26 (b) Failure to comply with the provisions of this section shall result
27 in the immediate forfeiture of the suspension of payment under this program,

1 and the mortgagor shall be responsible for all mortgage payments as
2 scheduled for the duration of the public health emergency and any additional
3 penalties for late payment.

4 **§ 34604. Requirements of Landlords.** Landlords under the
5 provisions of this Act shall be subject to the following requirements:

6 (a) All landlords applying to this program shall provide to the
7 mortgagee a report of their loss of income due to their renter's inability to pay.
8 This report shall include proof of their loss of income to include:

9 (1) copies of leases and/or receipts of payments and

10 (2) copies of notices from the employers of renters indicating job
11 loss, lost wages or compensation, or a reduction in hours worked as a
12 direct result of the public health emergency or

13 (3) copies of notices from income providers of renters indicating
14 the amount of income lost as a direct result of the public health
15 emergency.

16 (b) No landlords under this program shall charge for rent during the
17 public health emergency nor any fees, fines, or penalties for nonpayment of
18 rent due to a reported loss of income or unemployment as a direct result of the
19 public health emergency.

20 (c) No landlords under this program shall try to recoup the loss of
21 rent that resulted from the public health emergency from renters after the
22 public health emergency is lifted.

23 (d) No landlords under this program shall increase rent in attempts
24 to recoup the loss of rent that resulted from the public health emergency after
25 the public health emergency is lifted.

1 (e) No landlords under this program shall report nonpayment of
2 renters to a consumer reporting agency such that nonpayment adversely
3 affects a renter's credit score.

4 (f) Failure to comply with the provisions of this section shall result
5 in the immediate removal of the suspension of payment under this program
6 and the mortgagor shall be responsible for all mortgage payments as
7 scheduled for the duration of the public health emergency and any additional
8 penalties for late payment.

9 **§ 34605. Requirements of Mortgagees.** The Board shall hold all
10 mortgagees of those applying to the program to the following requirements:

11 (a) No mortgagee shall hold a mortgagor under this program
12 responsible for the full payment of a mortgage until after the public health
13 emergency and no mortgagee shall charge any fees, fines, penalties, or
14 additional interest for any suspension of payment throughout the duration of
15 the public health emergency.

16 (b) No mortgagee shall commence or continue any judicial
17 foreclosure action on a mortgagor under this program for failure to make
18 payment due under a mortgage that is suspended pursuant to this Chapter.

19 (d) No mortgagee shall report nonpayment of mortgagors as
20 according to this program to a consumer reporting agency or credit reporting
21 agency such that nonpayment adversely affects a mortgagor's credit score.

22 (e) A mortgagee or agent of the mortgagee found in violation of this
23 act shall be subject to the criminal sanctions of banking law found in §106512,
24 Chapter 106, Title 11, Guam Code Annotated.

25 **§ 34606. Renter Reporting Requirement.** Renters of landlords
26 who avail the program shall report their loss of income or employment as a

1 direct result of the public health emergency to their landlord. This report shall
2 include:

3 (a) copies of notices from the renter’s employer(s) indicating job loss,
4 lost wages or compensation, or a reduction in hours worked as a direct result
5 of the public health emergency or

6 (b) copies of notices from an income provider indicating the amount of
7 income lost as a direct result of the public health emergency.

8 **§ 34607. Term Extension.** The terms for all mortgages availing to
9 this program shall be extended by the same number of months that mortgage
10 payments have been suspended or prorated due to the public health emergency
11 such that payments shall continue as before the public health emergency, and
12 all payments intended to have been collected for the period of the public health
13 emergency shall be added as additional monthly payments at the end of the
14 mortgage. No fee or penalty shall be charged by a mortgagee for the extension
15 of the term and the addition of payments.”

16 **Section 3. Effective Date.** This Act shall be effective upon enactment.

17 **Section 4. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
19 *not* affect other provisions or applications of this Act that can be given effect without
20 the invalid provision or application, and to this end the provisions of this Act are
21 severable.