




I Mina'trentai Sais 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
79-36 (COR)	James C. Moylan V. Anthony Ada Christopher M. Dueñas	AN ACT RELATIVE TO THE ESTABLISHMENT OF THE GUAM HOME ENERGY ASSISTANCE PROGRAM (HEAP) TO ASSIST QUALIFIED FAMILIES WITH UTILITY PAYMENTS AND ENERGY COSTS; AND TO CITE THIS ACT AS THE "GUAM HOME ENERGY ASSISTANCE ACT OF 2021."	3/12/21 8:27 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 79-36 (COR)

Introduced by:

James C. Moylan 
V. Anthony Ada 
Christopher M. Duenas 

**AN ACT RELATIVE TO THE ESTABLISHMENT OF
THE GUAM HOME ENERGY ASSISTANCE PROGRAM
(HEAP) TO ASSIST QUALIFIED FAMILIES WITH
UTILITY PAYMENTS AND ENERGY COSTS; AND TO
CITE THIS ACT AS THE “GUAM HOME ENERGY
ASSISTANCE ACT OF 2021.”**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the global pandemic expressed the need for the government of Guam to
4 establish local programs to assist struggling families during times of uncertainties.
5 As thousands of island residents experienced furloughs or reduced hours at work,
6 necessities for families, such as making utility payments became (becomes) more
7 challenging.

8 The Department of Health and Human Services, a federal agency, provides
9 the Department of Public Health and Social Services an annual grant, the Low
10 Income Home Energy Assistance (LIHEAP) Program, to assist eligible families
11 with assistance to pay their utilities and other energy costs. However, it was
12 recently discovered that those funds have been utilized for other programs, hence

1 qualified residents were unable to receive the assistance, despite an increase in the
2 funding provided to Guam in 2020.

3 With additional federal support being provided to Guam, it is vital that a
4 local program be created to assist families with the very objectives outlined in the
5 federal LIHEAP Program. This economic crisis brought by the pandemic is
6 expected to escalate at least for the rest of 2021, hence many families would face
7 utility disconnections in the process. This Act establishes a local program with
8 adequate funding for eligible families, which could be extended beyond this year.
9 Further, the funds would help provide a cash flow for Guam’s utility agencies,
10 which could prevent proposals for rate increases which would impact the entire
11 community.

12 **Section 2.** This Act shall be known as the “*Guam Home Energy Assistance*
13 *Act of 2021.*”

14 **Section 3. Establishment of the Guam Home Energy Assistance**
15 **Program (HEAP).**

16 (a) The Guam Home Energy Assistance Program (HEAP) is hereby
17 established by this Act.

18 (b) The Director of the Department of Public Health and Social
19 Services *shall* administer the HEAP Program.

20 (c) Eligible applicants for the HEAP Program *shall be* as follows:

21 (1) A United States Citizen or a legally residing resident; and

22 (2) The applicant *shall be* a Guam Resident in 2020; and

23 (3) The eligibility requirements *shall* mirror the requirements
24 identified in the Department of Health and Human Services “*Low*
25 *Income Home Energy Assistance Program*”, except that the income
26 levels *shall be* based on 2019 adjusted gross income, and as follows:

27 (A) An individual *shall* have earned under \$75,000; and

1 (B) Those married or filing jointly, the total earnings *shall*
2 *be* under \$150,000;

3 ; and

4 (4) Any other criteria established by the Director of the Guam
5 Economic Development Authority and adopted by *I Liheslaturan*
6 *Guåhan* pursuant to Section 8 of this Act.

7 **Section 4. Purpose of the Guam Home Energy Assistance Program.**

8 (a) The HEAP assists qualified households with utility bills payment
9 assistance, energy-related home repairs, and cooling energy costs.

10 (b) The Department of Public Health and Social Services *shall*
11 establish the parameters of the benefits of the HEAP, and they *shall* mirror
12 the benefits provided by the Department of Health and Human Services
13 “Low Income Home Energy Assistance Program” which would apply for
14 Guam.

15 (c) Any other criteria established by the Director of the Department of
16 Public Health and Social Services, inclusive of the application process, and
17 adopted by *I Liheslaturan Guåhan* pursuant to Section 8 of this Act.

18 **Section 5. Implementation.**

19 The Department of Public Health and Social Services *shall* have thirty (30)
20 working days from the date of identification of funds by *I Maga’Hagan Guåhan*
21 for the purposes of this Act to implement the Guam Home Energy Assistance
22 Program.

23 **Section 6. Funding.**

24 Notwithstanding any other provision of law, or rule or regulation, *I*
25 *Maga’Hagan Guåhan* is authorized to transfer up to Five Million Dollars
26 (\$5,000,000), plus any additional amount needed to administrative costs, to the

1 Department of Public Health and Social Services, for the purposes of this Act, as
2 *may* be available from the following:

- 3 (a) Fiscal Year 2021 General Fund appropriations; and
- 4 (b) Any federal appropriations that can be used for the purposes of
5 this Act.

6 No local funds may be used for this Program if federal funds that can be
7 used for the purposes of this Act are available to encumber, obligate, or expend.
8 Any funds transferred pursuant to this Act *shall* only be used for the purposes of
9 this Act. Payments under this Act *shall be* required only if payments can be
10 funded under a federal coronavirus relief package or such other federal funds are
11 appropriate and lawful.

12 **Section 7. Reporting.**

13 Upon lifting of the public health emergency declaration for Guam, the
14 Department of Public Health and Social Services *shall* submit a report to the
15 Speaker of *I Liheslaturan Guåhan*, which *shall* include the cumulative number of
16 applicants assisted, the total amount of the funds issued, the total administrative
17 costs to facilitate this Act, and the authorized amounts transferred by *I*
18 *Maga'Hagan Guåhan* under Section 6 of this Act.

19 **Section 8. Rules and Regulations.**

20 *I Liheslaturan Guåhan* hereby adopts the Rules and Regulations pursuant to
21 Sections 3 and 4 of this Act. Notwithstanding any provision of the Guam
22 Administrative Adjudication Law, the Director of the Department of Public Health
23 and Social Services, *shall*, within thirty (30) days of the enactment of this Act,
24 promulgate additional rules and regulations not stipulated in this Act to implement
25 the Guam Home Energy Assistance Program, and *shall* transmit such rules and
26 regulations to the Speaker of *I Liheslaturan Guåhan* for further adoption.

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

6 **Section 10. Effective Date.** The Act *shall* become effective upon
7 enactment.