I Mina'Trentai Dos Na Liheslaturan Received

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
267-32 (COR)	Michael F.Q. San Nicolas, T.C. Ada	AN ACT TO STRENGTHEN PROVISIONS FOR THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES IN GUAM'S BUILDING LAW, BY AMENDING§§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5 AND § 66701 OF ARTICLE 7, EACH OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED.	1/24/14 2:53 p.m.	01/27/14	Committee on Public Safety, Infrastructure, & Maritime Transportation	2/21/2014	4/08/14 9:15 a.m.	Fiscal Note Requested 01/28/14 Fiscal Notes Received 2/27/14
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	5/9/2014	AN ACT TO AMEND §§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE 7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS IN GUAM'S BUILDING LAW REGARDING THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES.	5/12/14	2:43 p.m.	5/22/2014			**As amended by the Committee on Public Safety, Infrastructure & Maritime Transportation; and further amended on the Floor.**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 2:43 pm DATE 5/12/14

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Amended Bill No. 267-32 (COR), "AN ACT TO *AMEND* §§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE 7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS IN GUAM'S BUILDING LAW REGARDING THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES,"** was on the 9th day of May, 2014, 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'lahen Guåhan* this 12th day of May, 2014, at 2:43 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 267-32 (COR)
As amended by the Committee on Public Safety,
Infrastructure & Maritime Transportation;
and further amended on the Floor.

Introduced by: Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE 7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS IN GUAM'S BUILDING LAW REGARDING THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the "Responsible Urban Renewal Act."

Section 2. Legislative Findings and Intent. *I Liheslaturan* Guåhan finds that the Guam Building Law was included in the general enactment of the Government Code of 1952, pursuant to Public Law 1-88, and was established to secure and promote the safety, health and general welfare of the people and visitors of Guam by ensuring that standards are in place with regards to the design, construction and maintenance of buildings and structures in Guam. Among the provisions of the Guam Building Law, as amended, is Article 5, which sets forth requirements for the repair, vacation or demolition of unsafe structures.

I Liheslaturan Guåhan finds that enforcing the standards established by the Guam Building Law has been difficult since its inception. As a result, more buildings and structures which are *not* properly maintained and fail to meet regulations are still standing. This neglect has resulted in many unsafe structures throughout Guam, which blight the landscape of our beautiful island and pose safety hazards to the public.

I Liheslaturan Guåhan further finds that the provisions on unsafe structures, unfortunately, allow for three options for owners of properties: that the buildings or structures be repaired, vacated or demolished. This means that simply by vacating the premises, the owner is considered to have complied with the law, which is problematic, since the blight and the hazards that the building poses remains.

Therefore, it is the intent of *I Liheslaturan Guåhan* to amend the Guam Building Law to require that owners vacate and either repair or demolish unsafe structures; and to improve the enforcement of the provision by creating an annual fine of twenty percent (20%) of the value of the assessed property, which may become a lien upon the property, for commercial and industrial zoned properties.

Section 3. § 66501 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66501. Unsafe Structures.**

(a) All unsafe buildings and structures are hereby declared to be illegal, and *shall* be vacated and either repaired or demolished, in accordance with the procedure established by this Chapter.

(b) For the purpose of this Chapter, unsafe buildings are all buildings and structures or equipment thereof which are structurally unsafe, or which are unsanitary, or which are unfit for human habitation, or are *not* provided with adequate means of egress, or which constitute a fire hazard, or are otherwise dangerous to human life or safety, or which in relation to existing uses constitute a hazard to the safety of the public or occupants by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(c) A vacant structure *not* secured against entry *shall* be deemed unsafe."

Section 4. § 66503 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66503. Same: Same: Report.**

(a) The building official, whenever he shall make a finding, as a result of the examination required in § 66502, *shall*:

(1) Notify in writing, by personal service, certified mail, or registered mail, the owner, occupant, lessee, mortgagee, agent, and other persons having an interest in said building as shown by the land records of the Department of Land Management, that the building or structure is unsafe, and that:

(A) the owner must vacate and either repair or demolish said building or structure in accordance with the terms of the notice and of this Chapter;

(B) the occupant or lessee must vacate said building, or prove it repaired in accordance with the terms of the notice and of this Chapter; and

(C) said mortgagee, agent, or other persons having an interest in said building, must vacate and may, at his own risk, repair or demolish said building or have such work or act done. Any person notified under this Subsection to vacate and either repair or demolish any building *shall* be given such reasonable time, *not exceeding* thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice as herein provided. Such notice *shall* describe the building deemed unsafe, *shall* include a statement of the particulars which make it unsafe, and *shall* contain an order requiring the building to be put in such condition as to comply with the terms of this Chapter within a stated time, *not exceeding* thirty (30) days.

(2) Post, or cause to be posted in a conspicuous place at the principal point of entry to the building deemed unsafe, a notice reading as follows:

"This building has been found to be unsafe by the Department of Public Works, government of Guam. This notice is to remain on the building until it is vacated and either repaired or demolished in accordance with the notice which has been given to all parties having an interest in this building. It is unlawful to remove this notice until such notice is complied with."

(b) The building official, in the event of non-compliance with the notice and order hereinabove provided for in § 66503(a) *shall*:

(1) Notify in writing by personal service, certified mail, or registered mail, the State Historic Preservation Officer and the same parties as in § 66503(a) to appear before him on a specified date to show cause why the building deemed unsafe should not be vacated and either repaired or demolished in accordance with the statement of particulars set forth in the prior notice.

(2) Hold a hearing and hear such testimony as building department employees, owner, occupant, lessee, mortgagee, or other interested parties shall offer relative to the unsafe building.

(3) Make written findings of fact from the testimony offered at said hearing, and on the basis of such findings render a written decision as to whether the building is safe, or unsafe within the meaning of this Chapter. The original copy of such findings and decisions *shall* be kept in the Department of Public Works. Other copies *shall* be sent to all parties served with notice of the hearing.

(4) On the finding that the building is unsafe, issue an order based on such findings of fact, commanding all parties served with notice of the hearing to vacate and either repair or demolish such unsafe building; provided, that any person so notified, *except* the owner, must vacate the premises and *shall* have the privilege of repairing; and provided further, that no

person other than the owner shall be ordered to demolish said building.

(c) In the case of non-compliance with the above order within ten (10) days, the building official *shall* cause such building to be vacated and either repaired or demolished as the facts may warrant, in accordance with the standards for vacation and either repair or demolition set forth in § 66503(d). The costs of such vacation and either repair or demolition *shall* be a lien against the land on which the building exists or existed, as the case may be, until recovered by the government of Guam.

(d) The building official in ordering vacation and either repair or demolition of a building found unsafe, *shall* be governed by the following standards:

(1) If an unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be ordered to be repaired.

(2) If deemed an unsafe building, it *shall* be ordered to be vacated.

(3) If an unsafe building is damaged or decayed, or deteriorated to the extent of fifty percent (50%) of its original value or structure, it *shall* be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the provisions or unsafe within the meaning of this Chapter, it *shall* be demolished."

Section 5. § 66504 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66504. Same: Order to Vacate.**

The building official, whenever he determines that a building, structure, or portion thereof, constitutes an unsafe structure, as defined in § 66501 of this Article, *shall* order the buildings, structure, or portion thereof, to be vacated at once and *not* reoccupied until issuance of a new certificate of occupancy by the building official."

Section 6. § 66505 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66505. Same: Same.**

(a) The building official, on the vacation of any building in accordance with the provisions of § 66503 or § 66504, *shall* post or cause to be posted at each entrance to the building, a sign stating: "This building is unsafe and its use or occupancy is prohibited by the Director of Public Works. Any person entering this building without permission of the Director of Public Works *shall* be subject to a fine of up to One Thousand Dollars ($1,000) per violation."

(b) Such sign *shall* remain posted until the required repairs are made or demolition is completed.

(c) Any person entering the building, *except* for the purpose of making the required repairs or effecting demolition, or any person removing any sign posted by the building official *shall* be liable to the penalties provided for in this Chapter."

Section 7. § 66507 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66507. Prohibition and Penalty.**

(a) It *shall* be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in Guam contrary to any provision of this Chapter.

(b) Any person violating the provisions of this Chapter *shall* be deemed guilty of a petty misdemeanor; *except*, that any person entering an unsafe structure without permission of the Director of Public Works *shall* be subject to a fine of up to One Thousand Dollars ($1,000) per violation.

(c) Such person *shall* be deemed guilty of a separate offense for each day during which any violation of the provisions of this Chapter continues.

(d) Any person violating the provisions of this Article pertaining to unsafe structures, including failure to vacate and either repair or demolish such structures, who is the owner of real property that has been classified as an industrial or commercial site in accordance with § 60107, Chapter 60, Article 1, Title 21, Guam Code Annotated, *shall* be fined, annually, an amount equal to twenty percent (20%) of the assessed value of the subject property, and such fine *shall* be pro-rated for any portion of a year in which the violation continues. The fine provided in this Subsection *shall* be a lien on the property if unpaid for more than ninety (90) days."

Section 8. § 66508 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended*, to read:

"**§ 66508. Guam Building Code Council; Territorial Land Use Commission; Appeals.**

(a) Guam Building Code Council. The Guam Building Code Council *shall* sit as a Board of Appeals (Board) to hear appeals of any decision of the building official relative to the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of the provisions of this Chapter. The Director of Public Works, or the building official, *shall* make such investigations as are deemed necessary for appeals to the Board. The Board *shall* hold hearings and may adopt reasonable rules and regulations for the conduct of any investigations made under its direction; provided, however, that every hearing *shall* be conducted pursuant to the procedure set forth in the Administrative Adjudication Law; and further provided, that the Board *shall* render all decisions and findings in writing to the building official with a duplicate copy to the appellant, and may recommend such new legislation as is consistent therewith to *I Liheslatura* (the Legislature). Neither the Director of Public Works nor the building official shall influence or attempt to influence the decision of the Board relative to any matter that pursuant to the provisions of this Section comes before it, *except* by the presentation of relevant evidence arising from its investigations, as directed by the Board. The Director of Public Works *shall not* vote on any appeal pursuant to this Subsection.

A final decision of the Board of Appeals may be appealed to the Superior Court in the manner provided in the Administrative Adjudication Law. The Guam Building Code Council may waive all accrued fines pursuant to §66507(d) of this Article within one hundred eighty (180) days of the declaration of a building as unsafe if the property owner has demolished or repaired the subject property to the standard of the Guam Building Code.

(b) Territorial Land Use Commission. In any matter other than that which is the subject of an appeal pursuant to Subsection (a) of this Section, the Commission is empowered to hear appeals from any order, requirement, decision or determination of the building official or his authorized representative or any rule, regulation or amendment or repeal thereof made by the building official; provided, that summary abatement by the building official or his authorized representative pursuant to § 66506 of this Chapter *shall* be final and conclusive."

Section 9. § 66701 of Article 7, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66701. Notice of Amendments to the Building Code.**

Whenever the Building Code, found in Chapter 67 of this Title, or its successor, used by the government of Guam is updated, the Department of Public Works *shall* notify in a newspaper of general circulation all parties who have completed construction who have been issued building permits or who have construction in progress that an updated version of the Building Code, or its successor, is in use and make a copy of such updated version of the Building Code, or its successor, available for their inspection. When there are amendments to the Building Code, or its successor, which relate to safety, notice of such amendments must be published in a newspaper of general circulation to make owners of buildings aware of possible safety violations or deficiencies. All buildings under construction at the time of adoption of amendments to the Building Code, or its successor, relating to safety *shall* conform thereto if practicable."

Section 10. Effective Date. The provisions of this Act *shall* be effective one hundred eighty (180) days from enactment.

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 267-32 (COR)
As amended by the Committee on Public Safety, Infrastructure & Maritime Transportation and further amended on the Floor.

Speaker Antonio R. Unipingco Legislative Session Hall

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA		✓			
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO		I ✓			
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	13	2			
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 267-32 (COR)
As amended by the Committee on Public Safety,
Infrastructure & Maritime Transportation;
and further amended on the Floor.
*

Introduced by: Michael F. Q. San Nicolas
T. C. Ada

AN ACT TO *AMEND* §§ 66501, 66503, 66504, 66505, 66507 AND 66508 OF ARTICLE 5; AND § 66701 OF ARTICLE 7, ALL OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS IN GUAM'S BUILDING LAW REGARDING THE REPAIR OR DEMOLITION OF UNSAFE STRUCTURES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the "Responsible Urban Renewal Act."

Section 2. Legislative Findings and Intent. *I Liheslaturan* Guåhan finds that the Guam Building Law was included in the general enactment of the Government Code of 1952, pursuant to Public Law 1-88, and was established to secure and promote the safety, health and general welfare of the people and visitors of Guam by ensuring that standards are in place with regards to the design, construction and maintenance of buildings and structures in Guam. Among the provisions of the Guam Building Law, as amended, is Article 5, which sets forth requirements for the repair, vacation or demolition of unsafe structures.

I Liheslaturan Guåhan finds that enforcing the standards established by the Guam Building Law has been difficult since its inception. As a result, more buildings and structures which are *not* properly maintained and fail to meet regulations are still standing. This neglect has resulted in many unsafe structures throughout Guam, which blight the landscape of our beautiful island and pose safety hazards to the public.

I Liheslaturan Guåhan further finds that the provisions on unsafe structures, unfortunately, allow for three options for owners of properties: that the buildings or structures be repaired, vacated or demolished. This means that simply by vacating the premises, the owner is considered to have complied with the law, which is problematic, since the blight and the hazards that the building poses remains.

Therefore, it is the intent of *I Liheslaturan Guåhan* to amend the Guam Building Law to require that owners vacate and either repair or demolish unsafe structures; and to improve the enforcement of the provision by creating an annual fine of twenty percent (20%) of the value of the assessed property, which may become a lien upon the property, for commercial and industrial zoned properties.

Section 3. § 66501 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66501. Unsafe Structures.**

(a) All unsafe buildings and structures are hereby declared to be illegal, and *shall* be vacated and either repaired or demolished, in accordance with the procedure established by this Chapter.

(b) For the purpose of this Chapter, unsafe buildings are all buildings and structures or equipment thereof which are structurally unsafe, or which are unsanitary, or which are unfit for human habitation, or are *not* provided with adequate means of egress, or which constitute a fire hazard, or are otherwise dangerous to human

life or safety, or which in relation to existing uses constitute a hazard to the safety of the public or occupants by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(c) A vacant structure *not* secured against entry *shall* be deemed unsafe."

Section 4. § 66503 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66503. Same: Same: Report.**

(a) The building official, whenever he shall make a finding, as a result of the examination required in § 66502, *shall*:

(1) Notify in writing, by personal service, certified mail, or registered mail, the owner, occupant, lessee, mortgagee, agent, and other persons having an interest in said building as shown by the land records of the Department of Land Management, that the building or structure is unsafe, and that:

(A) the owner must vacate and either repair or demolish said building or structure in accordance with the terms of the notice and of this Chapter;

(B) the occupant or lessee must vacate said building, or prove it repaired in accordance with the terms of the notice and of this Chapter; and

(C) said mortgagee, agent, or other persons having an interest in said building, must vacate and may, at his own risk, repair or demolish said building or have such work or act done. Any person notified under this Subsection to vacate and either repair or demolish any

building *shall* be given such reasonable time, *not exceeding* thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice as herein provided. Such notice *shall* describe the building deemed unsafe, *shall* include a statement of the particulars which make it unsafe, and *shall* contain an order requiring the building to be put in such condition as to comply with the terms of this Chapter within a stated time, *not exceeding* thirty (30) days.

(2) Post, or cause to be posted in a conspicuous place at the principal point of entry to the building deemed unsafe, a notice reading as follows:

"This building has been found to be unsafe by the Department of Public Works, government of Guam. This notice is to remain on the building until it is vacated and either repaired or demolished in accordance with the notice which has been given to all parties having an interest in this building. It is unlawful to remove this notice until such notice is complied with."

(b) The building official, in the event of non-compliance with the notice and order hereinabove provided for in § 66503(a) *shall*:

(1) Notify in writing by personal service, certified mail, or registered mail, the State Historic Preservation Officer and the same parties as in § 66503(a) to appear before him on a specified date to show cause why the building deemed unsafe should not be vacated and either repaired or demolished in

accordance with the statement of particulars set forth in the prior notice.

(2) Hold a hearing and hear such testimony as building department employees, owner, occupant, lessee, mortgagee, or other interested parties shall offer relative to the unsafe building.

(3) Make written findings of fact from the testimony offered at said hearing, and on the basis of such findings render a written decision as to whether the building is safe, or unsafe within the meaning of this Chapter. The original copy of such findings and decisions *shall* be kept in the Department of Public Works. Other copies *shall* be sent to all parties served with notice of the hearing.

(4) On the finding that the building is unsafe, issue an order based on such findings of fact, commanding all parties served with notice of the hearing to vacate and either repair or demolish such unsafe building; provided, that any person so notified, *except* the owner, must vacate the premises and *shall* have the privilege of repairing; and provided further, that no person other than the owner shall be ordered to demolish said building.

(c) In the case of non-compliance with the above order within ten (10) days, the building official *shall* cause such building to be vacated and either repaired or demolished as the facts may warrant, in accordance with the standards for vacation and either repair or demolition set forth in § 66503(d). The costs of such vacation and either repair or demolition *shall* be a lien against the land on which

the building exists or existed, as the case may be, until recovered by the government of Guam.

(d) The building official in ordering vacation and either repair or demolition of a building found unsafe, *shall* be governed by the following standards:

(1) If an unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be ordered to be repaired.

(2) If deemed an unsafe building, it *shall* be ordered to be vacated.

(3) If an unsafe building is damaged or decayed, or deteriorated to the extent of fifty percent (50%) of its original value or structure, it *shall* be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the provisions or unsafe within the meaning of this Chapter, it *shall* be demolished."

Section 5. § 66504 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66504. Same: Order to Vacate.**

The building official, whenever he determines that a building, structure, or portion thereof, constitutes an unsafe structure, as defined in § 66501 of this Article, *shall* order the buildings, structure, or portion thereof, to be vacated at once and *not* reoccupied until issuance of a new certificate of occupancy by the building official."

Section 6. § 66505 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66505. Same: Same.**

(a) The building official, on the vacation of any building in accordance with the provisions of § 66503 or § 66504, *shall* post or cause to be posted at each entrance to the building, a sign stating: "This building is unsafe and its use or occupancy is prohibited by the Director of Public Works. Any person entering this building without permission of the Director of Public Works *shall* be subject to a fine of up to One Thousand Dollars ($1,000) per violation."

(b) Such sign *shall* remain posted until the required repairs are made or demolition is completed.

(c) Any person entering the building, *except* for the purpose of making the required repairs or effecting demolition, or any person removing any sign posted by the building official *shall* be liable to the penalties provided for in this Chapter."

Section 7. § 66507 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66507. Prohibition and Penalty.**

(a) It *shall* be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in Guam contrary to any provision of this Chapter.

(b) Any person violating the provisions of this Chapter *shall* be deemed guilty of a petty misdemeanor; *except*, that any person entering an unsafe structure without permission of the Director of

Public Works *shall* be subject to a fine of up to One Thousand Dollars ($1,000) per violation.

(c) Such person *shall* be deemed guilty of a separate offense for each day during which any violation of the provisions of this Chapter continues.

(d) Any person violating the provisions of this Article pertaining to unsafe structures, including failure to vacate and either repair or demolish such structures, who is the owner of real property that has been classified as an industrial or commercial site in accordance with § 60107, Chapter 60, Article 1, Title 21, Guam Code Annotated, *shall* be fined, annually, an amount equal to twenty percent (20%) of the assessed value of the subject property, and such fine *shall* be pro-rated for any portion of a year in which the violation continues. The fine provided in this Subsection *shall* be a lien on the property if unpaid for more than ninety (90) days."

Section 8. § 66508 of Article 5, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended*, to read:

"**§ 66508. Guam Building Code Council; Territorial Land Use Commission; Appeals.**

(a) Guam Building Code Council. The Guam Building Code Council *shall* sit as a Board of Appeals (Board) to hear appeals of any decision of the building official relative to the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of the provisions of this Chapter. The Director of Public Works, or the building official, *shall* make such investigations as are deemed necessary for appeals to the Board. The Board *shall* hold hearings and may adopt reasonable rules and regulations for the conduct of any investigations

made under its direction; provided, however, that every hearing *shall* be conducted pursuant to the procedure set forth in the Administrative Adjudication Law; and further provided, that the Board *shall* render all decisions and findings in writing to the building official with a duplicate copy to the appellant, and may recommend such new legislation as is consistent therewith to *I Liheslatura* (the Legislature). Neither the Director of Public Works nor the building official shall influence or attempt to influence the decision of the Board relative to any matter that pursuant to the provisions of this Section comes before it, *except* by the presentation of relevant evidence arising from its investigations, as directed by the Board. The Director of Public Works *shall not* vote on any appeal pursuant to this Subsection.

A final decision of the Board of Appeals may be appealed to the Superior Court in the manner provided in the Administrative Adjudication Law. The Guam Building Code Council may waive all accrued fines pursuant to §66507(d) of this Article within one hundred eighty (180) days of the declaration of a building as unsafe if the property owner has demolished or repaired the subject property to the standard of the Guam Building Code.

(b) Territorial Land Use Commission. In any matter other than that which is the subject of an appeal pursuant to Subsection (a) of this Section, the Commission is empowered to hear appeals from any order, requirement, decision or determination of the building official or his authorized representative or any rule, regulation or amendment or repeal thereof made by the building official; provided, that summary abatement by the building official or his authorized representative pursuant to § 66506 of this Chapter *shall* be final and conclusive."

Section 9. § 66701 of Article 7, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 66701. Notice of Amendments to the Building Code.**

Whenever the Building Code, found in Chapter 67 of this Title, or its successor, used by the government of Guam is updated, the Department of Public Works *shall* notify in a newspaper of general circulation all parties who have completed construction who have been issued building permits or who have construction in progress that an updated version of the Building Code, or its successor, is in use and make a copy of such updated version of the Building Code, or its successor, available for their inspection. When there are amendments to the Building Code, or its successor, which relate to safety, notice of such amendments must be published in a newspaper of general circulation to make owners of buildings aware of possible safety violations or deficiencies. All buildings under construction at the time of adoption of amendments to the Building Code, or its successor, relating to safety *shall* conform thereto if practicable."

Section 10. Effective Date. The provisions of this Act *shall* be effective one hundred eighty (180) days from enactment.

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