EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

JUL 14 2017

GL# 34-17-725
Speaker Benjamin J.F. Cruz

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

JUL 14 2017
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Dear Mr. Speaker:

Transmitted herewith is Bill No. 26-34 (COR), **"AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 33-104 AND SECTION 2 OF PUBLIC LAW 33-176, RELATIVE TO EXTENDING THE TIMELINES AND MEANS OF NOTIFICATION FOR *LAND FOR THE LANDLESS* PURCHASERS,"** which was signed into law on July 13, 2017, as **Public Law 34-20.**

Senseramente,

EDDIE BAZA CALVO

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

This is to certify that **Bill No. 26-34 (COR), "AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 33-104 AND SECTION 2 OF PUBLIC LAW 33-176, RELATIVE TO EXTENDING THE TIMELINES AND MEANS OF NOTIFICATION FOR *LAND FOR THE LANDLESS* PURCHASERS,"** was on the 30th day of June 2017, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 03 day of July, 2017, at 2:10 o'clock P .M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUL 13 2017

Public Law No. 34-20

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 26-34 (COR)
As corrected by the Prime Sponsor;
and amended on the Floor.

Introduced by: Telena Cruz Nelson
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 33-104 AND SECTION 2 OF PUBLIC LAW 33-176, RELATIVE TO EXTENDING THE TIMELINES AND MEANS OF NOTIFICATION FOR *LAND FOR THE LANDLESS* PURCHASERS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that *I Mina'Trentai Tres Na Liheslaturan Guåhan* (the 33rd Guam Legislature) and the Department of Land Management attempted to cover over defaulted and unused *Land for the Landless* program lots to the Chamorro Land Trust Commission

through Public Laws 33-104 and 33-176. A 2011 report listed four hundred forty-three (443) defaulted accounts, and efforts in 2016 reduced this number to three hundred fifty-six (356), with thirty-nine (39) families in homes built on defaulted lots.

I Liheslaturan Guåhan further finds that the recently specified procedures and processing deadlines may have been too restrictive for public agents and applicants to address the range of historic issues and satisfy program guidelines.

Therefore, it is the intent of *I Liheslaturan Guåhan* that a deadline extension is warranted to allow for a wider variety of procedures to be employed by public officers to find and notify qualified *Land for the Landless* program applicants; for qualified applicants to file appeals and make payments; for public officers to assist unsuccessful applicants to transition to other housing and land application programs; and, to definitively identify foreclosed and vacated lots for transfer into the Chamorro Land Trust Commission lands inventory.

Section 2. Section 3 of Public Law 33-104 is hereby *amended* to read:

"**Section 3. Transfer of Trust, Chamorro Homelands.**

The Department of Land Management is hereby directed to transfer all titles and maps of lots in the *Land for the Landless* subdivisions, and all other such subdivisions, which have contracts that have expired and/or foreclosed, or are unsold, and are not occupied by the original awardees or their legal beneficiaries, to the Chamorro Land Trust Commission's available lands inventory. These lots are now declared Chamorro Homelands."

Section 3. Section 2 of Public Law 33-176, which amended Section 2 of Public Law 33-104, is hereby *amended* to read:

"**Section 2. Notification of Purchasers Under the Land for the Landless Program Who Had Defaulted and Remedy.**

(a) The Director of the Department of Land Management (Department) *shall* exercise his best efforts to notify purchasers who have defaulted on contracts under the *Land for the Landless* program to submit, at the purchaser's option, an appeal to rescind the default. The appeal must provide justification on why the default should be rescinded.

(b) Purchasers, or their legal beneficiaries, *shall* be given ninety (90) days from enactment of this Act to submit their appeal and justification to the Department. The Department *shall* have forty-five (45) days to review the appeals and to make a determination. Appeals that *do not* receive a determination within the forty-five (45) days *shall* be deemed approved.

(c) If the Department finds the justification to be reasonable or the appeal is approved pursuant to Subsection (b) of this Section, and the purchaser, or his/her legal beneficiary, is still eligible under the program's guidelines, the Department *shall* give the purchaser the opportunity to rectify the default within two (2) years from the date of notice that the default has been rescinded. However, the purchaser, or his/her legal beneficiaries, *shall* be required to place, within one hundred twenty (120) days of receipt of the notice that the default has been rescinded, a minimum deposit of ten percent (10%) of the balance due.

(d) The remedy available to the purchaser, or his/her legal beneficiary, *shall* be to pay the full amount of the balance due on the initial Two Thousand Five Hundred Dollars ($2,500) purchase price and any interest penalty, as described in Subsection (e) of this Section.

(e) An interest penalty *shall* be assessed on the unpaid balance at an annual percentage rate (APR) of four and one half percent (4.5%) from the date that the last payment was made or should have been made.

(f) Funds received *shall* be deposited in the *Chamorro Land Trust Survey and Infrastructure Fund.*

(g) Re-entry. Every deed of conveyance of a lot under this Act *shall* contain a right of re-entry by the government if the grantee sells or leases any of the conveyed property within ten (10) years after the date of execution of the deed by *I Maga'låhi* (the Governor).

(h) Limitations in Deed. Each deed conveying a lot pursuant to this Act *shall* contain a reversionary clause to the government if the grantee sells or leases any of the conveyed property within ten (10) years after the execution of the deed, or if the grantee inherits or otherwise acquires other land in Guam, in addition to the conveyed lot, and at the time of such subsequent acquisition of land the grantee has not constructed any structure on the conveyed lot.

(i) If complete payment of the account was made ten (10) years or more ago, but through some administrative error or some other reason a deed of conveyance failed to be signed, the ten (10) year waiting period before any subsequent transfer can be made is hereby waived and the deed of conveyance *shall* be issued immediately without any reference to the waiting period. The furnishing of proof, which may include cancelled checks, receipts, or account ledger, *shall* be the responsibility of the applicant.

(j) If upon a field inspection of the subject lot of the expired contract the Department finds that the original assignee-applicant for that lot, or their legal beneficiaries, is found to be currently residing on the lot, then the Department *shall* give the purchaser the opportunity to rectify the default within two (2) years of the date of notice that the default has been rescinded. Interest *shall* continue to accrue in the payment extension period and the minimum deposit provisions in Subsection (c) of this Section *shall* apply.

(k) Notwithstanding any law, provision, rule, or regulation, the Department of Land Management is hereby authorized to transfer, by journal voucher, Five Thousand Dollars ($5,000) to reimburse the Department for postal and publication expenses related to the administration of Public Law 33-104. The transfer *shall* come from the *Chamorro Land Trust Survey and Infrastructure Fund* identified as Department of Administration Revenue Account Number 3669-57001, CLT-Sale of Government Land."

Section 4. Reporting Requirements.

The Director of Land Management *shall* issue a quarterly report to *I Maga'låhi* (the Governor) and the Speaker of *I Liheslatura* (the Legislature) on the Department's specific progress towards resolving outstanding *Land for the Landless* applications and transferring defaulted and unassigned properties to the Chamorro Land Trust Commission lands inventory.