Guam Legislature Clerks <clerks@guamlegislature.org>

Messages and Communications

Speaker's Office <speaker@guamlegislature.org>
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Fri, Jun 26, 2020 at 7:22 PM

06-26-20	6:34 PM	06-26-20	Bill No. 241-35 (COR), signed into law as Public Law 35-87.	Office of the Governor of Guam	35GL-20-1924
06-26-20	6:34 PM	06-26-20	Bill No. 251-35 (COR), signed into law as Public Law 35-88, and Bill No. 252-35 (COR), signed into law as Public Law 35-89.	Office of the Governor of Guam	35GL-20-1925
06-26-20	6:34 PM	06-26-20	Bill No. 323-35 (COR), signed into law as Public Law 35-90.	Office of the Governor of Guam	35GL-20-1926
06-26-20	6:34 PM	06-26-20	Substitute Bill No. 162-35 (COR), signed into law as Public Law 35-91.	Office of the Governor of Guam	35GL-20-1927
06-26-20	6:34 PM	06-26-20	Substitute Bill No. 366-35 (LS), signed into law as Public Law 35-92.	Office of the Governor of Guam	35GL-20-1928
06-26-20	6:34 PM	06-26-20	Substitute Bill No. 214-35 (LS), signed into law as Public Law 35-93.	Office of the Governor of Guam	35GL-20-1929
06-26-20	6:34 PM	06-26-20	Bill No. 367-35 (LS), signed into law as Public Law 35-94.	Office of the Governor of Guam	35GL-20-1930

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

7 attachments

- **Bill No. 241-35 (COR), signed into law as Public Law No. 35-87.pdf**
  1090K
- **Bill No. 251-35 (COR), signed into law as Public Law No. 35-88; Bill No. 252-35 (COR), signed into law as Public Law No. 35-89.pdf**
  1389K
- **Bill No. 323-35 (COR), signed into law as Public Law No. 35-90.pdf**
  1009K
- **Substitute Bill No. 162-35 (COR), signed into law as Public Law No. 35-91.pdf**
  2060K
- **Substitute Bill No. 366-35 (LS), signed into law as Public Law No. 35-92.pdf**
  1184K
- **Substitute Bill No. 214-35 (LS), signed into law as Public Law No. 35-93.pdf**
  1960K
- **Substitute Bill No. 367-35 (LS), signed into law as Public Law No. 35-94.pdf**
  2071K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

June 26, 2020

35GL-20-1929
Speaker Tina Rose Muña Barnes

JUN 26 2020
Time 6:34 ( )AM (X)PM
Received By: MgA

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Substitute Bill No. 214-35 (LS) – An Act to *Add* a New Article 5 to Chapter 48 of Title 21, Guam Code Annotated, Relative to Providing Lease Protections for Tenants Who Are Victims of Family Violence, Criminal Sexual Conduct, or Stalking; And to Cite This Act as the *'Guam Safe Housing Act of 2020'*

Dear Madame Speaker:

I can only imagine how entrapping it must feel to be stuck in a home with someone who mistreats you on a regular basis. Substitute Bill No. 214-35(LS), which is now known as ***Public Law No. 35-93***, seeks to remove any added pressure of being locked into a lease agreement with a person's abuser. I understand that the certainty of terms in lease agreements provides landlords with financial and operational stability and that, when exercised, the provisions of this law will remove some of that certainty. However, I think, as a community, we can all agree that if we have an opportunity to prevent further emotional or physical abuses in a home, we should take it.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Substitute Bill No. 214-35 (LS) *nka Public Law 35-93*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

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

This is to certify that **Substitute Bill No. 214-35 (LS), "AN ACT TO *ADD* A NEW ARTICLE 5 TO CHAPTER 48 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING LEASE PROTECTIONS FOR TENANTS WHO ARE VICTIMS OF FAMILY VIOLENCE, CRIMINAL SEXUAL CONDUCT, OR STALKING; AND TO CITE THIS ACT AS THE '*GUAM SAFE HOUSING ACT OF 2020*',"** was on the 15th day of June 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 15th day of June, 2020, at 5 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/26/2020

Public Law No. 35-93

2020-11020

RCVD AT CENTRAL FILES
JUN 15 '20 PM5:00

Elaine Tajalle

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 214-35 (LS)
As substituted and amended on the Floor.

Introduced by: Mary Camacho Torres
Telena Cruz Nelson
Tina Rose Muña Barnes
Régine Biscoe Lee
William M. Castro
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje

AN ACT TO *ADD* A NEW ARTICLE 5 TO CHAPTER 48 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING LEASE PROTECTIONS FOR TENANTS WHO ARE VICTIMS OF FAMILY VIOLENCE, CRIMINAL SEXUAL CONDUCT, OR STALKING; AND TO CITE THIS ACT AS THE "*GUAM SAFE HOUSING ACT OF 2020*."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that acts of family violence, sexual assault, and stalking remain significant problems

on Guam – with a devastating impact to individual victims, their families, and the entire island community.

I Liheslaturan Guåhan finds that family violence was the second highest offense charged overall in the Superior Court of Guam in 2018, and that three hundred seventy-seven (377) cases of family violence were filed by the Prosecution Division of the Office of the Attorney General in Fiscal Year 2018 alone. *I Liheslaturan Guåhan* further finds that Guam has the second highest number of sexual assaults per capita in the nation with sixty-four (64) reported rapes per one hundred thousand (100,000) people (National Organization of Asians and Pacific Islanders Ending Sexual Violence, 2017). Additionally, *I Liheslaturan Guåhan* finds that sixty-one percent (61%) of female victims and forty-four percent (44%) of male victims are stalked by someone who has been an intimate partner in their lives (National Center for Victims of Crime, 2016).

I Liheslaturan Guåhan finds that it is a legitimate government interest to address obstacles that victims of violence may face in accessing and maintaining safe housing. *I Liheslaturan Guåhan* recognizes that victims may be trapped in an abusive relationship or forced to stay in an unsafe living environment due to the terms of their residential lease agreement. Without access to safe housing, these victims are more likely to remain in or return to abusive or dangerous situations. Moreover, *I Liheslaturan Guåhan* recognizes that these individuals risk being revictimized if other landlords refuse to enter into a lease agreement with them because of their history as a victim. While *I Liheslaturan Guåhan* acknowledges that most landlords would do what they can for victims of family violence, *I Liheslaturan Guåhan* finds that many states are, nonetheless, in the process of adopting or amending clear legal protections for victims of these crimes.

I Liheslaturan Guåhan finds that since 2010, there has been a major increase in state and local jurisdictions enacting and implementing a variety of housing

protections for victims of violence (National Housing Law Project). Currently, twenty-seven (27) states have early lease termination laws for survivors while twenty-four (24) states and localities have eviction defense laws for survivors. Moreover, forty-four (44) states and localities have laws pertaining to confidentiality of housing records and documentation of victims.

By this Act, *I Liheslaturan Guåhan* therefore intends to increase safe housing for victims of family violence, sexual assault, and stalking by providing early termination of a residential lease agreement, as well as protection against discrimination, retaliation, eviction, and disclosure.

Section 2. A new Article 5 is hereby *added* to Chapter 48 of Title 21, Guam Code Annotated, to read as follows:

"**ARTICLE 5**

GUAM SAFE HOUSING ACT OF 2020

§ 48501. Early Termination of Rental Agreement.
§ 48502. Protection Against Eviction and Liability.
§ 48503. Lock Changes Where Victim Lives With Perpetrator.
§ 48504. Discrimination and Retaliation Against Tenant Prohibited.
§ 48505. Disclosure Prohibited.
§ 48506. False Notice and Protection of Action Taken in Good Faith.

§ 48501. Early Termination of Rental Agreement.

(a) If a tenant to a residential rental agreement or lease agreement notifies the landlord in writing that he or she is the victim of family violence, criminal sexual conduct, or stalking as defined under Guam law, and provides to the landlord evidence as defined in § 48501(b) of this Article, and the tenant seeks to vacate the premises due to fear of imminent danger for self or children because of family violence, criminal sexual conduct, or stalking, then the tenant may terminate the

residential rental agreement or lease agreement and vacate the premises without further obligation, except as otherwise provided in § 48501(c) of this Article.

(b) For the purposes of this Article, evidence that a tenant is a victim of family violence, criminal sexual conduct, or stalking may be provided to his or her landlord in the form of:

(1) a police report written within the prior thirty (30) days;

(2) a valid restraining or protective order; or

(3) a statement written within the prior thirty (30) days from a licensed medical or mental health professional who has examined or consulted with the victim, which written statement confirms such fact.

(c) If a tenant to a residential rental agreement or lease agreement terminates the residential rental agreement or lease agreement and vacates the premises pursuant to § 48501(a) of this Article, then the tenant shall be responsible for one (1) month's rent following vacation of the premises, which shall be due and payable to the landlord within ninety (90) days after the tenant vacates the premises. Following such payment, the tenant shall be released from any rent payment obligation under the residential rental or lease agreement without penalty. This provision shall not affect a tenant's liability for delinquent, unpaid rent, or other amounts owed to the landlord prior to the tenant's notification that he or she is a victim of family violence, criminal sexual conduct, or stalking.

(d) Nothing in this Section relieves a tenant, other than the tenant who is a victim of family violence, criminal sexual conduct, or stalking from his or her obligations under the residential rental agreement or lease agreement.

§ 48502. Protection Against Eviction and Liability.

(a) A victim under this Article shall not be evicted based on an incident or incidents of actual or threatened family violence, criminal sexual conduct, or stalking.

(b) A victim under this Article shall not be held liable for damage to the property related to an incident or incidents of actual or threatened family violence, criminal sexual conduct, or stalking beyond the value of the victim's security deposit, when the alleged perpetrator is a tenant and the victim provides written notice of the damage, and documentation required pursuant to § 48501(b) of this Article, within thirty (30) days of the occurrence of the damage.

(c) Nothing in this Article prohibits a landlord from evicting a tenant for reasons unrelated to family violence, criminal sexual conduct, or stalking.

(d) Nothing in this Article prohibits a landlord from instituting a forcible entry and detainer action against the tenant of the premises who perpetuated the family violence, criminal sexual conduct, or stalking, or from obtaining a criminal no trespass order against a non-tenant who perpetuates such violence or abuse at the premises.

(e) Nothing in this Article limits the rights of a landlord to hold a perpetrator of the family violence, criminal sexual conduct, or stalking liable for damage to the premises or landlord's property.

§ 48503. Lock Changes Where Victim Lives With Perpetrator.

(a) If a person who is restrained from contact with a protected tenant under a court order is also a tenant of the same dwelling unit as the protected tenant, the landlord shall change the locks of the protected tenant's dwelling unit no later than twenty-four (24) hours after the protected tenant gives the landlord a copy of the court order. The landlord shall pay for the cost of changing the locks and give the protected tenant a key to the new locks.

(b) The landlord shall not be liable to the restrained person for any civil damages as a result of actions the landlord takes to comply with this Section.

(c) This Section shall not be construed to relieve the restrained person of any obligation under a lease agreement or any other liability to the landlord.

§ 48504. Discrimination and Retaliation Against Tenant Prohibited.

(a) A landlord shall not terminate a lease, refuse to renew a lease, refuse to enter into a lease, or retaliate against a tenant solely because a tenant, an applicant, or an individual who is a member of the tenant's or applicant's household is the victim of family violence, criminal sexual conduct, or stalking.

(b) A landlord shall not refuse to enter into a lease with an applicant or retaliate against a tenant solely because the tenant, the applicant, or an individual who is a member of the tenant's or applicant's household has terminated a residential rental or lease agreement under § 48501 of this Article.

§ 48505. Disclosure Prohibited.

(a) A landlord shall not disclose any information provided by a tenant under this Article to a third party unless the disclosure satisfies any one (1) of the following:

(1) the tenant consents in writing to the disclosure; or

(2) the disclosure is required by law or order of the court.

(b) A landlord's communication to a third party which provides evidence under § 48501(b) of this Article to verify the contents of such documentation is not disclosure for the purposes of this Section.

§ 48506. False Notice and Protection of Action Taken in Good Faith.

(a) If a tenant knowingly submits a false notice or accompanying documentation to a landlord as evidence to terminate a residential rental or lease agreement under this Article, the landlord may recover an amount equal to three (3) months periodic rent or threefold actual damages, whichever is greater, plus costs and reasonable attorney's fees.

(b) The person who committed family violence, criminal sexual conduct, or stalking against the tenant shall not be entitled to any damages or other relief

against the landlord or tenant who complies with the provisions of this Article in good faith."

Section 3. Application. This Act shall apply to all residential real estate rental or lease agreements on Guam, and to any renewals, modifications, or extensions of such agreements upon enactment. The provisions of this Act shall not be waived or modified by the agreement of the parties under any circumstances.

Section 4. Severability. If any provision of this Act 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 Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.