

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
151-36 (COR) As substituted and amended on the Floor.	James C. Moylan V. Anthony Ada Christopher M. Dueñas Frank Blas Jr. Joe S. San Agustin Mary Camacho Torres Tina Rose Muña Barnes Jose "Pedro" Terlaje Amanda L. Shelton	AN ACT TO <i>AMEND</i> ARTICLE 5 OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE PROCESS AND PENALTIES IN ASSOCIATION WITH UNSAFE AND DERELICT BUILDINGS AND STRUCTURES.	6/11/21 2:13 p.m.	6/18/21	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation	10/5/21 3:00 p.m.	1/10/22 12:50 p.m.	Request: 6/21/21 7/6/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	2/18/22	AN ACT TO <i>AMEND</i> ARTICLE 5 OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE PROCESS AND PENALTIES IN ASSOCIATION WITH UNSAFE AND DERELICT BUILDINGS AND STRUCTURES.	2/25/22	2/28/22	3/11/22	36-83	3/11/22	Received: 3/11/22 Mess and Comm. Doc. No. 36GL-21-1743	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

March 11, 2022

36GL-22-1743
**OFFICE OF THE SPEAKER
THERESE M. TERLAJE**

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

-03-11-2022

Time: 5:13 pm
Received: [Signature]

Re: SUBSTITUTE BILL NO. 151-36 (COR) – AN ACT TO AMEND ARTICLE 5 OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE PROCESS AND PENALTIES IN ASSOCIATION WITH UNSAFE AND DERELICT BUILDINGS AND STRUCTURES

Hafa Adai Madame Speaker,

Improving the quality of life of residents through island beautification efforts has been a priority of my administration. As Chairperson of the Islandwide Beautification Task Force, the Lieutenant Governor engages with Guam agencies in managing key projects that promote our island's safety and recreational values. These include the Islandwide Derelict Structures Project, which is currently spearheaded by the Department of Public Works (DPW).

Substitute Bill No. 151-36 amends provisions of the Building Law of Guam. This legislation is designed to beautify areas affected by derelict buildings and structures, requires DPW to complete various duties within statutorily defined deadlines, and authorizes the imposition of civil penalties to induce compliance. For example, owners who fail to appear at a show cause hearing shall be issued a penalty of up to Five Thousand Dollars (\$5,000.00). These may include business owners who should be penalized for failing to remedy unsafe buildings or structures. Achieving the goals of beautifying the island is an ongoing collective process, and this legislation is a modest step in that direction. Accordingly, I sign Substitute Bill No. 151-36 into law as **Public Law No. 36-83**.

Senseremente,

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

COMMITTEE ON RULES

RECEIVED:

March 14, 2022

8:00 A.M.

Enclosure: Substitute Bill No. 151-36 (COR) *nka P.L. No. 36-83*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 151-36 (COR)**, “AN ACT TO **AMEND ARTICLE 5 OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE PROCESS AND PENALTIES IN ASSOCIATION WITH UNSAFE AND DERELICT BUILDINGS AND STRUCTURES,**” was on the 25th day of February 2022, duly and regularly passed.



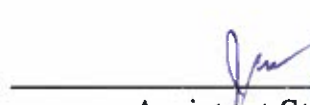

Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of Feb.,
2022, at 4.10 o'clock p..M.



Marilyn Tablante
Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/11/2022

Public Law No. 36-83

2022-15951

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

Bill No. 151-36 (COR)

As substituted and amended on the Floor.

Introduced by:

James C. Moylan
V. Anthony Ada
Christopher M. Dueñas
Frank Blas Jr.
Joe S. San Agustin
Mary Camacho Torres
Tina Rose Muña Barnes
Jose "Pedo" Terlaje
Amanda L. Shelton
Joanne Brown
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *AMEND* ARTICLE 5 OF CHAPTER 66,
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO
MODERNIZING THE PROCESS AND PENALTIES IN
ASSOCIATION WITH UNSAFE AND DERELICT
BUILDINGS AND STRUCTURES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam's statutes associated with unsafe buildings and structures require some
4 modifications to provide inspectors of the Department of Public Works with
5 reasonable timelines to work with property owners of derelict structures to remedy
6 the problem. In addition, stringent penalties are needed to ensure compliance with

1 Guam’s laws associated with vacating, repairing, or demolishing unsafe structures.
2 This Act addresses both the timelines and penalties.

3 Unfortunately, derelict buildings pose many problems in our communities.
4 Whether they become illegal dumping sites for trash, create fire hazards, house illicit
5 activity, adversely impact property values for neighboring structures, or essentially
6 affect the beautification of the area, these unsafe structures need to be addressed by
7 the government. Some structures also become a roof over the heads of homeless
8 island residents, thus addressing unsafe buildings may lead to assisting more families
9 with proper housing. After all, such structures are considered unsafe for habitation.

10 **Section 2.** Article 5 of Chapter 66, Title 21, Guam Code Annotated, is
11 hereby *amended* to read as follows:

12 **“§ 66501. Unsafe Structures.**

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

16 (b) For the purpose of this Chapter, unsafe buildings are all buildings
17 and structures or equipment thereof which are structurally unsafe, or which
18 are unsanitary, or have been utilized as a site to dump trash illegally, or which
19 are unfit for human habitation, or are not provided with adequate means of
20 egress, or which constitute a fire hazard, or are otherwise dangerous to human
21 life or safety, or which in relation to existing uses constitute a hazard to the
22 safety of the public or occupants by reason of inadequate maintenance,
23 dilapidation, obsolescence, or abandonment.

24 (c) A vacant structure not secured against entry shall be deemed
25 unsafe.

26 **§ 66502. Same: Examination.**

1 The building official shall examine or cause to be examined every
2 unsafe or damaged building or structure. He shall make or cause to be made,
3 a written record of such examination, which shall set forth a factual
4 description of the premises and specifically enumerate the particular
5 conditions which are alleged to be violations of the provisions of this Chapter
6 or otherwise render such buildings unsafe.

7 **§ 66503. Same: Same: Report.**

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

10 (1) Within sixty (60) days of completing the finding, notify in
11 writing, by personal service, certified mail, or registered mail, the
12 owner, occupant, lessee, mortgagee, agent, and other persons having an
13 interest in said building as shown by the land records of the Department
14 of Land Management, that the building or structure is unsafe, and that:

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

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

21 (C) said mortgagee, agent, or other persons having an
22 interest in said building, must vacate and may, at his own risk,
23 repair or demolish said building or have such work or act done.

24 Any person notified under this Subsection to vacate and either
25 repair or demolish any building shall be given such reasonable time, not
26 exceeding thirty (30) days, as may be necessary to do, or have done, the
27 work or act required by the notice as herein provided. Such notice shall

1 describe the building deemed unsafe, shall include a statement of the
2 particulars which make it unsafe, and shall contain an order requiring
3 the building to be put in such condition as to comply with the terms of
4 this Chapter within a stated time, not exceeding thirty (30) days.

5 (2) Within ten (10) days of completing the finding, post, or
6 cause to be posted in a conspicuous place at the principal point of entry
7 to the building deemed unsafe, a notice reading as follows:

8 “This building has been found to be unsafe by the Department of Public
9 Works, Government of Guam. This notice is to remain on the building until it
10 is vacated and either repaired or demolished in accordance with the notice
11 which has been given to all parties having an interest in this building. It is
12 unlawful to remove this notice until such notice is complied with. Any person
13 who removes this notice may be fined up to Ten Thousand Dollars
14 (\$10,000.00).”

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

17 (1) Provide notice within thirty (30) days from the deadline
18 established in the notice issued pursuant to § 66503(a)(1) of this
19 Chapter, in writing by personal service, certified mail, or registered
20 mail, to the State Historic Preservation Officer and the same parties as
21 in § 66503(a) to appear before him on a specified date to show cause
22 why the building deemed unsafe should not be vacated and either
23 repaired or demolished in accordance with the statement of particulars
24 set forth in the prior notice. The building owner shall be issued a
25 citation with a penalty of up to Five Thousand Dollars (\$5,000.00) if
26 they or their representative fail to appear on the specified date pursuant
27 to this Subsection.

1 (2) Hold a hearing within sixty (60) days from the deadline
2 established in the notice issued pursuant to § 66503(a)(1) of this Article,
3 and hear such testimony as building department employees, owner,
4 occupant, lessee, mortgagee, or other interested parties shall offer
5 relative to the unsafe building. Notwithstanding any other provision of
6 law, rule, or regulation to the contrary, the building official is hereby
7 authorized and may hold the hearing under this Section virtually.

8 (3) Make written findings of fact from the testimony offered
9 at said hearing, and on the basis of such findings render a written
10 decision within ten (10) days from the date of hearing, as to whether
11 the building is safe, or unsafe within the meaning of this Chapter. The
12 original copy of such findings and decisions shall be kept in the
13 Department of Public Works. Other copies shall be sent to all parties
14 served with notice of the hearing.

15 (4) On the finding that the building is unsafe, shall issue an
16 order within five (5) days based on such findings of fact, commanding
17 all parties served with notice of the hearing to vacate and either repair
18 or demolish such unsafe building; provided, that any person so notified,
19 except the owner, must vacate the premises and shall have the privilege
20 of repairing; and provided further, that no person other than the owner
21 shall be ordered to demolish said building.

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

1 against the land on which the building exists or existed, as the case may be,
2 until all costs are recovered by the Government of Guam.

3 (1) The building official shall provide notice in writing, by
4 personal service, certified mail, or registered mail, to the owner,
5 occupant, lessee, mortgagee, agent, or other persons having an interest
6 in said building of a hearing to be held within ninety (90) days of its
7 determination of noncompliance with the § 66503(b)(4) Order, to show
8 cause why the owner, occupant, lessee, mortgagee, agent, or other
9 persons having an interest in said building failed to comply with such
10 Order. Notwithstanding any other provision of law, rule, or regulation
11 to the contrary, the building official is hereby authorized and may hold
12 the hearing under this Section virtually.

13 (2) Absent a showing of good cause, the hearing officer may
14 issue a citation of no less than One Thousand Dollars (\$1,000.00) nor
15 more than Ten Thousand Dollars (\$10,000.00) for non-compliance
16 pursuant to § 66503(b)(4) of this Article.

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

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

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

25 (3) If an unsafe building is damaged or decayed, or
26 deteriorated to the extent of fifty percent (50%) of its original value or
27 structure, it shall be demolished. In all cases where a building cannot

1 be repaired so that it will no longer exist in violation of the terms of this
2 Chapter, it shall be demolished. In all cases where an unsafe building is
3 a fire hazard existing or erected in violation of the provisions or unsafe
4 within the meaning of this Chapter, it shall be demolished.

5 **§ 66504. Same: Order to Vacate.**

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

11 **§ 66505. Same: Same.**

12 (a) The building official, on the vacation of any building in
13 accordance with the provisions of § 66503 or § 66504, shall post or cause to
14 be posted at each entrance to the building, a sign stating:

15 “This building is unsafe, and its use or occupancy is prohibited by the
16 Director of Public Works. Any person entering this building without
17 permission of the Director of Public Works shall be subject to a fine of no less
18 than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars
19 (\$10,000.00) or imprisonment or both.”

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

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

26 **§ 66506. Same: Actual and Immediate Danger.**

1 (a) In case there shall be, in the opinion of the building official,
2 actual and immediate danger of failure or collapse of a building or structure,
3 or any part thereof so as to endanger life or property, he shall promptly cause
4 such building or structure to be made temporarily safe, or if necessary, to be
5 demolished. In such cases the decision of the building official shall be final
6 and conclusive.

7 (b) The building official, in exercising his powers and duties under
8 this Section, may at once enter any unsafe building, or the land on which it
9 stands, or abutting land or structure, with such assistance and at such costs as
10 he deems necessary. He may vacate adjacent structures and protect the public
11 by an appropriate fence or such other means as may be necessary, and for this
12 purpose he may close a public or private way.

13 (c) Costs incurred under this Section shall be paid out of the General
14 Fund of Guam on a certified voucher of the building official. Such costs shall
15 be a lien on the land on which the building exists or existed, as the case may
16 be, until recovered by the government of Guam.

17 **§ 66507. Prohibition and Penalty.**

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

21 (b) Any person violating the provisions of this Chapter shall be
22 deemed guilty of a petty misdemeanor; except, that any person entering an
23 unsafe structure without permission of the Director of Public Works shall be
24 subject to a fine of up to One Thousand Dollars (\$1,000) per violation, or shall
25 be required to perform community service, not to exceed one hundred (100)
26 hours. Any subsequent violation of entering an unsafe structure pursuant to
27 this Subsection shall require an additional fifty (50) hours of community

1 service per offense. The community service shall be conducted under the
2 supervision of the Department of Public Works.

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

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

14 **§ 66508. Guam Building Code Council; Guam Land Use**
15 **Commission; Appeals.**

16 (a) Guam Building Code Council. The Guam Building Code
17 Council shall sit as a Board of Appeals (Board) to hear appeals of any decision
18 of the building official relative to the suitability of alternate materials and
19 methods of construction, and to provide for reasonable interpretation of the
20 provisions of this Chapter. The Director of Public Works, or the building
21 official, shall make such investigations as are deemed necessary for appeals
22 to the Board. The Board shall hold hearings and may adopt reasonable rules
23 and regulations for the conduct of any investigations made under its direction;
24 provided, however, that every hearing shall be conducted pursuant to the
25 procedure set forth in the Administrative Adjudication Law; and further
26 provided, that the Board shall render all decisions and findings in writing to
27 the building official with a duplicate copy to the appellant, and may

1 recommend such new legislation as is consistent therewith to *I Liheslatura*
2 (the Legislature). Neither the Director of Public Works nor the building
3 official shall influence or attempt to influence the decision of the Board
4 relative to any matter that pursuant to the provisions of this Section comes
5 before it, except by the presentation of relevant evidence arising from its
6 investigations, as directed by the Board. The Director of Public Works shall
7 not vote on any appeal pursuant to this Subsection.

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

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

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

27 **Section 4. Effective Date.** This Act shall be effective upon enactment.