

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
133-37 (COR) As amended by the Committee on Infrastructure, Economic Development, Simon Sanchez High School, Disability Services, Self-Determination and Historic Preservation, Housing, Public Accountability, and the Guam Buildup; and substituted and further amended on the Floor	Sabina Flores Perez Therese M. Terlaje Chris Barnett Telo T. Taitague	AN ACT TO ADD A NEW § 48307 TO ARTICLE 3, CHAPTER 48, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING TENANTS TO MAKE REPAIRS TO WEATHERHEADS AND WEATHERHEAD POSTS FOLLOWING STORMS IN CASES WHERE LANDLORDS ARE UNABLE TO ACT EXPEDITIOUSLY.	6/9/23 4:52 p.m.	6/14/23	Committee on Infrastructure, Economic Development, Simon Sanchez High School, Disability Services, Self-Determination and Historic Preservation, Housing, Public Accountability, and the Guam Buildup	Request: 6/15/23 Waiver: 6/22/23	9/22/23 1:00 p.m.	2/13/24 1:14 p.m.	As amended by the Committee on Infrastructure, Economic Development, Simon Sanchez High School, Disability Services, Self-Determination and Historic Preservation, Housing, Public Accountability, and the Guam Buildup
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	3/18/24	AN ACT TO ADD A NEW § 48307 TO ARTICLE 3 OF CHAPTER 48, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING TENANTS TO MAKE REPAIRS TO WEATHERHEADS AND WEATHERHEAD POSTS FOLLOWING STORMS IN CASES WHERE LANDLORDS FAIL TO ACT EXPEDITIOUSLY.	3/22/24	3/22/24	4/3/24	37-89	4/3/24	Received: 4/3/24 Messages and Communications Doc. No. 37GL-24-1888	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA E. TENORIO
LT. GOVERNOR

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

Transmitted via email to: speaker@guamlegislature.org

April 3, 2024

The Hon. Therese M. Terlaje
Speaker, I Mina 'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

37GL-24-1888
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

APR 03 2024

Time: 4:14 pm
Received: *[Signature]*

Re: Substitute Bill No. 133-37 (COR) - AN ACT TO ADD A NEW § 48307 TO ARTICLE 3 OF CHAPTER 48, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING TENANTS TO MAKE REPAIRS TO WEATHERHEADS AND WEATHERHEAD POSTS FOLLOWING STORMS IN CASES WHERE LANDLORDS FAIL TO ACT EXPEDITIOUSLY

Håfa Adai Madam Speaker,

Substitute Bill No. 133-37 (COR) allows tenants to pay for repairs to weatherheads and weatherhead posts resulting from destructive windstorms when a landlord fails to act expeditiously to address the damage. The bill authorizes tenants to deduct the reasonable cost of such repairs from subsequent rental payment(s), not to exceed three (3) months.

In the wake of Typhoon Mawar, post-storm electrical service restoration was crucial to maintaining the health and safety of our people. This bill will empower tenants, who may be at risk for potential health and safety hazards, to take action to restore power to their homes more expeditiously.

Our island is prone to typhoons, and while we work to harden our island's power infrastructure, at present time, most of our power lines remain above ground, and damage to weatherheads and their foundations following a storm remains a common occurrence. This measure prioritizes the health and well-being of our people by providing landlords with a reasonable opportunity to commence good-faith efforts to commence repairs to damaged weatherheads and their foundations, and providing tenants with a streamlined process to make such repairs if their landlords are unwilling or unable to perform such repairs.

RECEIVED
4/3/24 2:45 pm
[Signature]

To: Therese M. Terlaje, Speaker
Fr: Lourdes A. Leon Guerrero, Governor of Guam
Date: April 3, 2024
Re: Substitute Bill No. 133-37 (COR)

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For these reasons, I am signing Substitute Bill No. 133-37 (COR) into law as ***Public Law 37-89***.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam


Enclosure(s): Substitute Bill No. 133-37 (COR) nka P.L. 37-89

cc via email: The *Honorable* Joshua F. Tenorio, *Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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


This is to certify that **Substitute Bill No. 133-37 (COR)**, “AN ACT TO ADD A NEW § 48307 TO ARTICLE 3 OF CHAPTER 48, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING TENANTS TO MAKE REPAIRS TO WEATHERHEADS AND WEATHERHEAD POSTS FOLLOWING STORMS IN CASES WHERE LANDLORDS FAIL TO ACT EXPEDITIOUSLY,” was on the 22nd day of March 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22ND day of MARCH,
2024, at 8:22 o'clock P.M. #731


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/3/2024

Public Law No. 37-89

2024 - 21277
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Tomichael C. Quinata
Date: 3/25/24 Time: 8:29 AM

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 133-37 (COR)

As amended by the Committee on Infrastructure, Economic Development, Simon Sanchez High School, Disability Services, Self-Determination and Historic Preservation, Housing, Public Accountability, and the Guam Buildup; and substituted and further amended on the Floor.

Introduced by:

Sabina Flores Perez
Therese M. Terlaje
Chris Barnett
Telo T. Taitague
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton

AN ACT TO *ADD* A NEW § 48307 TO ARTICLE 3 OF CHAPTER 48, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING TENANTS TO MAKE REPAIRS TO WEATHERHEADS AND WEATHERHEAD POSTS FOLLOWING STORMS IN CASES WHERE LANDLORDS FAIL TO ACT EXPEDITIOUSLY.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that following significant typhoons, the most common form of damage is to the

1 weatherheads of buildings. The weatherhead is the structure where the electrical
 2 service line enters the building. Its purpose is to keep rainwater out of the building.
 3 If the weatherhead is damaged during a windstorm, water may enter the building’s
 4 electrical system causing damage or creating an electrical hazard risk. For these
 5 reasons, GPA requires that repairs be made by a licensed electrician. While owner-
 6 occupied homeowners are quick to engage repair services, landlords of rental units
 7 may have less incentive to make repairs.

8 *I Liheslatura* further finds that prior to the enactment of the recent landlord-
 9 tenant law (Public Law 34-146) tenants were authorized to make minor repairs when
 10 the landlord did not act expeditiously (§§ 51101 and 51102, 18 GCA). Under the
 11 recently enacted Public Law 34-146, tenants can choose to either declare a breach
 12 has occurred and vacate the premises or take reasonable or appropriate measures to
 13 make repairs if the landlord fails to do so. Following a major storm, it is usually
 14 difficult to hire moving services, find suitable housing, and/or find available licensed
 15 and master electricians. Therefore, residents of rental units may find themselves
 16 waiting several months until the landlord makes repairs so that electricity services
 17 can be restored.

18 Therefore, it is the intent of *I Liheslaturan Guåhan* to clarify current statute
 19 by allowing a narrow exception to the landlord-tenant law that allows tenants, whose
 20 landlords fail to act expeditiously or fail to commence or fail to make a good faith
 21 effort to commence repairs, to fund the cost of repairs to weatherheads and
 22 weatherhead posts caused by damaging and destructive winds and to offset future
 23 rent payments by the amount of the repair costs.

24 **Section 2.** A new § 48307 is *added* to Article 3 of Chapter 48, Title 21,
 25 Guam Code Annotated, to read as follows:

26 **“§ 48307. Weatherhead Damage from Windstorm.**

1 (a) Notwithstanding any other provision of this Chapter, the tenant
2 shall report any observed damage to the weatherhead or weatherhead post
3 where the damage is related to damaging or destructive winds (windspeed that
4 exceeds thirty-four (34) knots or forty (40) miles per hour) to the landlord or
5 the landlord's contractor, agent, representative, or employee. If the landlord
6 fails to commence or make a good faith effort to commence repair to the
7 damaged weatherhead within ten (10) days following the date that the landlord
8 became aware of the damage, the tenant may, with the services of a master
9 and licensed electrician, and at his own cost, cause repairs to be made to the
10 weatherhead in compliance with Guam's building and electrical code laws,
11 rules, and regulations. The tenant may deduct the reasonable cost of such
12 repairs from the next subsequent rent payment, only after submitting an
13 itemized invoice to the landlord. In the event that the cost exceeds one (1)
14 month's rent payment, the tenant may continue to deduct the balance of the
15 cost, for a period not to exceed three (3) months. In the event that damage to
16 the weatherhead occurs in a multifamily structure and multiple tenants incur
17 the cost of repairs, each tenant may deduct the cost of the repairs that the
18 respective tenants contributed for the repair service from future rent payments.

19 (b) The date of the landlord's awareness of the damage occurs at the
20 earliest date of the following:

21 (1) the landlord or the landlord's contractor, agent,
22 representative, or employee becomes aware of the damage to the
23 weatherhead or weatherhead post;

24 (2) the tenant, in writing or orally, communicated the
25 discovery of damage to the weatherhead or weatherhead post to the
26 landlord or the landlord's contractor, agent, representative, or
27 employee; or

1 (3) an inspection of the weatherhead or weatherhead post was
2 conducted by an employee or contractor of the Guam Power Authority
3 during post-storm electrical service restoration, and the landlord or
4 tenant was notified that electricity could not be restored until the
5 damage to the weatherhead was repaired in accordance with applicable
6 laws, rules, and regulations.

7 (c) This Section does not apply to the following:

8 (1) buildings where a licensed electrician, master electrician,
9 or engineer has determined that it is unsafe to restore electricity service
10 until repairs other than repairs to the weatherhead or weatherhead post
11 are completed; or

12 (2) the building was subject to water inundation as a result of
13 damaged doors, windows, or loss of roofing parts or flooding, and such
14 building was deemed unsafe by a licensed electrician, master
15 electrician, or engineer until appropriate repairs can be made; or

16 (3) the tenant apparently abandoned the building following
17 the windstorm.”

18 **Section 3. Severability.** If any provision of this Act or its application to any
19 person or circumstance is found to be invalid or inorganic, such invalidity shall not
20 affect other provisions or applications of this Act that can be given effect without
21 the invalid provision or application, and to this end the provisions of this Act are
22 severable.

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