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
14-36 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and substituted on the Floor	Joe S. San Agustin Tina Rose Muña Barnes James C. Moylan	AN ACT TO *AMEND* § 61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.	1/7/21 8:11 a.m.	1/13/21	Committee on Health, Land, Justice, and Culture	2/4/21 2:00 p.m.	2/12/21 8:00 a.m. As amended by the Committee on Health, Land, Justice, and Culture	Waiver: 1/13/21	2/12/21 4:29 p.m. Supplement Document to the Committee Report on Bill No. 14-36 (COR).

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
2/12/21	AN ACT TO *ADD* A NEW § 61309(c)(4)(C) TO ARTICLE 3 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FAST-TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKFORCE HOUSING FACILITIES DURING ANY PANDEMIC CONDITIONS OF READINESS.	2/22/21	2/22/21	3/5/21	36-2	3/2/21	Received: 3/3/21 Mess and Comm. Doc. No. 36GL-21-0247

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

March 2, 2021

Doc Type: 36GL-21-0247
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
03 02 2021
Time: 4:57pm
Received:

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

RE: SUBSTITUTE BILL NO. 14-36 (COR) – An Act to *Add* a New § 61309(c)(4)(C) to Article 3 of Chapter 61, Title 21, Guam Code Annotated, Relative to Fast-Tracking Guam Land Use Commission Conditional Use Applications for Temporary Workforce Housing Facilities During Any Pandemic Conditions of Readiness

Buenas yan Hafa Adai Madame Speaker!

Guam is in the midst of a significant build up to accommodate the transfer of United States Marines from Okinawa. To support the Department of Defense's several construction projects, we have relied in significant part on foreign workers to satisfy our construction labor needs while we work to build our local skilled labor capacities. These laborers need places to live and rest when they are not working. Under Guam law, permits for congregate temporary workforce housing are required to undergo several levels of review. Unfortunately, at the height of the pandemic, when public gatherings were severely restricted in an effort to prevent the unmitigated spread of COVID-19, this meant that regulatory bodies whose procedural requirements normally required official business to be conducted during in-person meetings had to shift to accommodate COVID-19 mitigation measures. Substitute Bill No. 14-36 provides a statutory mechanism, to be utilized only when there are limitations on in-person gatherings, to allow for alternative avenues of review. It is now ***Public Law No. 36-2***.

Senseremente,

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

(J.Borja)

COMMITTEE ON RULES
RECEIVED:
March 3, 2021
10:04 A.M.

Enclosure(s): Sub. Bill No. 14-36 (COR) *nka P.L. 36-2*

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

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

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

This is to certify that **Substitute Bill No. 14-36 (COR), "AN ACT TO *ADD* A NEW § 61309(c)(4)(C) TO ARTICLE 3 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FAST-TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKFORCE HOUSING FACILITIES DURING ANY PANDEMIC CONDITIONS OF READINESS,"** was on the 22nd day of February 2021, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22ND day of FEBRUARY 2021, at 6:00 o'clock P .M.

Poz C.C.Quipug

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou Leon Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/2/2021

Public Law No. 36-2

RCVD AT CENTRAL FILE
FEB 24 '21 AM 11:49
2021-13067
Jessica Cruz

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

Bill No. 14-36 (COR)
As amended by the Committee on Health,
Land, Justice, and Culture; and substituted on the Floor.

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

AN ACT TO *ADD* A NEW § 61309(c)(4)(C) TO ARTICLE 3 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FAST-TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKFORCE HOUSING FACILITIES DURING ANY PANDEMIC CONDITIONS OF READINESS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam contractors engaged in the U.S. military build-up must rely on H-2B visa temporary workers in order to construct approved U.S. Department of Defense

build-up projects, as well as the off-base projects that are associated with the build-up. The Guam Department of Labor estimates that approximately 1,500 temporary workers are already on Guam; and, since January, the Department of Land Management (DLM) has received six (6) Guam Land Use Commission (GLUC) applications for temporary workforce housing facilities (TWHF) that would accommodate about 2,500 new temporary workers. Additional GLUC applications for TWHFs are to be expected in order to accommodate the projected additional temporary workers, possibly as many as another 1,000, required to complete the remaining military build-up projects, as well as build-up associated private and Government of Guam projects.

Public Law 31-72 (21 GCA § 61309(c)) clarified, among other matters, that temporary workers must be housed in TWHFs located in a M1 Light Industrial Zone and approved by GLUC as a conditional use.

The COVID-19 restrictions imposed on the operations of the Planning Division of DLM, as well as on public assembly at the required Application Review Committee meetings, municipal public hearings, municipal planning council meetings, and GLUC public hearings, have resulted in virtually no processing of TWHF applications by DLM since February 2020. Nonetheless, the temporary workers are still coming.

Without GLUC-approved TWHF applications, the only affordable alternative for housing the first wave of 2,500 temporary workers is their dispersal into private housing arrangements such as single-family houses, apartments, and for-rent condos. Those commercial arrangements are primarily controlled by two (2) laws:

(1) 21 GCA § 61103(o): "Family. An individual, or two or more persons related by blood or marriage, *or a group of not more than five persons who need not be related by blood or marriage living together as a single housekeeping unit.*" *Id.* (emphasis added); and

(2) 10 GCA § 26A101(b): *"Temporary workforce housing means any enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are temporary workers,* including, but not limited to, facilities known by varying nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist homes." *Id.* (emphasis added).

Taken together, those laws mean that the housing of unrelated temporary workers in apartments and in for-rent condos is limited to five (5) occupants per housekeeping unit; and, the total number of temporary workers housed at a single complex must be less than 51% of total occupants, or it will be deemed a TWHF and subject to GLUC approval.

The net impact of 2,500 temporary employees being housed in apartments and in for-rent condos will affect at least 500 multi-family residential units scattered among dozens of complexes within residential neighborhoods, likely throughout *Yigo*, *Dededo*, *Tamuning*, *Barrigada,* and *Mangilao*. Additionally, such scattered housing arrangements will create collateral quality-of-life problems associated with transporting the temporary workers from multiple housing locations to and from their places of work, including, increased traffic congestion, unnecessary expenses, loss of productive work time, and the reduction of affordable housing opportunities for many residents, both young and old, needing rental units for their own families.

This is not sound land use planning. The fabric of Guam's communities is a family-centered neighborhood, and *I Liheslatura* preserved that character with Public Law 31-72, which created the concept of temporary workforce housing in only M1 zones.

I Liheslaturan Guåhan understands that temporary workers should be housed in TWHFs located within M1 zones and that the current imposition of COVID-19 restrictions has prevented the timely processing of GLUC applications for TWHFs. Therefore, in order to protect the welfare and homogeneity of Guam communities *I Liheslaturan Guåhan* intends to fast-track the processing of GLUC applications for TWHFs in order to make those facilities available in M1 zones and in time to house the arrival of temporary workers, while not sacrificing the basic safeguards imposed by the Department of Land Management for proper zoning and related requirements imposed by P.L. 31-72 as well as the permitting imposed by the Department of Public Works and the Department of Public Health and Social Services.

Section 2. A new § 61309(c)(4)(C) is hereby *added* to Article 3 of Chapter 61, Title 21, Guam Code Annotated, as follows:

"(C) Notwithstanding any other provision of law, applications that are pending for a Conditional Use Permit for the development of temporary workforce housing submitted to GLUC prior to February 11, 2021, that have been delayed due to the prohibition on public hearings or public congregating pursuant to executive order or pandemic condition of readiness (PCOR), shall not require GLUC approval of the temporary workforce housing Conditional Use and shall be required to meet only the requirements of Subsections (c)(4)(B)(i) through (iv) of this Section, as well as all conditions imposed by the Department of Land Management at the preliminary application interview stage, including:

(i) location of the temporary workforce housing facility in an M1 zone;

(ii) written notice posted on a 4'x 8' sign on the property for a minimum of two (2) weeks, and notice in a Guam newspaper on two (2) separate days of the proposed project including details on the

physical size and the number workers who will be housed in the temporary workforce housing facility; and

(iii) a resolution in support of the project from the municipal planning council of the village where the proposed project will be located.

Upon compliance with conditions for approval and certification by the Department of Land Management, the applicant may apply directly to the Department of Public Works for a building permit and to the Department of Public Health and Social Services for a sanitary permit and a workers dormitory permit."

Section 3. 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.

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

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

March 2, 2021

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

RE: SUBSTITUTE BILL NO. 14-36 (COR) – An Act to *Add* a New § 61309(c)(4)(C) to Article 3 of Chapter 61, Title 21, Guam Code Annotated, Relative to Fast-Tracking Guam Land Use Commission Conditional Use Applications for Temporary Workforce Housing Facilities During Any Pandemic Conditions of Readiness

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Maga'hågan Guåhan
Governor of Guam

(J.Borja)

Enclosure(s): Sub. Bill No. 14-36 (COR) *nka P.L. 36-2*

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

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

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Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22nd day of February 2021, at 6:00 o'clock P .M.

Pos C.C.Quoyo

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou Lu Guer

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/2/2021

Public Law No. 36-2

RCVD AT CENTRAL FILES
FEB 24'21 AM11:49
2021-13067
Jessica Cruz

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

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