

Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
U'FISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

DEC 06 1993

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed herewith is Substitute Bill No. 680 which I have signed into law as Public Law 22-65.

I would like to assure you, Mr. Speaker, that certain government agencies are already working closely with Dededo Mayor Joe Rivera to provide relocation assistance to the affected families.

I have some reservations about Section 8 of this measure. The existing language would enable all adult children of those residing in the Astumbo subdivision to have first preference in the Land for the Landless eligibility listing. The problem with this is that it leaves the door wide open for potential abuses, and closes the door to many others who are in great need of this program. The resources we have, Mr. Speaker, are limited; therefore, priorities must be set. I propose that the language of this section, dealing with the adult children of those residing in the Astumbo subdivision, be further amended in order to narrow this group to include only those adult children who have children of their own.

I urge you and your colleagues to consider the concerns I have presented.

Thank you and Si Yu'os Ma'ase.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph F. Ada".

JOSEPH F. ADA
Governor of Guam




Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 680 (LS), "AN ACT TO AUTHORIZE THE GOVERNOR TO PROVIDE TEMPORARY EMERGENCY HOUSING FOR FAMILIES DISPLACED BY THE ASTUMBO SUBDIVISION, THE FEMA HOUSING SUBDIVISION PROGRAM OR OTHER GOVERNMENT OF GUAM "LAND FOR-THE-LANDLESS" OR HOUSING-RELATED PROGRAMS; AND TO AMEND SUBPARAGRAPH a) OF SECTION 9, PUBLIC LAW 21-60, ON PREFERENCES IN GOVERNMENT SUBDIVISIONS," was on the 19th day of November, 1993, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:



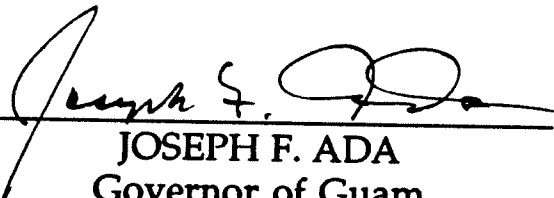
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 24th day of NOVEMBER, 1993, at
10:14 o'clock A.M.



Theresa J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: DEC 06 1993

Public Law No. 22-65

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 680 (LS)

As substituted and amended by the
author and as substituted by the
Committee on Rules

Introduced by:

E. D. Reyes
T. S. Nelson
E. P. Arriola
T. C. Ada
J. P. Aguon
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
D. F. Brooks
J. G. Bamba
A. C. Blaz
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AUTHORIZE THE GOVERNOR TO PROVIDE TEMPORARY EMERGENCY HOUSING FOR FAMILIES DISPLACED BY THE ASTUMBO SUBDIVISION, THE FEMA HOUSING SUBDIVISION PROGRAM OR OTHER GOVERNMENT OF GUAM "LAND FOR-THE-LANDLESS" OR HOUSING-RELATED PROGRAMS; AND TO AMEND SUBPARAGRAPH a) OF SECTION 9, PUBLIC LAW 21-60, ON PREFERENCES IN GOVERNMENT SUBDIVISIONS.

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

2 **Section 1. Legislative statement.** The government of Guam, through
3 the Guam Housing and Urban Renewal Authority ("GHURA"), the Guam
4 Housing Corporation ("GHC"), and the Department of Land Management
5 ("DLM"), has embarked on a program of developing government lands to be
6 subdivided and sold to eligible applicants to construct permanent family
7 homes. The Legislature finds that approximately fifty families are to be
8 displaced as a result of the commencement of the Astumbo Subdivision and
9 the FEMA Subdivisions in Dededo. It has become evident that no
10 government agency has formulated or proposed any specific displacement
11 plan to focus on the short-term and long-term displacement resulting from
12 the initial implementation of these Projects. The Legislature has also learned
13 that the displaced families who currently reside on arrendu land have been
14 given "notices to vacate" their respective premises. These families have been
15 given thirty (30) to ninety (90) days to remove their home structures and
16 relocate their families to other locations, and have asked the Legislature for
17 emergency housing assistance. Recognizing that the government of Guam
18 has initiated an effort which will result in the irreversible displacement of
19 approximately fifty (50) families, and finding it unreasonable and insensitive
20 to proceed with the subdivision projects and such future projects without
21 plans to address and mitigate the adverse effects of these government
22 projects and programs, the Legislature finds it necessary to intervene to
23 compel the government of Guam to establish a program that would assist in
24 eliminating the serious adverse repercussions to be felt by these dislocated
25 families. The Legislature also finds that the government of Guam, in
26 providing housing for the economically disadvantaged population of Guam,
27 could itself create a homeless setting for certain families in the project areas.

1 It is the sense of the Legislature that such treatment of these families is
2 unwarranted and contrary to the intent of the laws authorizing the creation
3 of the Astumbo Subdivision and FEMA Subdivisions.

4 **Section 2. Legislative intent.** It is the intent of the Legislature to
5 compel the executive branch of the government of Guam to initiate a
6 temporary emergency housing program aimed at providing financial and
7 other necessary housing assistance to the families who are to be relocated,
8 displaced or rendered homeless as a result of creating a government housing
9 subdivision. It is the intent of the Legislature to encourage the Governor to
10 employ his emergency power to resolve the situation described in Section 1 of
11 this Act, to allocate emergency funds to the temporary needs of the displaced
12 families, and to coordinate the resources and efforts of the government
13 toward the objective of providing temporary housing for families displaced
14 by government housing or land programs. It is the intent of the Legislature
15 that GHURA provide applicable Federal financial and housing assistance
16 such as Low Income Public Housing Program and the Section 8 Housing
17 Assistance Program to aid these families. The Legislature intends that an
18 emergency housing assistance program developed by the Governor for the
19 benefit of these and other families displaced by present or future
20 governmental action be established on an interim basis allowing for a
21 maximum term of participation of two (2) years or until the full allocation of
22 the land-for-the-landless lots as authorized by previous law is achieved. The
23 Legislature envisions that these and other displaced families would be
24 encouraged to apply for and be given due consideration for land and/or
25 housing programs mentioned herein. It is also anticipated that these
26 displaced families will exercise their ability and right to seek the type of
27 housing assistance suited to their needs during the interim period established

1 in this Act. The Legislature believes that the need to fund this initiative
2 through the Governor's emergency funds should be for a period not to exceed
3 two (2) years, or, when all lots under the land-for-the-landless have been
4 allocated, whichever occurs first. Criteria for eligibility for the temporary
5 emergency housing assistance authorized in this Act are as follows:

6 (a) The applicant must be the head of a household, a U.S.
7 citizen, a resident of Guam, and residing at the specific area affected
8 by the government project for no less than five (5) years and shall be
9 no less than eighteen (18) years of age at the date of application;

10 (b) The applicant must be displaced from the government of
11 Guam land or arrendu property as a result of government of Guam's
12 action to survey, subdivide or prepare land for a public subdivision or
13 an affordable housing project;

14 (c) The applicant must provide proof that he or she is landless
15 on Guam or elsewhere and that the proposed government action
16 will make him or her and his or her family homeless; provided,
17 however, that any applicant who knowingly claims falsely to be
18 landless shall be guilty of a felony of the third degree; and if by such
19 false claim, such applicant acquired government land, title thereto
20 shall revert to the government on the applicant's conviction of
21 making such a false claim.

22 The Legislature encourages any person or family meeting such criteria to
23 apply for the temporary emergency housing assistance program created by
24 this Act.

25 **Section 3. Authorization.** The Governor is hereby authorized to
26 expend his emergency funds to develop and implement a temporary housing
27 assistance program to assist families displaced by government action related

1 to land or housing programs or projects. This authorization shall expire on
2 September 30, 1995.

3 **Section 4. Exemption from bidding and other procurement**
4 **requirements.** The Legislature, in light of the urgency of this situation, hereby
5 grants GHURA and GHC an exemption from all procurement laws that
6 would otherwise apply to the implementation of this Act; provided, however,
7 that GHURA and GHC shall each procure its supplies and materials in a
8 reasonable and prudent manner and shall report quarterly to the Legislature
9 its actions under the exemption set out in this section.

10 **Section 5. Special fund establishment and authorized**
11 **expenditure.** GHURA and DLM shall each establish special accounts to
12 deposit the funds generated from the sale of lots in the Astumbo Subdivision
13 or the FEMA Housing Subdivisions, respectively. The Governor is hereby
14 authorized to allocate part of such funds for the financial assistance needed
15 to provide safe and adequate housing for the displaced Astumbo families who
16 are adversely affected by the Astumbo Subdivision or the FEMA Subdivisions.
17 The Governor is also authorized to fully reimburse expenditures of his
18 emergency funds from the Astumbo and FEMA Accounts created in this
19 section. Said reimbursement shall not exceed the amount allocated or
20 expended in the direct procurement of shelters for the displaced Astumbo
21 families. GHURA and DLM are authorized to expend up to fifteen percent
22 (15%) of such funds for administrative costs directly related to the
23 implementation of the provisions of this Act.

24 **Section 6. Other available assistance.** The Governor shall allocate
25 certain available government assistance inclusive of but not limited to the
26 assignment of the Rapid Response Unit of the Department of Public Works to

1 help displaced families in relocating home structures and possessions to
2 temporary dwellings.

3 **Section 7. Due consideration.** Should the affected families apply for
4 the Land-for-the-Landless Program and be found eligible for such program,
5 DLM or GHURA shall provide due consideration in addressing the
6 permanent housing needs of the displaced families. GHURA and DLM shall
7 also provide due consideration to an applicant who is a legal Land Use Permit
8 holder and who was forced to temporarily vacate his or her arrendu due to
9 active duty in the United States Armed Forces, medical treatment off-island,
10 educational requirements, environmental circumstances threatening the
11 family, or death of the applicant prior to the selection process. In cases which
12 the original applicant is deceased, an alternate member of his or her
13 immediate family, meeting the criteria established in Section 2 of this Act,
14 may elect, through an affidavit setting forth the consent of the family, to be
15 considered the alternate applicant. All cases of due consideration shall apply
16 only to those applicants who have met the application deadlines set
17 previously by GHURA or DLM, respectively.

18 **Section 8.** Subparagraph a) of Section 9, Public Law 21-60, as amended
19 by Section 21 of Public Law 21-72, is hereby amended to read:

20 "a) Those U. S. citizens and/or permanent resident aliens,
21 who are legal residents of Guam and are living upon the subdivision
22 sites herein established under a residential land use permit, and
23 Astumbo Subdivision residents residing therein on the date of
24 enactment of this amended subparagraph who are the adult children
25 of parents who were (i) authorized to purchase lots in accordance
26 with Section 13944(1), Title XIV, Government Code, and (ii) were
27 residing within the Astumbo Subdivision on August 25, 1978 under a

1 valid Land Management Land Use Permit or Department of
2 Agriculture Land Use Permit, shall be given first preference."

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Date: 11/19/93

VOTING SHEET
 (AS REVISED)

Bill No. 680
 Resolution No. _____
 Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

21 0 0 0

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

November 8, 1993

SPEAKER JOE T. SAN AGUSTIN
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred **BILL NO. 680**, as as substituted and amended by the Author [An Act to Authorize the Governor to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA Housing Subdivision Program or Other Government of Guam Land for the Landless or Housing Related Programs], wishes to report back to the Legislature with its recommendation to pass Bill No. 454, as amended by the Committee. The voting record is as follows:

TO PASS	<u>6</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


EDWARD D. REYES

Attachments

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

November 5, 1993

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - Bill No. 680, as substituted and amended by the Author - "An Act to Authorize the Governor to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA Housing Subdivision Program or Other Government of Guam Land for the Landless or Housing Related Programs".

Transmitted herewith for your information and action is the Committee on Housing and Community Development's Report on the subject Bill.

The narrative report is accompanied by the following:

1. Bill No. 680, as substituted and amended by the Author
1. Original Bill No. 680;
2. Committee on Housing and Community Development Voting Sheet;
3. Written Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.


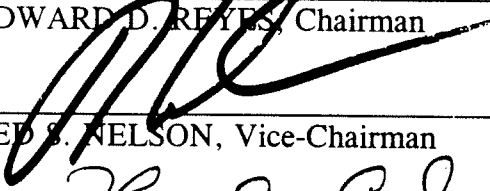
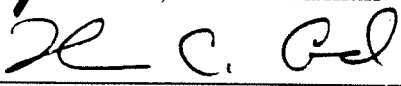
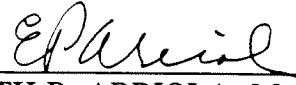



EDWARD D. REYES

attachments

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
 22nd Guam Legislature

VOTING RECORD

Bill No. 680, as substituted and amended by the Author - "An Act to Authorize the Governor to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA Housing Subdivision Program or Other Government of Guam Land for the Landless or Housing Related Programs"

	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 EDWARD D. REYES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TED S. NELSON, Vice-Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 THOMAS C. ADA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ELIZABETH P. ARRIOLA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANTHONY C. BLAZ, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 FELIX P. CAMACHO, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARILYN D.A. MANIBUSAN, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 VICENTE C. PANGELINAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOE T. SAN AGUSTIN, Ex-Officio Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT
Twenty-Second Guam Legislature

COMMITTEE REPORT
ON BILL NO. 680
as substituted and amended by the Author

"AN ACT TO AUTHORIZE THE GOVERNOR TO PROVIDE TEMPORARY EMERGENCY HOUSING FOR FAMILIES DISPLACED BY THE ASTUMBO 503 HOUSING SUBDIVISION, FEMA HOUSING SUBDIVISION PROGRAM OR OTHER GOVERNMENT OF GUAM LAND FOR THE LANDLESS OR HOUSING RELATED PROGRAMS."

November 5, 1993

I. OVERVIEW

The Committee on Housing and Community Development scheduled a Public Hearing on October 18, 1993 at 7:00 p.m. at the Astumbo Community Center, Dededo, Guam.

Members of the Committee present at the public hearing were:

Senator Edward D. Reyes, Chairman
Senator Ted S. Nelson, Vice-Chairman
Senator Tom Ada
Senator Ben Pangelinan.

Joining the Committee as panel members were:

Jose Rivera, Mayor of Dededo
Frank Castro, Director of Land Management
Pilar Cruz, Executive Director of GHURA
Rick Calvo, Deputy Executive Director of GHURA;
Ray Bautista, Acting President of GHC.

Appearing before the Committee to testify on the bill were:

Fidela Gogue	Rosita Gogue	Lourdes M. Flores
Antonio R. Manglona	Regina A. Santos	Rosario C. Alcantara
Luis Maldonado, Jr.	Thomas Pangelinan	Roland M. Flores
Jerome R. Tomagan	Concepcion P. Blas	Harold Cruz
Esther Santos	Doris Gogue	Barbara Gogue
Tomas Iriarte	Angel Santos	Joseph Villa
Francisco Toves	Antonio Mendez	Joseph S.N. Duenas
Barbara Santos Castro	Vincent Castro	Darlito Tallada
George P. Blas	Concepcion P. Blas	

II. SUMMARY OF TESTIMONY

It was apparent from testimonies at the hearing that communication between government of Guam agencies and people directly affected by the bulldozing of government-owned land in Dededo had not fared well in the past. The panel put together by the Chairman provided clarification and amplification on the scope and nature of the housing projects currently underway in the area.

Two government-sponsored housing projects are currently underway in Astumbo. One, called the Astumbo 503, is administered by the Guam Housing and Urban Renewal Authority (GHURA). It is a "land-for-the-landless" program whereby house lots are sold to qualified buyers for \$2,500 each. Infrastructure will be built in, facilitating construction of residences, which are the lot owners' responsibility. The second, called the FEMA 98 Subdivision, is administered by the Guam Housing Corporation (GHC) with financial assistance provided by the Federal Emergency Management Agency (FEMA). This housing project is intended to help victims of typhoons who lost their homes. The Department of Land Management, currently administering the Land Use Permit program which permitted families to be situated in the area, had sent out "notices to vacate" to those families in order to implement the two housing project. From the hearing testimony it was apparent that these agencies did not formulate or propose any specific contingency or displacement plan which focused on the short- and long-term displacement of families resulting from the initial implementation of the projects.

People who testified had one common trait: they were landless. They came to the hearing to express their frustration about being displaced without any clear indication from the government of Guam where they would be located after the housing projects were completed. Others expressed frustration over years of effort to buy government land with no success. A few told the Committee they would not move, even if bulldozers begin clearing their area.

GHURA did not support the intent of the original Bill 680 as far as identifying the Payment in Lieu of Taxes (PILOT) program as a funding source to help families being displaced by the housing projects. According to Pilar Cruz, all those funds were encumbered in Public Law 22-24.

GHC indicated that the FEMA 98 project is a one-time project. Because their clientele is clearly dileneated, they suggested that GHURA and DLM take the lead in administering any project to help displaced families.

DLM informed the Committee and the general public that it took the initiative to subdivide Lot 10125-11 into 2,916 lots, which is where the displaced families will be situated, but he advised the Committee that the Legislature needs to look at more land because people in need outnumber available lots.

III. FINDING AND RECOMMENDATION

The Committee learned that the displaced families who currently reside on arrendu land have been given "notices to vacate" their respective premises. These families have been given 30 to 90 days to remove their home structures and relocate their families to other locations and as such have approached the Legislature for emergency housing assistance. Recognizing that the government of Guam has initiated the effort which would result in the insensitive and irreversible displacement of approximately 50 families and further, it is unreasonable and insensitive to proceed with the said subdivision projects and such future projects without plans to address, mitigate or eliminate the adverse effects of these government subdivision programs. The Committee finds it necessary to intervene and compel the government of Guam to establish a program that would assist in eliminating the serious adverse repercussions to be felt by these respective families. The Committee also finds that the government of Guam, in providing housing for the economically disadvantaged population of Guam, could potentially create a homeless setting for certain families in the project areas. It is the sense of the Committee that such treatment of these families is unwarranted and contrary to the intent of the laws authorizing the creation of the Astumbo 503 and FEMA subdivision projects.

The Committee finds that measures need to be put in law to protect and help those families who are being displaced by the Astumbo 503 and FEMA 98 housing projects. Even though the Administration has attempted to deal with the temporary displacement during the construction period, the Committee finds that no real permanent solution has been incorporated so that those families don't move twice. While the Committee acknowledges the benefits of ensuring completion of the two subdivision projects, it is also sensitive and responsive to the trauma being experienced by families who have to tear down their abodes, pack up their possessions, and rebuild temporarily in another area, only to face moving a second time when that temporary location is again put up for sale by the government of Guam in the future.

The Committee on Housing and Community Development to which was referred **Bill No. 680, as substituted and amended by the Author** - "An Act to Authorize the Governor to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA Housing Subdivision Program or Other Government of Guam Land for the Landless or Housing Related Programs" - does hereby submit its findings and recommendation to the Twenty-Second Guam Legislature **"TO DO PASS" Bill No. 680, as substituted and amended by the Author.**

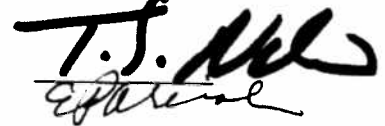
TWENTY-SECOND GUAM LEGISLATURE
FIRST (1993) REGULAR SESSION

Bill No. 680

As Substituted and Amended by the Author

Introduced by:

E.D. Reyes



An Act to Authorize the Governor to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA Housing Subdivision Program or other Government of Guam Land for the Landless or Housing Related Programs

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

1 **Section 1. Legislative Statement.** The government of Guam, through the Guam
2 Housing and Urban Renewal Authority, the Guam Housing Corporation and the
3 Department of Land Management, has embarked on the program of developing
4 government lands which would be subdivided and subsequently sold to eligible
5 applicants for the purpose of constructing permanent family housing. The Legislature
6 finds that approximately fifty families are to be displaced as a result of the
7 commencement of the Astumbo 503 and the FEMA Subdivision Projects in Dededo. It
8 has become evident that the said agencies did not formulate or propose any specific
9 contingency or displacement plan which would focus on the short-term and long-term
10 displacement resulting from the initial implementation of the Astumbo 503 and FEMA
11 subdivision projects in Dededo. The Legislature has also learned that the displaced
12 families who currently reside on arrendu land have been given "notices to vacate" their
13 respective premises. These families have been given 30 to 90 days to remove their home
14 structures and relocate their families to other locations and as such have approached the
15 Legislature for emergency housing assistance. Recognizing that the government of
16 Guam has initiated the effort which would result in the insensitive and irreversible
17 displacement of approximately 50 families and further, it is unreasonable and insensitive
18 to proceed with the said subdivision projects and such future projects without plans to
19

1 address, mitigate or eliminate the adverse effects of these government subdivision
2 programs. Therefore, the Legislature finds it necessary to intervene and compel the
3 government of Guam to establish a program that would assist in eliminating the serious
4 adverse repercussions to be felt by these respective families. The Legislature also finds
5 that the government of Guam, in providing housing for the economically disadvantaged
6 population of Guam, could potentially create a homeless setting for certain families in
7 the project areas. It is the sense of the Legislature that such treatment of these families is
8 unwarranted and contrary to the intent of the laws authorizing the creation of the
9 Astumbo 503 and FEMA subdivision projects.

10 **Section 2. Legislative Intent.** It is the intent of the Legislature to compel the
11 Administration to initiate a temporary emergency housing program aimed at providing
12 financial and other necessary housing assistance to the families who are to be relocated,
13 displaced or rendered homeless as a result of creating a government housing subdivision.
14 It is the intent of the Legislature to encourage the Governor to employ his emergency
15 power to resolve the situation as described in Section 1 of this Act, to allocate
16 emergency funds to the temporary needs of the displaced families and to coordinate
17 resources and efforts of the government toward the objective of providing temporary
18 housing for families displaced by government housing or land programs. It is the intent
19 of the Legislature that GHURA provide applicable federal financial and housing
20 assistance such as Low Income Public Housing Program and the Section 8 Housing
21 Assistance Program to aid these families. The Legislature intends that an emergency
22 housing assistance program developed by the Governor for the benefit of these and other
23 families displaced by present or future governmental action be established on an interim
24 basis allowing for a maximum term of participation of two years or until the full
25 allocation of the land-for-the-landless lots as authorized by previous law is achieved.
26 **The Legislature envisions that these and other displaced families would be**
27 **encouraged to apply for and be given due consideration for land and or housing**
28 **programs mentioned herein. It is also anticipated that these displaced families will**

1 **exercise their ability and right to seek the type of housing assistance suited to their**
2 **needs during the interim period established in this measure.** The Legislature feels the
3 need to fund this initiative through the Governor's emergency funds for a period not to
4 exceed two years or, at that point in time when all lots under the land-for-the-landless
5 have been allocated, whichever occurs first. The Legislature intends that the criteria for
6 eligibility for the temporary emergency housing assistance to be established herein shall
7 be as follows:

8 (a) applicant must be the head of a household, a U.S. citizen, a resident of
9 Guam and the specific area affected by the government project for no less than 5 years
10 and shall be no less than eighteen (18) years of age at the date of application;

11 (b) applicant must be displaced from government of Guam land or arrendu as a
12 result of the government's action to survey, subdivide and or prepare land for a public
13 subdivision or affordable housing project;

14 (c) applicant must provide proof or evidence that they are landless and that
15 certain government action would render his or her family homeless;

16 (d) applicant must provide evidence of financial need based on the exigencies
17 of the situation or the family's ability to pay.

18 The Legislature encourages that any family meeting the above stated criteria should
19 apply for the temporary emergency housing assistance program hereby created.

20 **Section 3. Authorization.** The Governor is hereby authorized to expend his
21 emergency funds for the specific purpose of developing and implementing a temporary
22 housing assistance program to assist families displaced by government action related to
23 land or housing programs or projects. This authorization shall expire on September 30,
24 1995.

25 **Section 4. Exemption from Bidding and Other GSA Procurement Criteria.**
26 The Legislature, in light of the urgency of this situation, hereby grants the Guam
27 Housing and Urban Renewal Authority and the Guam Housing Corporation an

1 exemption from all procurement laws that would apply or relate to the implementation of
2 the specific purposes and intent of this Act.

3 **Section 5. Special Fund Establishment and Authorized Expenditure.** The
4 Guam Housing and Urban Renewal Authority and the Department of Land Management
5 shall each establish special accounts to deposit the funds generated from the sale of lots
6 in the Astumbo 503 or FEMA Housing Subdivision respectively. The Governor is
7 hereby authorized to allocate part of such funds for the financial assistance needed to
8 provide safe and adequate housing for the displaced Astumbo families who are adversely
9 affected by the GHURA 503 or FEMA Subdivisions. The Governor is also authorized to
10 fully reimburse expenditures of his emergency funds from the Astumbo 503 and FEMA
11 Account created in this Section. Said reimbursement shall not exceed the amount
12 allocated or expended in the direct procurement of shelters for the displaced Astumbo
13 families. GHURA and the Department of Land Management is authorized to expend up
14 to fifteen percent (15%) of such funds for administrative costs directly related to the
15 implementation of the intended provisions of this Act.

16 **Section 6. Other Available Assistance.** The Governor shall allocate certain
17 available government assistance inclusive of but not limited to the assignment of Rapid
18 Response Unit of the Department of Public Works to help displaced families in
19 relocating home structures and possessions to temporary dwellings.

20 **Section 7. Due Consideration.** Should the affected families apply for the Land for
21 the Landless Program and are found to be eligible for such program, the Department of
22 Land Management and or the Guam Housing and Urban Renewal Authority shall
23 provide due consideration in addressing the permanent housing needs of the displaced
24 families. GHURA and DLM shall also provide due consideration to an applicant who is
25 a legal Land-Use Permit holder and who was forced to temporarily vacate his or her
26 arrendu due to active duty in the United States Armed Forces, medical treatment off-
27 island, educational requirements, environmental circumstances threatening the family
28 and death of the applicant prior to the selection process. In cases which the original

1 applicant is deceased, an alternate member of his or her immediate family meeting the
2 criterion established in Section 2 of this Act may elect, through an affidavit of family
3 consent, to be considered as the alternate applicant. All cases of due consideration shall
4 apply only to those applicants who have met the application deadlines set previously by
5 GHURA or DLM.

Testimony on Bill No. 680
Before the Committee on Housing and
Community Development
The Honorable Edward D. Reyes, Chairman

Presented By:
Rogelio C. Bautista
President (Acting)
Guam Housing Corporation
October 18, 1993

Honorable Chairman and members of the Committee on Housing and Community Development, I am Rogelio C. Bautista, Acting President, Guam Housing Corporation. I am appearing before you today to offer comments on Bill No. 680. I agree in principle with the objectives of Bill 680. As GHC has been involved in administering and creating many new affordable housing programs in recent years, let me assure you that in all our policies our Board, management and staff continually strive to exercise all due compassion and forbearance in making affordable housing a reality.

Begging the Committee's indulgence, I would like to summarize the actions taken by GHC and the Department of Land Management in attempting to avoid this problem of last minute displacement from the FEMA 98 project site. All valid land use permit holders were given preference to purchase the developed lots at \$2,500.00 each. Meetings were held with the residents more than 90 days prior to the construction date informing them of the Government's intent to develop the property. At those meetings, the residents were also advised of possible assistance programs such as the Guam Rental Corporation and other government programs for low rent housing or rental assistance. GHC and DLM personnel had made several follow-up efforts monitoring whether or not the land use permit holders were making sincere efforts to apply for assistance. All land use permit holders were informed in advance of the conditions that they had agreed to in signing their leases requiring them to vacate the property should the Government need to use the property for projects such as this one.

We had also discovered a few irregularities regarding the status of a residences on the FEMA 98 project site. These include a permit holder who was actually sub-leasing his lot to other families and collecting rents in excess of what he was paying the Government, many homes constructed without valid building permits that are substandard by Guam's building code, several families occupying portions of the land did not have valid land use permits, and many lease holders had constructed residential dwelling when the terms of the lease allowed exclusively for agricultural development. Based on the legal and fiscal constraints, we did our best to ensure that the temporary displacement would be as painless as possible.

GHC supports the Administration's desire to provide temporary assistance to these displaced families. We would however like to offer the following suggestions:

- The FEMA 98 project is a one-time project the GHC is administering. We suggest that the administration of any displacement project be administered by GHURA and DLM. This will insure continuity for future land-for-the landless projects as GHURA is statutorily obligated to provide relocation assistance for qualified families. GHC's resources have been directed towards housing finance assistance programs. We simply do not have the resources to hire the personnel or pay for other cost associated with relocation efforts.
- The assistance be rendered only to holders of valid land use permits. Without specific language referencing valid land use permit holders, there may be a potential for abuse from squatters or other families, individuals or business who are not holders of land use permits. May we also suggest that relocation assistance be limited to this project alone since holders of agricultural land use permits are not allowed to erect residential structures on the leased lots. Establishing a blanket policy for current and future development projects may create abuses in the future.
- That income guidelines and relocation costs be factored into a formula to ensure that limited funds are allocated to the most needy displaced families first.
- The present project will result in the development of 202 lots. Ninety-eight qualified typhoon victims will have the opportunity to purchase a house on their lots for the price of \$1.00 from FEMA. Further delays may jeopardize the FEMA funding.

Mr. Chairman and Committee members, I thank you for this opportunity to provide comments and possible solutions for this most critical problem. I will be happy to answer any questions that you may have at this time.



Rogelio C. Bautista

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Twenty-Second Guam Legislature

155 Hesler Street

Agana, Guam 96910

Senator Edward D. Reyes
Chairman

Tel: (671) 472-3453-4
Fax: (671) 477-6338

WITNESS SIGN-IN SHEET

October 18, 1993

7:00 P.M.

PUBLIC HEARING ROOM

Guam Legislature, Agana

Bill No. 680 - An Act to Authorize the Guam Housing and Urban Renewal Authority to Expend Payment in Lieu of Taxes (PILOT) FFunds to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA 98 Housing Subdivision Program or other Government of Guam Land or Housing Related Programs, by Sen. E.D. Reyes

NAME (please print)	ORGANIZATION	ORAL/WRITTEN	FOR/AGAINST
Jill Rivera	Meleko Mayan	✓	
Fidel's League		✓	
Roads League		✓	
COURDES M. FLORES		✓	
ANTONIO R. MANGLONA		✓	
...	...		
Karina Calat...			
Luis Maldonado Jr		✓	
...		✓	
Flores Roland M.		✓	
José R. Torres		✓	
CONCEPCION P. BLAS		✓	

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
 Twenty-Second Guam Legislature
 155 Hesler Street
 Agana, Guam 96910

Senator Edward D. Reyes
 Chairman

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NAME (please print)	ORGANIZATION	ORAL/WRITTEN	FOR/AGAINST
<i>Rossario Torres</i>	<i>DEDEDO</i>	<input checked="" type="checkbox"/>	
<i>Josep Sir Dulias</i>	<i>✓</i>	<input checked="" type="checkbox"/>	
<i>Barbara Santos Costa</i>	<i>✓</i>	<input checked="" type="checkbox"/>	
<i>Vincent Costa</i>	<i>✓</i>	<input checked="" type="checkbox"/>	
<i>DARLITO TALLAOA</i>	<i>DEDEDO</i>	<input checked="" type="checkbox"/>	
<i>Ray Bautista</i>	<i>GHC acting President</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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Chairman

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**PUBLIC HEARING
AGENDA**

**October 18, 1993
7:00 p.m.
Astumbo Community Center
Dededo, Guam**

Bill No. 680 - An Act to Authorize the Guam Housing and Urban Renewal Authority to Expend Payment in Lieu of Taxes (PILOT) Funds to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA 98 Housing Subdivision Program or other Government of Guam Land or Housing Related Programs, by Sen. E.D. Reyes

ASTUMBO SUBDIVISION
REPORT ON
NOTICE TO VACATE

	NAME	STATUS OF DELIVERY		DATE OF DELIVERY	REMARKS
		YES	NO		
1	TITO BISABE	X		9-3-93	
2	JOSEPH ROQUE		X		Moved out, structure remains
3	AVELINO OLIVARES		X		owner of structure where Mr. Roque lived
4	FEDRICO MANALAG		X		Moved out, structure remains
5	ANTONIO INDALECIO		X		Antonio is deceased, Johnny Indalecio to come in 9/3/93
6	ROLAND FLORES		X		Premise appeared to be vacated, no structure
7	JESSE PANGELINAN		X		Moved out, structure owns by Joseph V. Cruz
8	JOSEPH CRUZ		X		According to Mrs. Cruz on telephone conversation, will not sign Notice until seen by Executive Director
9	ROBERT GUANGCANGCO		X		Premise appeared to be vacated, structure remains
10	BENNIE GOGUE	X		9/2/93	
11	ROKE SAN NICOLAS		X		1A Preference, disqualified because of uncontinued residency. Will not sign Notice pending appointment with Senator Nelson
12	JOAQUIN SANTOS	X		9/2/93	As per instruction from Mr. Rick Calvo, lot to be withdrawn from lottery inventory <i>Refer to legal.</i>
13	CRISOSTOMO FAJARDO	X		9/6/93	
14	JOE VILLA	X		9/4/93	
15	BEATRICE BOLUS	X			Accepted Notice but did not acknowledged receipt
16	REMIGIO TALAVERA	X		9/2/93	

ASTUMBO SUBDIVISION
REPORT ON
NOTICE TO VACATE

	NAME	STATUS OF DELIVERY		DATE OF DELIVERY	REMARKS
		YES	NO		
17	FRANCES GALVEZ	X		9/2/93	
18	ISIDRO PALACIOS	X		9/1/93	
19	ANNIE VALENCIA	X		9/1/93	
20	ANTONIO OGO	X		9/1/93	
21	RESTY DAY DAY	X		9/1/93	
22	WINDEL BOLUS	X		9/1/93	
23	BOBBY SIGUENZA	X		8/31/93	
24	JOAQUIN REYES	X		8/31/93	
25	LADISLAO UMayAM	X		8/31/93	
26	JAIME MILLER	X		8/31/93	
27	ROSALINE MUNA	X		8/31/93	
28	TOMASA PANELINAN	X		8/31/93	
29	MANUEL AQUINO	X	X	9-7-93	To come in 9/6/93 at 4:30 p.m.
30	CESAR RAMIREZ		X		Structure owns by Prudencio Suriaga who is off-island. to be back the week of 9/6/93
31	CLAYTON NGEMAES	X		9/4/93	
32	THERESE MESA		X		Structure damaged by typhoon no contact. Will contact the sister to get a contact number. Lot to be withdrawn from lottery inventory
33	ANTOINETTE SAN AGUSTIN	X		9/4/93	
34	LORRAINE CAMACHO		X		Ms. Camacho was not home after notice had been prepared. Refers to see management about the Notice to vacate
35.	CONCEPCION BLAS		X		informed of the notice to vacate, did not respond



NOTICE OF PUBLIC HEARING

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

October 18, 1993, Monday

9:00 a.m. at the Legislative Public Hearing Room, Agana

Bill No. 190 - An Act to Rezone Lot No. 2395-2-R2, Mangilao, from Single-Family Residential (R1) to Multi-Family Dwelling (R2); by Sen. F.R. Santos

Bill No. 462 - An Act to Authorize the Governor to Exchange Lot No. 462, Geus, Merizo, for a Portion of Government Lot No. 10104-1, Dededo; by Sen. C.T.C. Gutierrez

Bill No. 684 - An Act to Grant Conditional Use on Lot No's 22, Tract 9, Block 232, Sinajana and 270-A3, Merizo; by Sen. E.D. Reyes

Bill No. 685 - An Act to Rezone Lot No. 2151-23NEW-1, Tamuning, Municipality of Dededo, from "R-1" Single-Family Dwelling to "C" Commercial; by E.D. Reyes

Bill No. 687 - An Act to Authorize the Governor to Exchange Government of Guam Land for Properties in Tamuning Taken for Utility Easements; by E.D. Reyes

Bill No. 690 - An Act to Rezone Lot No. 3254-4-3, Municipality of Sinajana, from "R1 One-Family Dwelling" to "C Commercial".

7:00 p.m. at the Astumbo Community Center, Dededo

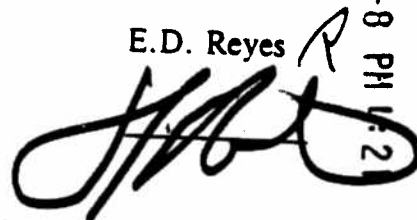
Bill No. 680 - An Act to Authorize Guam Housing and Urban Renewal Authority to Expand Payment in Lieu of Taxes (PILOT) Funds to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA 98 Housing Subdivision Program or other Government of Guam Land or Housing Related Program; by E.D. Reyes

The Public is Invited to Attend and Participate

Bill No. 680

Introduced by:

E.D. Reyes



93 OCT -8 PM 4:2

An Act to Authorize the Guam Housing and Urban Renewal Authority to Expend Payment in Lieu of Taxes (PILOT) Funds to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA 98 Housing Subdivision Program or other Government of Guam Land or Housing Related Programs.

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

2 Section 1. Legislative Statement. The Government of Guam through the Guaa
3 Housing and Urban Renewal Authority and the Guam Housing Corporation and th
4 Department of Land Management has embarked on the program of developin
5 government lands which would be subdivided and subsequently sold to eligibl
6 applicants for the purpose of constructing permanent family housing. The Legislatu
7 finds that approximately fifty families are to be displaced as a result of th
8 commencement of the Astumbo 503 and the FEMA 98 Unit Subdivision Projects in
9 Dededo. It has become apparent that the said agencies did not formulate or propose any
10 specific contingency of displacement plan which would focus on the short-term and
11 long-term displacement that would result from the initial implementation of the
12 Astumbo 503 and FEMA 98 subdivision projects in Dededo. The Legislature has also
13 learned that the displaced families who currently reside on arrendu land have been
14 given "notices to vacate" their respective premises. These families have been given 30
15 to 90 days to remove their home structures and relocate their families to other locations
16 and as such have approached the Legislature for emergency housing assistance.
17 Recognizing that the government of Guam has initiated the effort which would result in
18 the insensitive and irreversible displacemnet of approximately 50 families and further,

1 that it is unreasonable, insensitive and inhumane to proceed with the said subdivisi
2 projects and such future projects without plans to address, mitigate or eliminate t
3 adverse effects of these government subdivision programs. Therefore, the Legislat
4 finds it necessary to intervene and compel the said government agencies to establish
5 program that would assist in eliminating the serious adverse repercussions to be felt
6 these respective families. The Legislature also finds it highly disturbing that th
7 agencies charged with providing housing for the economically disadvantaged populatio
8 of Guam are the key players in creating and proliferating a homeless environment in ou
9 island. It is the sense of the Legislature that such insensitive treatment of these familie
10 is unwarranted and contrary to the intent of the laws authorizing the creation of th
11 Astumbo 503 and FEMA 98 subdivision projects and the charter of GHURA an
12 GHC.

13 **Section 2. Legislative Intent.** It is the intent of the Legislature to compel th
14 Administration to initiate a temporary emergency housing program aimed at providing
15 financial and other necessary housing assistance to the families who are to be relocated
16 displaced or rendered homeless as a result of creating a government housing subdivisior
17 that would displace families. It is the intent of the Legislature to authorize the Guam
18 Housing and Urban Renewal Authority Board of Directors to expend one-hundred
19 percent (100%) of its **Payment in Lieu of Taxes (PILOT)** funds which have been
20 accumulated since October 1, 1989 to present. Said PILOT funds shall be used by
21 GHURA solely for housing the displaced families qualified under this Act and not for
22 any rehabilitation costs to GHURA structures that are allocated to house the qualified
23 displaced families. The Legislature is cognizant that in 1988 GHURA was given
24 authorization to expend PILOT funds for the completion of the GHURA 82 Elderly
25 Housing Units throughout Guam but that no further expenditure has been authorized
26 since then and that the accumulation of said funds from October 1, 1988 to present is
27 available to fund the purposes and intent of this Act. It is the intent of the Legislature
28 that GHURA in collaboration with the Guam Housing Corporation and the Department

1 of Administration, provide financial and other housing assistance available inclusive t
2 not limited to PILOT funds, the Low Income Public Housing Program and the Section
3 Housing Assistance Program to aid these families. The Legislature intends th
4 emergency housing assistance program developed by GHURA and GHC for the bene
5 of these and other families displaced by present or future governmental action be
6 interim basis until the full allocation of land-for-the-landless lots as authorized
7 previous law is awarded. The Legislature envisions that these and other displac
8 families would eventually qualify for and be accomodated in one of the land and
9 housing programs mentioned herein. It is also anticipated that these displaced familie
10 will exercise their ability and right to apply for the type of housing assistance suited t
11 their needs during the interim period of this temporary emergency housing assistance
12 The Legislature feels the need to fund this initiative through the allocation of PILO
13 funds and for a period not to exceed two years or at that point in time when all lot
14 under the land-for-the-landless have been allocated whichever occurs first. The
15 Legislature intends that the criteria for eligibility for the the temporary emergency
16 housing assistance to be established herein shall be as follows:

- 17 (a) applicant must be the head of a household, a U.S. citizen, a resident of
18 Guam and no less than eighteen (18) years of age;
- 19 (b) applicant must be displaced from government of Guam land or arrendu as a
20 result of the government's action to survey, subdividide and or prepare
21 land for a public subdivision or affordable housing project;
- 22 (c) applicant must provide proof or evidence that they are landless and that
23 certain government action would render his or her family homeless;
- 24 (d) applicant must provide evidence of financial need using the low and
25 moderate income criteria and standards adopted by GHURA for Guam.

26 The Legislature encourages that any family meeting the above delineated criteria should
27 apply for the temporary emergency housing assistance program created through this
28 Act.

1 **Section 3. Authorization.** The Guam Housing and Urban Renewal Authority
2 hereby authorized to expend its accumulated Payment in Lieu of Taxes (PILOT) funds
3 for the sole and specific purpose of developing and implementing a temporary
4 emergency housing assistance program to assist families displaced by government
5 action related to land or housing programs or projects. This authorization shall expire
6 on September 30, 1995 or pursuant to the timetable identified in Section 2 of this Act.

7 **Section 4. Exemption from Bidding and Other GSA Procurement Criteria.**
8 The Legislature in light of the urgency of this situation hereby grants the Guam
9 Housing and Urban Renewal Authority and the Guam Housing Corporation an
10 exemption from all procurement laws that would apply to or affect the implementation
11 of the specific purposes and intent of this Act. This exemption shall apply to
12 requirements of the General Services Administration, Government of Guam related to
13 the procurement of emergency temporary housing for families displaced and shall be
14 terminated at the end of the term specified herein.

15 **Section 5.** The Guam Housing and Urban Renewal Authority is restricted from
16 using PILOT funds for the rehabilitation of existing GHURA dwelling Units. The
17 Legislature hereby mandates that GHURA complete the rehabilitation of its vacant
18 structures using appropriate HUD grant funds and that such rehabilitation effort be
19 completed within 90 days from the date this Act becomes law. GHURA is also
20 mandated to seek 100 percent replenishment or reimbursement of its PILOT funds used
21 for the purposes of this Act by applying for grant funds under the Federal Relocation
22 Program, the appropriate FEMA program and any other applicable federal assistance
23 program suited for these purposes.

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

September 30, 1993

The Honorable Joseph F. Ada
Governor of Guam
Adelup Complex
P.O. Box 2950
Agana, Guam 96910

Dear Governor,

A critical issue confronting our island today namely, the proposal to establish a critical habitat or wildlife refuge that would indefinitely tie-down thousands of acres of federal, public and private lands has compelled me to ask that you initiate efforts immediately to rescind any proposal that you have before the Department of Interior recommending and supporting the habitat or wildlife designation in Guam.

On June 1, 1993, you signed into law a Bill that reserves land for present and future use by the people of Guam. Section 3(c) of Public Law 22-18 explicitly provides for the approval of the Chamorro Land Trust Commission and statutory approval by the Legislature when land in Guam is to be designated for use as a wildlife refuge, park or conservation related purposes instituted by either federal or local government action. The law also calls for the development of a wildlife refuge plan and other respective plans when the federal or local government engages in designating or establishing National Park or other conservation related land uses on Guam. Such plans establishing certain land-uses must have the concurrence of the Legislature before any implementation initiatives are launched.

Enclosed is a copy of your letter to Mr. Frank Dunkle, Director of the United States Department of Interior, Fish and Wildlife Service dated August 17, 1987 in which you requested the Interior Department of Interior to initiate action to "designate critical habitat" on Guam for several bird and Marinas fruit bat species. While I commend you for your interest in preserving both the bat and bird species and their natural environment, I believe it is a tragic mistake to place this interest over and above the humanitarian, self-preservation and basic survival needs of our people. As per your correspondence to Mr. Dunkle, this designation ploy involving the U.S. Fish and Wildlife Service was solely designed to discourage the building of the horizon radar receiver sites proposed by the military in the early part of 1987. Now that the radar project which would have placed hundreds of acres of potential excess federal lands under indefinite military control has been scrapped, the government of Guam is left with its self-imposed critical habitat proposal--the basis from which the Audubon Society, Interior Department and the military legal conflagration have risen.

Based on my interpretation of the federal Endangered Species and Environmental Protection Acts, sanctions by the State or territorial government is a prerequisite for the Department of Interior to initiate federal action designating State or territorial land as a wildlife habitat or refuge. In your letter to Mr. Dunkle, you independently opted to take such a bold initiative absence any policy input from the Legislature, and thus I feel that it is important to draw your attention to the spirit and intent of Public Law 22-18 as articulated in Section 3 of the Act.

I am surprised to learn that certain action was taken to respond to your August 17, 1987 letter leading to the critical habitat initiative and that **the government of Guam now wants to explore the wildlife refuge option as opposed to the more extreme critical habitat designation.** Your letter of August 24, 1993 (see enclosure) to Mr. Richard N Smith, Acting Director of the U.S. Fish and Wildlife Service, enters into another federal land-use option without mention of or regard to Public Law 22-18 and the policy statements contained therein. This leads me to believe that you have elected to ignore such policy direction. I say this because **the shift in preference from a critical habitat to a wildlife refuge is a total departure from the desires of the government and the people of Guam.**

For the federal government or any organization to propose such uses for the people of Guam's lands without regard to mutual consent, unresolved post-war land-takings and recognition of land initiatives contained in the Guam Commonwealth Act undermines all that we have strived for. Perhaps most fundamental and foremost above all other argument is the inherent sovereignty of our people and their right to decide on any matter or disposition affecting their ancestral homelands. Viewing this, I am requesting that you convey to the federal entities the true sense of our government with respect to the federal land-use determination as contained in Public Law 22-18 and also as further amplified in the 22nd Guam Legislature's Resolution 93 and our Commonwealth Act. I would like to inform you that in my recent discussions with the Department of Interior's Assistant Secretary for Fish and Wildlife, Assistant Secretary for Territorial and International Affairs, Department of Defense Installations and Environment Officials and the CINCPAC Command, I expressed the sentiments of the Legislature and the feeling of our people regarding the establishment of habitat or refuge in Guam without the consent of the people of our territory.

My final point is that the Comprehensive Development Plan Act of Guam mandated through Public Law 20-147 contain provisions which direct the Executive branch to engage in wildlife and conservation planning. With such a directive in place, I cannot understand the rationale for asking the Department of Interior to establish a wildlife refuge for our territory. This task should be started and managed by our own planning agencies. The mechanism and the policies already exist in the Comprehensive Development Planning Act for Guam which you signed into law March 21, 1990.

In closing, I must add that I am absolutely convinced that the people of Guam do not want to leave decisions or choices concerning wildlife habitat or refuge to anyone other than themselves. The solution to this entire affair is to start doing the wildlife and conservation work that we mandated for ourselves in P.L. 20-147 and keep the federal entities apprised of but not necessarily responsible for work that we have tasked ourselves with by law. So let us get back on the right track by fully completing the comprehensive planning mission before us and by working with the feds to ensure that our conservation and wildlife objectives are acceptable to all. If we make mistakes along the way, then we must accept them as our mistakes. But for now, it is not right or necessary to have the feds or other wildlife or habitat organization set the direction which will determine the destiny of our island. Our people should work in parallel with those concerned with our destiny. However, we must not preclude them from exercising the inherent right to manage their lands. For us to pursue any other course of action would be a betrayal.

Sincerely Yours,



Edward D. Reyes

cc: All Senators
Congressman Underwood
Chamorro Land Trust Commission
All Media

NOV 03 '93

Bill No. 680 (LS)

Introduced by:

E.D. Reyes *R*

An Act to Authorize the Guam Housing and Urban Renewal Authority to Expend Payment in Lieu of Taxes (PILOT) Funds to Provide Temporary Emergency Housing for Families Displaced by the Astumbo 503 Housing Subdivision, FEMA 98 Housing Subdivision Program or other Government of Guam Land or Housing Related Programs.

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

2 **Section 1. Legislative Statement.** The Government of Guam through the Guam
3 Housing and Urban Renewal Authority and the Guam Housing Corporation and the
4 Department of Land Management has embarked on the program of developing
5 government lands which would be subdivided and subsequently sold to eligible
6 applicants for the purpose of constructing permanent family housing. The Legislature
7 finds that approximately fifty families are to be displaced as a result of the
8 commencement of the Astumbo 503 and the FEMA 98 Unit Subdivision Projects in
9 Dededo. It has become apparent that the said agencies did not formulate or propose any
10 specific contingency of displacement plan which would focus on the short-term and
11 long-term displacement that would result from the initial implementation of the
12 Astumbo 503 and FEMA 98 subdivision projects in Dededo. The Legislature has also
13 learned that the displaced families who currently reside on arrendu land have been
14 given "notices to vacate" their respective premises. These families have been given 30
15 to 90 days to remove their home structures and relocate their families to other locations
16 and as such have approached the Legislature for emergency housing assistance.
17 Recognizing that the government of Guam has initiated the effort which would result in
18 the insensitive and irreversible displacement of approximately 50 families and further,

1 that it is unreasonable, insensitive and inhumane to proceed with the said subdivision
2 projects and such future projects without plans to address, mitigate or eliminate the
3 adverse effects of these government subdivision programs. Therefore, the Legislature
4 finds it necessary to intervene and compel the said government agencies to establish a
5 program that would assist in eliminating the serious adverse repercussions to be felt by
6 these respective families. The Legislature also finds it highly disturbing that the
7 agencies charged with providing housing for the economically disadvantaged population
8 of Guam are the key players in creating and proliferating a homeless environment in our
9 island. It is the sense of the Legislature that such insensitive treatment of these families
10 is unwarranted and contrary to the intent of the laws authorizing the creation of the
11 Astumbo 503 and FEMA 98 subdivision projects and the charter of GHURA and
12 GHC.

13 **Section 2. Legislative Intent.** It is the intent of the Legislature to compel the
14 Administration to initiate a temporary emergency housing program aimed at providing
15 financial and other necessary housing assistance to the families who are to be relocated,
16 displaced or rendered homeless as a result of creating a government housing subdivision
17 that would displace families. It is the intent of the Legislature to authorize the Guam
18 Housing and Urban Renewal Authority Board of Directors to expend one-hundred
19 percent (100%) of its **Payment in Lieu of Taxes (PILOT)** funds which have been
20 accumulated since October 1, 1989 to present. Said PILOT funds shall be used by
21 GHURA solely for housing the displaced families qualified under this Act and not for
22 any rehabilitation costs to GHURA structures that are allocated to house the qualified
23 displaced families. The Legislature is cognizant that in 1988 GHURA was given
24 authorization to expend PILOT funds for the completion of the GHURA 82 Elderly
25 Housing Units throughout Guam but that no further expenditure has been authorized
26 since then and that the accumulation of said funds from October 1, 1988 to present is
27 available to fund the purposes and intent of this Act. It is the intent of the Legislature
28 that GHURA in collaboration with the Guam Housing Corporation and the Department

1 of Administration, provide financial and other housing assistance available inclusive but
2 not limited to PILOT funds, the Low Income Public Housing Program and the Section 8
3 Housing Assistance Program to aid these families. The Legislature intends that
4 emergency housing assistance program developed by GHURA and GHC for the benefit
5 of these and other families displaced by present or future governmental action be on
6 interim basis until the full allocation of land-for-the-landless lots as authorized by
7 previous law is awarded. The Legislature envisions that these and other displaced
8 families would eventually qualify for and be accomodated in one of the land and or
9 housing programs mentioned herein. It is also anticipated that these displaced families
10 will exercise their ability and right to apply for the type of housing assistance suited to
11 their needs during the interim period of this temporary emergency housing assistance.
12 The Legislature feels the need to fund this initiative through the allocation of PILOT
13 funds and for a period not to exceed two years or at that point in time when all lots
14 under the land-for-the-landless have been allocated whichever occurs first. The
15 Legislature intends that the criteria for eligibility for the the temporary emergency
16 housing assistance to be established herein shall be as follows:

- 17 (a) applicant must be the head of a household, a U.S. citizen, a resident of
18 Guam and no less than eighteen (18) years of age;
- 19 (b) applicant must be displaced from government of Guam land or arrendu as a
20 result of the government's action to survey, subdividide and or prepare
21 land for a public subdivision or affordable housing project;
- 22 (c) applicant must provide proof or evidence that they are landless and that
23 certain government action would render his or her family homeless;
- 24 (d) applicant must provide evidence of financial need using the low and
25 moderate income criteria and standards adopted by GHURA for Guam.

26 The Legislature encourages that any family meeting the above delineated criteria should
27 apply for the temporary emergency housing assistance program created through this
28 Act.

1 **Section 3. Authorization.** The Guam Housing and Urban Renewal Authority is
2 hereby authorized to expend its accumulated Payment in Lieu of Taxes (PILOT) funds
3 for the sole and specific purpose of developing and implementing a temporary
4 emergency housing assistance program to assist families displaced by government
5 action related to land or housing programs or projects. This authorization shall expire
6 on September 30, 1995 or pursuant to the timetable identified in Section 2 of this Act.

7 **Section 4. Exemption from Bidding and Other GSA Procurement Criteria.**
8 The Legislature in light of the urgency of this situation hereby grants the Guam
9 Housing and Urban Renewal Authority and the Guam Housing Corporation an
10 exemption from all procurement laws that would apply to or affect the implementation
11 of the specific purposes and intent of this Act. This exemption shall apply to
12 requirements of the General Services Administration, Government of Guam related to
13 the procurement of emergency temporary housing for families displaced and shall be
14 terminated at the end of the term specified herein.

15 **Section 5.** The Guam Housing and Urban Renewal Authority is restricted from
16 using PILOT funds for the rehabilitation of existing GHURA dwelling Units. The
17 Legislature hereby mandates that GHURA complete the rehabilitation of its vacant
18 structures using appropriate HUD grant funds and that such rehabilitation effort be
19 completed within 90 days from the date this Act becomes law. GHURA is also
20 mandated to seek 100 percent replenishment or reimbursement of its PILOT funds used
21 for the purposes of this Act by applying for grant funds under the Federal Relocation
22 Program, the appropriate FEMA program and any other applicable federal assistance
23 program suited for these purposes.