

*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)	Joe S. San Agustín 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.						

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

**Bill No. 14 -36 (COR)**

Joe S. San Agustin 

Tina Rose Muna 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.**

**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 (“temporary workers”) in order to construct the approved 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 has received six Guam Land Use Commission, hereinafter ‘GLUC’, applications for Temporary Workers Housing Facilities or ‘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.

1 Public Law 31-72 (as §61309 (c) of Article 3, Chapter 61, Title 21, GCA)  
2 clarified, among other matters, that temporary workers must be housed in TWHFs  
3 located in an M-1 (light industrial) zone and approved by the Guam Land Use  
4 Commission (“GLUC”) as a Conditional Use.

5 COVID restrictions imposed on operations at Planning Division of the  
6 Department of Land Management (“DLM”) as well as on public assembly at the  
7 required Application Review Committee meetings, municipal public hearings,  
8 municipal planning council meetings and GLUC public hearings have resulted in  
9 virtually no processing of TWHF applications by DLM since February.  
10 Nonetheless, the temporary workers are still coming.

11 Without GLUC-approved TWHF applications, the only alternative to  
12 housing the first wave of 2,500 temporary workers is their dispersment into  
13 private housing arrangements such as single family houses, apartments and for-rent  
14 condos. Those commercial arrangements are primarily controlled by two measures:

15 21 GCA Chapter 61 Section 61103 (o)

16 Family. An individual, or two or more persons related by blood or  
17 marriage, *or a group of not more than five persons who need not be*  
18 *related by blood or marriage living together as a single housekeeping*  
19 *unit.* Emphasis added.

20 10 GCA Chapter 26A Section 26A101 (b)

21 *Temporary workforce housing means any enclosures of living spaces,*  
22 *reasonably contiguous, together with the land appertaining thereto,*  
23 *established, operated or used as living quarters and, at a minimum,*  
24 *fifty-one percent (51%) of the residents are temporary workers,*  
25 including, but not limited to, facilities known by varying  
26 nomenclatures or designations as dormitories, hotels, motels, travel  
27 lodges, or tourist homes. Emphasis added.

1  
2       Taken together, those sections mean that the housing of unrelated temporary  
3 workers in apartments and in for-rent condos is limited to 5 occupants per  
4 housekeeping unit; and the total number of temporary workers housed at single  
5 complex must be less than 51% of total occupants, or it will be deemed a TWHF  
6 and subject to GLUC approval.

7       The net impact of 2,500 temporary employees being housed in apartments  
8 and in for-rent condos will affect at least 500 multi-family residential units  
9 scattered among dozens of complexes within residential neighborhoods, likely  
10 throughout Yigo, Dededo, Tamuning, Barrigada and Mangilao. Additionally, such  
11 scattered housing arrangements will create collateral quality-of-life problems such  
12 as: transporting the temporary workers from multiple housing locations to and  
13 from their places of work, which will increase traffic as well as incur unnecessary  
14 expense and unproductive time; and denying affordable housing opportunities for  
15 those many Guamanians, both young and old, needing rental units for their own  
16 families.

17       This is not sound land use planning. The fabric of Guam's communities is a  
18 family-centered neighborhood, and the Guam Legislature preserved that character  
19 with Public Law 31-72, which created the concept of Temporary Worker Housing  
20 Facilities in only M-1 zones.

21       The *I Liheslaturan Guåhan* understands that temporary workers should be  
22 housed in TWHFs located within M-1 zones and that the current imposition of  
23 COVID restrictions has prevented timely processing of GLUC applications for  
24 TWHFs. In order to protect the welfare and homogeneity of Guam communities,  
25 therefore, *I Liheslaturan Guahan* intends to fast track the processing of GLUC  
26 applications for TWHFs in order to make those facilities available in M-1 zones  
27 and in time to house the arrival of temporary workers, while not sacrificing the

1 basic safeguards imposed by the Department of Land Management for proper  
2 zoning and related requirements imposed by P.L. 31-72 as well as the permitting  
3 imposed by the Department of Public Works and the Department of Public Health  
4 and Social Services.

5 **Section 2.** §61309(c) (4) (A) of Chapter 61, Title 21, Guam Code  
6 Annotated is hereby *amended* to read as follows:

7 (4) (A) Applications for the development of temporary workforce housing  
8 shall come before the GLUC as a “Conditional Use” subject to the review process  
9 of the Agency Review Committee, and shall be subject to specific conditions of  
10 approval as established by the GLUC, except during the imposition of any  
11 Pandemic Condition of Readiness (“PCOR”) which restricts public assembly.  
12 Whenever a PCOR restricts public assembly, GLUC conditional use applications  
13 for the development of temporary workforce housing shall meet only the  
14 requirements of §61309(c) (4) (B) (i), (ii), (iii) and (iv) of Chapter 61, Title 21,  
15 Guam Code Annotated as well as all requirements imposed by the Department of  
16 Land Management at the Preliminary Application Interview stage, including  
17 location of the Temporary Workers Housing Facility in an M-1 zone. With those  
18 conditions for approval certified by the Department of Land Management, the  
19 applicant may proceed directly to Temporary Workers Housing Facility permitting  
20 by the Department of Public Works for a Building Permit and to the Department of  
21 Public Health and Social Services for a Sanitary Permit and a Workers Dormitory  
22 Permit.

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

1           **Section 4. Effective Date.** This Act *shall* become effective immediately  
2   upon enactment.