

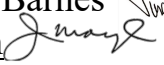


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 14 -36 (COR)

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**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:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
2 Guam contractors engaged in the U.S. military build-up must rely on H-2B visa
3 temporary workers (“temporary workers”) in order to construct the approved
4 Department of Defense build-up projects as well as the off-base projects that are
5 associated with the build-up. The Guam Department of Labor estimates that
6 approximately 1,500 temporary workers are already on Guam; and since January
7 the Department of Land Management has received six Guam Land Use
8 Commission, hereinafter ‘GLUC’, applications for Temporary Workers Housing
9 Facilities or ‘TWHF’ that would accommodate about 2,500 new temporary
10 workers. Additional GLUC applications for TWHFs are to be expected in order to
11 accommodate the projected additional temporary workers, possibly as many as
12 another 1,000, required to complete the remaining military build-up projects as
13 well as build-up associated private and Government of Guam projects.
14

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.

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Taken together, those sections mean that the housing of unrelated temporary workers in apartments and in for-rent condos is limited to 5 occupants per housekeeping unit; and the total number of temporary workers housed at 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 such as: transporting the temporary workers from multiple housing locations to and from their places of work, which will increase traffic as well as incur unnecessary expense and unproductive time; and denying affordable housing opportunities for those many Guamanians, 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 the Guam Legislature preserved that character with Public Law 31-72, which created the concept of Temporary Worker Housing Facilities in only M-1 zones.

The *I Liheslaturan Guåhan* understands that temporary workers should be housed in TWHFs located within M-1 zones and that the current imposition of COVID restrictions has prevented timely processing of GLUC applications for TWHFs. In order to protect the welfare and homogeneity of Guam communities, therefore, *I Liheslaturan Guahan* intends to fast track the processing of GLUC applications for TWHFs in order to make those facilities available in M-1 zones 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.