

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
VOTING RECORD

Bill No. 151-36 (COR) As substituted and amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 25, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.					✓	✓
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telen Cruz Nelson					✓	✓
Senator Sabina Flores Perez					✓	✓
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedro" Terlaje	✓					
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres	✓					

TOTAL

11

1

3

3

Aye

Nay

**Not
Voting/
Abstained**

**Out
During
Roll Call**

Absent

Excused

CERTIFIED TRUE AND CORRECT:

RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

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

Bill No. 151-36 (COR)

As substituted and amended on the Floor.

*

Introduced by:

James C. Moylan
V. Anthony Ada
Christopher M. Dueñas
Frank Blas Jr.
Joe S. San Agustin
Mary Camacho Torres
Tina Rose Muña Barnes
Jose “Pedro” Terlaje
Amanda L. Shelton

**AN ACT TO *AMEND* ARTICLE 5 OF CHAPTER 66,
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO
MODERNIZING THE PROCESS AND PENALTIES IN
ASSOCIATION WITH UNSAFE AND DERELICT
BUILDINGS AND STRUCTURES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam’s statutes associated with unsafe buildings and structures require some modifications to provide inspectors of the Department of Public Works with reasonable timelines to work with property owners of derelict structures to remedy the problem. In addition, stringent penalties are needed to ensure compliance with Guam’s laws associated with vacating, repairing, or demolishing unsafe structures. This Act addresses both the timelines and penalties.

1 Unfortunately, derelict buildings pose many problems in our communities.
2 Whether they become illegal dumping sites for trash, create fire hazards, house illicit
3 activity, adversely impact property values for neighboring structures, or essentially
4 affect the beautification of the area, these unsafe structures need to be addressed by
5 the government. Some structures also become a roof over the heads of homeless
6 island residents, thus addressing unsafe buildings may lead to assisting more families
7 with proper housing. After all, such structures are considered unsafe for habitation.

8 **Section 2.** Article 5 of Chapter 66, Title 21, Guam Code Annotated, is
9 hereby *amended* to read as follows:

10 **“§ 66501. Unsafe Structures.**

11 (a) All unsafe buildings and structures are hereby declared to be
12 illegal, and shall be vacated and either repaired or demolished, in accordance
13 with the procedure established by this Chapter.

14 (b) For the purpose of this Chapter, unsafe buildings are all buildings
15 and structures or equipment thereof which are structurally unsafe, or which
16 are unsanitary, or have been utilized as a site to dump trash illegally, or which
17 are unfit for human habitation, or are not provided with adequate means of
18 egress, or which constitute a fire hazard, or are otherwise dangerous to human
19 life or safety, or which in relation to existing uses constitute a hazard to the
20 safety of the public or occupants by reason of inadequate maintenance,
21 dilapidation, obsolescence, or abandonment.

22 (c) A vacant structure not secured against entry shall be deemed
23 unsafe.

24 **§ 66502. Same: Examination.**

25 The building official shall examine or cause to be examined every
26 unsafe or damaged building or structure. He shall make or cause to be made,
27 a written record of such examination, which shall set forth a factual

1 description of the premises and specifically enumerate the particular
2 conditions which are alleged to be violations of the provisions of this Chapter
3 or otherwise render such buildings unsafe.

4 **§ 66503. Same: Same: Report.**

5 (a) The building official, whenever he shall make a finding, as a
6 result of the examination required in § 66502, shall:

7 (1) Within sixty (60) days of completing the finding, notify in
8 writing, by personal service, certified mail, or registered mail, the
9 owner, occupant, lessee, mortgagee, agent, and other persons having an
10 interest in said building as shown by the land records of the Department
11 of Land Management, that the building or structure is unsafe, and that:

12 (A) the owner must vacate and either repair or demolish
13 said building or structure in accordance with the terms of the
14 notice and of this Chapter;

15 (B) the occupant or lessee must vacate said building, or
16 prove it repaired in accordance with the terms of the notice and
17 of this Chapter; and

18 (C) said mortgagee, agent, or other persons having an
19 interest in said building, must vacate and may, at his own risk,
20 repair or demolish said building or have such work or act done.

21 Any person notified under this Subsection to vacate and either
22 repair or demolish any building shall be given such reasonable time, not
23 exceeding thirty (30) days, as may be necessary to do, or have done, the
24 work or act required by the notice as herein provided. Such notice shall
25 describe the building deemed unsafe, shall include a statement of the
26 particulars which make it unsafe, and shall contain an order requiring

1 the building to be put in such condition as to comply with the terms of
2 this Chapter within a stated time, not exceeding thirty (30) days.

3 (2) Within ten (10) days of completing the finding, post, or
4 cause to be posted in a conspicuous place at the principal point of entry
5 to the building deemed unsafe, a notice reading as follows:

6 “This building has been found to be unsafe by the Department of Public
7 Works, Government of Guam. This notice is to remain on the building until it
8 is vacated and either repaired or demolished in accordance with the notice
9 which has been given to all parties having an interest in this building. It is
10 unlawful to remove this notice until such notice is complied with. Any person
11 who removes this notice may be fined up to Ten Thousand Dollars
12 (\$10,000.00).”

13 (b) The building official, in the event of non-compliance with the
14 notice and order hereinabove provided for in § 66503(a) shall:

15 (1) Provide notice within thirty (30) days from the deadline
16 established in the notice issued pursuant to § 66503(a)(1) of this
17 Chapter, in writing by personal service, certified mail, or registered
18 mail, to the State Historic Preservation Officer and the same parties as
19 in § 66503(a) to appear before him on a specified date to show cause
20 why the building deemed unsafe should not be vacated and either
21 repaired or demolished in accordance with the statement of particulars
22 set forth in the prior notice. The building owner shall be issued a
23 citation with a penalty of up to Five Thousand Dollars (\$5,000.00) if
24 they or their representative fail to appear on the specified date pursuant
25 to this Subsection.

26 (2) Hold a hearing within sixty (60) days from the deadline
27 established in the notice issued pursuant to § 66503(a)(1) of this Article,

1 and hear such testimony as building department employees, owner,
2 occupant, lessee, mortgagee, or other interested parties shall offer
3 relative to the unsafe building. Notwithstanding any other provision of
4 law, rule, or regulation to the contrary, the building official is hereby
5 authorized and may hold the hearing under this Section virtually.

6 (3) Make written findings of fact from the testimony offered
7 at said hearing, and on the basis of such findings render a written
8 decision within ten (10) days from the date of hearing, as to whether
9 the building is safe, or unsafe within the meaning of this Chapter. The
10 original copy of such findings and decisions shall be kept in the
11 Department of Public Works. Other copies shall be sent to all parties
12 served with notice of the hearing.

13 (4) On the finding that the building is unsafe, shall issue an
14 order within five (5) days based on such findings of fact, commanding
15 all parties served with notice of the hearing to vacate and either repair
16 or demolish such unsafe building; provided, that any person so notified,
17 except the owner, must vacate the premises and shall have the privilege
18 of repairing; and provided further, that no person other than the owner
19 shall be ordered to demolish said building.

20 (c) In the case of non-compliance with the above order within ten
21 (10) days, the building official shall cause such building to be vacated and
22 either repaired or demolished as the facts may warrant, in accordance with the
23 standards for vacation and either repair or demolition set forth in § 66503(d).
24 The costs of such vacation and either repair or demolition shall be a lien
25 against the land on which the building exists or existed, as the case may be,
26 until all costs are recovered by the Government of Guam.

1 (1) The building official shall provide notice in writing, by
2 personal service, certified mail, or registered mail, to the owner,
3 occupant, lessee, mortgagee, agent, or other persons having an interest
4 in said building of a hearing to be held within ninety (90) days of its
5 determination of noncompliance with the § 66503(b)(4) Order, to show
6 cause why the owner, occupant, lessee, mortgagee, agent, or other
7 persons having an interest in said building failed to comply with such
8 Order. Notwithstanding any other provision of law, rule, or regulation
9 to the contrary, the building official is hereby authorized and may hold
10 the hearing under this Section virtually.

11 (2) Absent a showing of good cause, the hearing officer may
12 issue a citation of no less than One Thousand Dollars (\$1,000.00) nor
13 more than Ten Thousand Dollars (\$10,000.00) for non-compliance
14 pursuant to § 66503(b)(4) of this Article.

15 (d) The building official in ordering vacation and either repair or
16 demolition of a building found unsafe, shall be governed by the following
17 standards:

18 (1) If an unsafe building can reasonably be repaired so that it
19 will no longer exist in violation of the terms of this Chapter, it shall be
20 ordered to be repaired.

21 (2) If deemed an unsafe building, it shall be ordered to be
22 vacated.

23 (3) If an unsafe building is damaged or decayed, or
24 deteriorated to the extent of fifty percent (50%) of its original value or
25 structure, it shall be demolished. In all cases where a building cannot
26 be repaired so that it will no longer exist in violation of the terms of this
27 Chapter, it shall be demolished. In all cases where an unsafe building is

1 a fire hazard existing or erected in violation of the provisions or unsafe
2 within the meaning of this Chapter, it shall be demolished.

3 **§ 66504. Same: Order to Vacate.**

4 The building official, whenever he determines that a building, structure,
5 or portion thereof, constitutes an unsafe structure, as defined in § 66501 of
6 this Article, shall order the buildings, structure, or portion thereof, to be
7 vacated at once and not reoccupied until issuance of a new certificate of
8 occupancy by the building official.

9 **§ 66505. Same: Same.**

10 (a) The building official, on the vacation of any building in
11 accordance with the provisions of § 66503 or § 66504, shall post or cause to
12 be posted at each entrance to the building, a sign stating:

13 “This building is unsafe, and its use or occupancy is prohibited by the
14 Director of Public Works. Any person entering this building without
15 permission of the Director of Public Works shall be subject to a fine of no less
16 than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars
17 (\$10,000.00) or imprisonment or both.”

18 (b) Such sign shall remain posted until the required repairs are made,
19 or demolition is completed.

20 (c) Any person entering the building, except for the purpose of
21 making the required repairs or effecting demolition, or any person removing
22 any sign posted by the building official, shall be liable to the penalties
23 provided for in this Chapter.

24 **§ 66506. Same: Actual and Immediate Danger.**

25 (a) In case there shall be, in the opinion of the building official,
26 actual and immediate danger of failure or collapse of a building or structure,
27 or any part thereof so as to endanger life or property, he shall promptly cause

1 such building or structure to be made temporarily safe, or if necessary, to be
2 demolished. In such cases the decision of the building official shall be final
3 and conclusive.

4 (b) The building official, in exercising his powers and duties under
5 this Section, may at once enter any unsafe building, or the land on which it
6 stands, or abutting land or structure, with such assistance and at such costs as
7 he deems necessary. He may vacate adjacent structures and protect the public
8 by an appropriate fence or such other means as may be necessary, and for this
9 purpose he may close a public or private way.

10 (c) Costs incurred under this Section shall be paid out of the General
11 Fund of Guam on a certified voucher of the building official. Such costs shall
12 be a lien on the land on which the building exists or existed, as the case may
13 be, until recovered by the government of Guam.

14 **§ 66507. Prohibition and Penalty.**

15 (a) It shall be unlawful for any person to construct, alter, repair,
16 move, remove, demolish, equip, use, occupy or maintain any building or
17 structure or portion thereof in Guam contrary to any provision of this Chapter.

18 (b) Any person violating the provisions of this Chapter shall be
19 deemed guilty of a petty misdemeanor; except, that any person entering an
20 unsafe structure without permission of the Director of Public Works shall be
21 subject to a fine of up to One Thousand Dollars (\$1,000) per violation, or shall
22 be required to perform community service, not to exceed one hundred (100)
23 hours. Any subsequent violation of entering an unsafe structure pursuant to
24 this Subsection shall require an additional fifty (50) hours of community
25 service per offense. The community service shall be conducted under the
26 supervision of the Department of Public Works.

1 (c) Such person shall be deemed guilty of a separate offense for each
2 day during which any violation of the provisions of this Chapter continues.

3 (d) Any person violating the provisions of this Article pertaining to
4 unsafe structures, including failure to vacate and either repair or demolish
5 such structures, who is the owner of real property that has been classified as
6 an industrial or commercial site in accordance with § 60107, Chapter 60,
7 Article 1, Title 21, Guam Code Annotated, may be fined, annually, an amount
8 equal to twenty percent (20%) of the assessed value of the subject property,
9 and such fine shall be pro-rated for any portion of a year in which the violation
10 continues. The fine provided in this Subsection may be a lien on the property
11 if unpaid for more than ninety (90) days.

12 **§ 66508. Guam Building Code Council; Guam Land Use**
13 **Commission; Appeals.**

14 (a) Guam Building Code Council. The Guam Building Code
15 Council shall sit as a Board of Appeals (Board) to hear appeals of any decision
16 of the building official relative to the suitability of alternate materials and
17 methods of construction, and to provide for reasonable interpretation of the
18 provisions of this Chapter. The Director of Public Works, or the building
19 official, shall make such investigations as are deemed necessary for appeals
20 to the Board. The Board shall hold hearings and may adopt reasonable rules
21 and regulations for the conduct of any investigations made under its direction;
22 provided, however, that every hearing shall be conducted pursuant to the
23 procedure set forth in the Administrative Adjudication Law; and further
24 provided, that the Board shall render all decisions and findings in writing to
25 the building official with a duplicate copy to the appellant, and may
26 recommend such new legislation as is consistent therewith to *I Liheslatura*
27 (the Legislature). Neither the Director of Public Works nor the building

1 official shall influence or attempt to influence the decision of the Board
2 relative to any matter that pursuant to the provisions of this Section comes
3 before it, except by the presentation of relevant evidence arising from its
4 investigations, as directed by the Board. The Director of Public Works shall
5 not vote on any appeal pursuant to this Subsection.

6 A final decision of the Board of Appeals may be appealed to the
7 Superior Court in the manner provided in the Administrative Adjudication
8 Law. The Guam Building Code Council may waive all accrued fines pursuant
9 to § 66507(d) of this Article within one hundred eighty (180) days of the
10 declaration of a building as unsafe if the property owner has demolished or
11 repaired the subject property to the standard of the Guam Building Code.

12 (b) Guam Land Use Commission. In any matter other than that
13 which is the subject of an appeal pursuant to Subsection (a) of this Section,
14 the Commission is empowered to hear appeals from any order, requirement,
15 decision or determination of the building official or his authorized
16 representative or any rule, regulation or amendment or repeal thereof made by
17 the building official; provided, that summary abatement by the building
18 official or his authorized representative pursuant to § 66506 of this Chapter
19 shall be final and conclusive.”

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

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