

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2021 (FIRST) Regular Session

VOTING RECORD

Bill No. 14-36 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and substituted on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 22, 2021					
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 "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

TOTAL

10

5

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

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Introduced by:

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Therese M. Terlaje
Mary Camacho Torres

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

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

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

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

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

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

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

24 (1) 21 GCA § 61103(o): “Family. An individual, or two or more
25 persons related by blood or marriage, *or a group of not more than five persons*
26 *who need not be related by blood or marriage living together as a single*
27 *housekeeping unit.” Id. (emphasis added); and*

1 (2) 10 GCA § 26A101(b): “*Temporary workforce housing means any*
2 *enclosures of living spaces, reasonably contiguous, together with the land*
3 *appertaining thereto, established, operated or used as living quarters and, at*
4 *a minimum, fifty-one percent (51%) of the residents are temporary workers,*
5 including, but not limited to, facilities known by varying nomenclatures or
6 designations as dormitories, hotels, motels, travel lodges, or tourist homes.”
7 *Id.* (emphasis added).

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

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

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

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

11 **Section 2.** A new § 61309(c)(4)(C) is hereby *added* to Article 3 of Chapter
12 61, Title 21, Guam Code Annotated, as follows:

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

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

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

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

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

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

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

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