

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
46-36 (COR)	Therese M. Terlaje Jose “Pedo” Terlaje Telena Cruz Nelson Christopher M. Dueñas	AN ACT TO <i>AMEND</i> § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS.	1/29/21 9:32 a.m.	2/1/21	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation	4/22/21 2:00 p.m.	4/28/21 10:17 a.m.	Request: 2/1/21  2/18/21	



# THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON  
EDUCATION,  
SELF DETERMINATION  
AND HISTORIC  
PRESERVATION,  
INFRASTRUCTURE,  
BORDER SAFETY,  
FEDERAL AND  
FOREIGN AFFAIRS,  
AND  
MARITIME  
TRANSPORTATION

April 26, 2021

**The Honorable Therese M. Terlaje**

Speaker

*I Mina'trentai Sais na Liheslaturan Guåhan*

163 Chalan Santo Papa

*Hagåtña*, Guam 96910

**VIA: The Honorable Tina Rose Muña Barnes**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 46- 36 (COR)**

*Håfa Adai* Speaker Terlaje,

Transmitted herewith is the Committee Report on **Bill No. 46-36 (COR)** by Speaker Therese M. Terlaje, Senator Jose "Pedro" Terlaje, Senator Telen Cruz Nelson and Senator Christopher M. Duenas, "AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS."

Committee votes are as follows:

<u>4</u>	TO DO PASS
_____	TO NOT PASS
<u>2</u>	TO REPORT OUT ONLY
_____	TO ABSTAIN
_____	TO PLACE IN INACTIVE FILE

Sincerely,

**Senator Telen Cruz Nelson**

**COMMITTEE ON RULES**

**RECEIVED:**

April 27, 2021

10:15 A.M.

**Revision Rec'd:**

April 28, 2021 @ 8:48 A.M.



# THE OFFICE OF SENATOR TELENA CRUZ NELSON

*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* | 36th GUAM LEGISLATURE

COMMITTEE ON  
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AND  
MARITIME  
TRANSPORTATION

## COMMITTEE REPORT

### **Bill No. 46-36 (COR)**

“AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS.”

Introduced by  
Therese M. Terlaje / Jose “Pedro” Terlaje /  
Telena Cruz Nelson / Christopher M. Dueñas



# THE OFFICE OF SENATOR TELENA CRUZ NELSON

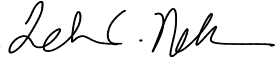
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COMMITTEE ON  
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April 26, 2021

## MEMORANDUM

**To:** **All Members**  
Committee on Education, Self-Determination and Historic Preservation,  
Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime  
Transportation

**From:** **Senator Telena Cruz Nelson**   
Committee Chairperson

**Subject:** **Committee Report on Bill No. 46-36 (COR).**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 46-36 (COR)** introduced by Therese M. Terlaje, Jose "Pedro" Terlaje, Telena Cruz Nelson, and Christopher M. Duenas, "AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS."

This report includes the following:

- Copy of COR Referral of Bill No. 46-36 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 46-36 (COR)
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'åse'!*



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÁTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

February 1, 2021

## MEMO

**To:** Rennae Meno  
Clerk of the Legislature  
  
Attorney Ana Won Pat-Borja  
Legislative Legal Counsel

**From:** Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**Re:** Referral of Bill No. 46-36 (COR)

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*Buenas yan Håfa adai,*

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 46-36 (COR) – Therese M. Terlaje, Jose “Pedro” Terlaje, Telen Cruz Nelson, Christopher M. Dueñas - “AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS.”

Please ensure that the subject bill is referred to the **Committee on Education, Self-Determination, and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation**, chaired by Senator Telen Cruz Nelson.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

**Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules





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## FIRST NOTICE of Public Hearing on Thursday, April 22, 2021 at 2:00 p.m.

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Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Wed, Apr 14, 2021 at 9:30 AM

To: phnotice@guamlegislature.org

Cc: Ed Pocaigue <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Tihu Lujan <tihualujan@gmail.com>, Catherine Gutierrez <catherine.gutierrez@peals.guam.gov>, Pete Diaz <aeacom.com>, lcruz@contract.com, scott.thompson@coffman.com, sameguampost@gmail.com, wiese@guambcc.org, Rory Respicio <rjrespicio@portofguam.com>, ike.peredo@cqa.guam.gov

April 14, 2021

### **MEMORANDUM**

To: All Honorable Senators, Stakeholders and Media  
From: Senator Telena Cruz Nelson  
Subject: **FIRST NOTICE of Public Hearing on Thursday, April 22, 2021 at 2:00 p.m.**

*Buenas yan Håfa Adai!* Please be advised that the Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation will convene a Public Hearing on Thursday, April 22, 2021 at 2:00 p.m., at *I Liheslaturan Guåhan* Public Hearing Room. The agenda includes the following:

#### **Thursday, April 22, 2021 at 2:00 P.M.**

- **Bill No. 2-36 (LS)** - Tina Rose Muña Barnes / Jose "Pedro" Terlaje / V. Anthony Ada, "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE."
- **Bill No. 46-36 (COR)** - Therese M. Terlaje / Jose "Pedro" Terlaje / Telena Cruz Nelson / Christopher M. Dueñas, "AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS."

Written testimonies may be delivered to the Office of Senator Telena Cruz Nelson at 173 Aspinall Avenue, Suite 202A, Ada Plaza Center, *Hagåtña*, Guam 96910 or via email to [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org). The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing. In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact the Office of Senator Telena Cruz Nelson via phone call at 671-989-7696 or via email at [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org).

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 or Channel 112-4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation! *Si Yu'os Ma'åse'!*





**The Office of Senator Telen Cruz Nelson**

*Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety,  
Federal and Foreign Affairs, and Maritime Transportation*

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

**Phone:** (671) 989-7696/4678

**Email:** [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)



**22APRIL2021 FIRST NOTICE.pdf**

435K



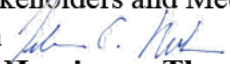
# THE OFFICE OF SENATOR TELENA CRUZ NELSON

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TRANSPORTATION

April 14, 2021

## MEMORANDUM

To: All Honorable Senators, Stakeholders and Media  
From: Senator Telena Cruz Nelson   
Subject: **FIRST NOTICE of Public Hearing on Thursday, April 22, 2021 at 2:00 p.m.**

*Buenas yan Håfa Adai!* Please be advised that the Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation will convene a Public Hearing on Thursday, April 22, 2021 at 2:00 p.m., at *I Liheslaturan Guåhan* Public Hearing Room. The agenda includes the following:

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- **Bill No. 2-36 (LS)** - Tina Rose Muña Barnes / Jose "Pedro" Terlaje / V. Anthony Ada, "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE."
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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## SECOND NOTICE of Public Hearing on Thursday, April 22, 2021 at 2:00 p.m.

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Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Mon, Apr 19, 2021 at 9:07 AM

To: phnotice@guamlegislature.org

Cc: Ed Pocaigue <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Tihu Lujan <tihualujan@gmail.com>, Catherine Gutierrez <catherine.gutierrez@peals.guam.gov>, Pete.Diaz@aecom.com, lcruz@contract.com, scott.thompson@coffman.com, sameguampost@gmail.com, wiese@guambcc.org, Rory Respicio <rjrespicio@portofguam.com>, ike.peredo@cqa.guam.gov

April 19, 2021

### MEMORANDUM

To: All Honorable Senators, Stakeholders and Media  
From: Senator Telena Cruz Nelson  
Subject: **SECOND NOTICE of Public Hearing on Thursday, April 22, 2021 at 2:00 p.m.**

-  
*Buenas yan Håfa Adai!* Please be advised that the Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation will convene a Public Hearing on Thursday, April 22, 2021 at 2:00 p.m., at *I Liheslaturan Guåhan* Public Hearing Room. The agenda includes the following:

#### Thursday, April 22, 2021 at 2:00 P.M.

- - **Bill No. 2-36 (LS)** - Tina Rose Muña Barnes / Jose "Pedro" Terlaje / V. Anthony Ada, "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE."
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# THE OFFICE OF SENATOR TELENA CRUZ NELSON

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April 19, 2021

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**The Office of Senator Telen Cruz Nelson**

*Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety,  
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**Phone:** (671) 989-7696/4678

**Email:** [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)



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**22APRIL2021 SECOND NOTICE.pdf**

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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

## GOOGLE Drive Link: Public Hearing on Thursday, April 22, 2021 at 2:00 P.M.

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org> Wed, Apr 21, 2021 at 9:35 AM

To: "Speaker Therese M. Terlaje" <senatorterlajegum@gmail.com>, "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, Sabina Perez <sabina@senatorperez.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, "Office of Senator Clynton E. Ridgell" <sen.cridgell@teleguam.net>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Frank F. Blas Jr." <office@senatorfrankblas.com>, Mary Camacho Torres <senatormary@guamlegislature.org>, "Senator V. Anthony Ada" <senatorvanthonyada@gmail.com>, "Office Of Senator Telo T. Taitague" <senatortelot@gmail.com>, "Office of Senator Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Cc: Ed Pocaigue <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Tihu Lujan <tihualujan@guamlegislature.org>, Catherine Gutierrez <catherine.gutierrez@peals.guam.gov>, Pete Diaz <pete.diaz@aecom.com>,acruz@contract.com, scott.thompson@coffman.com, sameguampost@gmail.com, wiese@guambcc.org, Rory Respicio <rjrespicio@portofguam.com>, ike.peredo@cqa.guam.gov, Vince Arriola <vince.arriola@dpw.guam.gov>, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Liz Duenas <lduenas@remaxguam.com>, Gina Campos <gcampos@remaxguam.com>, Gar Admin Email <garadmin@guamrealtors.com>, Peggy <ceo@guamrealtors.com>

*Buenas yan Håfa Adai,*

Please be advised that the Office of Senator Telena Cruz Nelson will convene for a Public Hearing on Thursday, April 22, 2021 at 2:00 P.M., at *I Liheslaturan Guåhan* Public Hearing Room.

On the agenda are the following items:

Thursday, April 22, 2021 at 2:00 P.M.

- **Bill No. 2-36 (LS)** - Tina Rose Muña Barnes / Jose "Pedro" Terlaje / V. Anthony Ada, "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE."
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We kindly ask that you do not share this following link with individuals who have not confirmed attendance with our office. Please advise them to contact us at (671) 989-7696 or [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)

You can access files for this hearing at this shared link:

[Redacted Link]

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation.

*Si Yu'os Ma'åse'*

--

The Office of Senator Telena Cruz Nelson



*Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety,  
Federal and Foreign Affairs, and Maritime Transportation*

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

**Phone:** (671) 989-7696/4678

**Email:** [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

## Invitation to Participate in the Upcoming Public Hearing on Thursday, April 22, 2021 at 2:00 P.M.

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org> Mon, Apr 19, 2021 at 12:38 PM  
Bcc: Vince Arriola <vince.arriola@dpw.guam.gov>, "Joseph M. Borja" <joseph.borja@land.guam.gov>, lduenas@remaxguam.com, gcampos@remaxguam.com, Gar Admin Email <garadmin@guamrealtors.com>, Peggy <ceo@guamrealtors.com>

*Buenas yan Hafa adai!*

Senator Nelson is inviting and encouraging your participation in a Public Hearing to be held at 2:00 P.M., Thursday, April 22, 2021, in the Public Hearing Room of the Guam Congress Building in Hagåtña. The agenda includes the following:

### Thursday, April 22, 2021 at 2:00 P.M.

- **Bill No. 2-36 (LS)** - Tina Rose Muña Barnes / Jose "Pedro" Terlaje / V. Anthony Ada, "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE."
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### SUBMITTING TESTIMONY

Written Testimony: submit via email to [senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)

Oral Testimony: see options below for face-to-face or virtual testimony:

1. Sign-up to provide face-to-face testimony by attending the hearing in-person while observing COVID-19 protocols and guidelines.

We look forward to your participation!



### The Office of Senator Telena Cruz Nelson

*Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation*

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173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

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# THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON  
EDUCATION,  
SELF DETERMINATION  
AND HISTORIC  
PRESERVATION,  
INFRASTRUCTURE,  
BORDER SAFETY,  
FEDERAL AND  
FOREIGN AFFAIRS,  
AND  
MARITIME  
TRANSPORTATION

## Public Hearing

Thursday, April 22, 2021  
2:00 P.M.

## Agenda

- I. Call to Order at 2:00 p.m.
- II. Opening Remarks by Senator Telena C. Nelson, Committee Chairperson
- III. Items for discussion –
  - **Bill No. 2-36 (LS)** - Tina Rose Muña Barnes / Jose “Pedro” Terlaje / V. Anthony Ada, “AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE.”
  - **Bill No. 46-36 (COR)** - Therese M. Terlaje / Jose “Pedro” Terlaje / Telena Cruz Nelson / Christopher M. Dueñas, “AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS.”
- IV. Closing Remarks
- V. Adjournment

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4/60.4 for Docomo customers without set top boxes, and stream online via I Liheslaturan Guåhan’s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

*Si Yu'os Ma'åse'*



# OFFICE OF VICE SPEAKER TELENA CRUZ NELSON

COMMITTEE ON EDUCATION, SELF-DETERMINATION AND HISTORIC  
PRESERVATION, INFRASTRUCTURE, BORDER SAFETY, FEDERAL AND  
FOREIGN AFFAIRS, AND MARITIME TRANSPORTATION

Bill No. 46-36 (COR) Public Hearing Sign-in Sheet

Thursday, April 22, 2021 • 2:00 PM

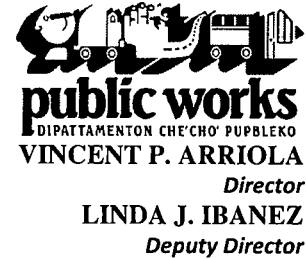
"AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21,  
GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING  
CONSTRUCTION OF HOMES BY EXTENDING THE  
VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF  
TWELVE MONTHS."

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Vince Arto la	DPW	Support	✓		646-3131	
Gina Campos	Self	Support		✓	6878885	
Samuel Reyes		Support			482-SD40	



The Honorable  
**LOURDES A. LEON GUERRERO**  
*Maga' Håga • Governor*

The Honorable  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi • Lieutenant Governor*



22 APR 2021

The Honorable Telen Cruz Nelson  
Senator, 36th Guam Legislature  
Ada's Plaza Center, Suite 202A  
173 Aspinall Avenue  
Hagatna, Guam

Buenas Yan Hafa Adai Senator Nelson,

I am pleased to appear before your Committee today to offer testimony on Bill No. 46-36. As I understand it, this Bill if enacted, would extend the effectiveness of a building permit for a minimum of twelve months. So, if for whatever reason, construction has not started based on a specific building permit, and it appears construction will not begin within the current three-month period, that permit may be extended another twelve months, to include an additional four extensions of three months each. This would mean a possible maximum extension of 24 months.

With the current pandemic status that we are faced with, coupled with keeping our island economy moving, I have to believe this action would benefit a number construction activities. We are all acutely aware of all the delays, suspensions, and deferrals of almost everything that we have gone through and will probably continue for some time.

I do wish to point out a section in the current International Building Code that appears to conflict with the language in this Bill.

*105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.*

By virtue of IBC 2009 adopted by P.L 30-025, the building permit essentially expires after 180 days or 6 months as opposed to the current 3 month or 90 days as identified in 21GCA Ch.66 §66212 (c).

The Guam Department of Public Works doesn't foresee any negative issues with the intent of Bill 46-36 (COR) however, we suggest clarifying the concern regarding Section 105.5 of the IBC. Thank you for allowing the agency to offer comments on the Bill.

Respectfully,

VINCENT P. ARRIOLA  
Director

**21 GCA REAL PROPERTY  
CH. 66 BUILDING LAW**

**CHAPTER 66  
BUILDING LAW**

- Article 1. General Provisions.
- Article 2. Application for Permit; Permit.
- Article 3. Certificate of Occupancy.
- Article 4. Building Inspection.
- Article 5. Unsafe Structures.
- Article 6. Territorial Land Use Commission.
- Article 7. Amendments to the Building Code.

**ARTICLE 1  
GENERAL PROVISIONS**

- § 66101. Title.
- § 66102. Purpose.
- § 66103. Compliance.
- § 66104. Application to Existing Buildings.
- § 66105. Exception: Painting, Cleaning or Fencing.
- § 66106. Compliance Required.
- § 66107. Additional Requirements Not Covered.
- § 66108. Maintenance.
- § 66109. Administration and Enforcement.
- § 66110. Delegation of Authority.
- § 66111. Restrictions on Employees.
- § 66112. Employees Relieved of Liability.
- § 66113. Building Records.
- § 66114. Report to Governor.
- § 66115. Cooperation.
- § 66116. Purpose; Rules & Regulations.
- § 66117. Regulations.
- § 66118. Discretion to Adapt to Circumstances.
- § 66119. New or Alternate Materials.
- § 66120. Prohibitions.

**§ 66101. Title.**

This Chapter may be cited as the Building Law of Guam.

**SOURCE:** GC § 31000.

**§ 66102. Purpose.**

The purpose of this Chapter is to secure and promote the safety, health and general welfare of the people of the Territory of Guam by providing standards for the location, design, material, construction, alteration, repair, building service equipment, maintenance, use, occupancy, moving, removal and demolition of buildings, structures and appurtenances thereto in the Territory of Guam.

**SOURCE:** GC § 31001.

**§ 66103. Compliance.**

All buildings and structures, appurtenances connected and attached thereto, or equipment thereof, which are erected, constructed, installed or moved within the Territory of Guam after the effective date of this Chapter shall comply with all provisions of this Chapter; provided, however, that as to structures designed as single family dwellings such structures shall comply with the provisions of this Chapter only if they are located or are to be located within an organized village having public utilities. The location and boundaries of such organized villages for the purposes of this Law shall from time to time be designated and redesignated and defined and redefined by Executive Order of the Governor of Guam.

**SOURCE:** GC § 31002.

**§ 66104. Application to Existing Buildings.**

(a) General. Buildings or structures to which additions, alterations or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section.

(b) Addition, Alterations and Repairs: More than Fifty Percent (50%). When additions, alterations or repairs within any 12-month period exceed fifty percent (50%) of the value of an existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures.

(c) Additions, Alterations and Repairs: Twenty-Five Percent (25%) to Fifty Percent (50%). Additions, alterations and repairs exceeding twenty-five percent (25%) but not exceeding fifty percent (50%) of the value of an existing building or structure and complying with the requirements for new buildings or structures may be made to such building or structure within any 12-month period without making the entire building or structure comply.

The new construction shall conform to the requirements of this Chapter for a new building of like area, height and occupancy. Such building or structure, including new additions, shall not exceed the areas and heights specified in this Chapter.

(d) Additions, Alterations and Repairs: Twenty-Five Percent (25%) or Less. Structural additions, alterations and repairs to any portion of an existing building or structure, within any 12-month period, not exceeding twenty-five percent (25%) of the value of the building or structure, shall comply with all of the requirements for new buildings or structures, except that minor structural additions, alterations, or repairs, which are made by the building owner, lessee, or their full-time employees, families or friends, and not made by a hired contractor, which do not affect structural design or integrity of the house such as, but not limited to, painting, dry wall repair, finishing, siding, plumbing, interior wall construction or electrical repairs, may be made with the same material of which the building or structure is constructed, and may be made without application or notice to the building official. Such building or structure, including new additions, shall not exceed the areas in height specified in this Chapter.

(e) Nonstructural Alterations and Repairs: Twenty-Five Percent (25%) or Less. Alterations or repairs, not exceeding twenty-five percent (25%) of the value of an existing building or structure which are nonstructural and do not affect any member or part of the building or structure having required fire resistance, and which are made by the building owner, lessee, employee, family or friends and not made by a hired contractor, may be made with the same materials of which the building or structure is constructed, and may be made without a building permit, application or notice, to the building official when made within any twelve-month period.

(f) Repairs: Roof Covering. Not more than twenty-five percent (25%) of the roof covering of any building or structure shall be replaced in any 12-month period unless the new roof covering is made to conform to the requirement of this Chapter for new buildings or structures. Roof coverings which are twenty-five percent (25%) or less, and are replaced within a 12-month period, when replaced by the building owner, and are not replaced by a hired contractor, may be made without building permit, application or notice to the building official.

(g) Existing Occupancy. Buildings in existence at the time of the passage of this Chapter may have their existing use or occupancy continued



if such use or occupancy was legal at the time of the passage of this Chapter, provided such continued use is not dangerous to life.

(h) Maintenance. All buildings or structures, both existing and new and all part thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Chapter in a building or structure when erected, altered or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures.

(i) Unsafe Building Appendages. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to or a part of a building and which are in a deteriorated condition or are otherwise unable to sustain the design loads which are specified in this Chapter, are hereby designated as unsafe building appendages. All such unsafe building appendages are public nuisances and shall be abated in accordance with § 66504 or § 66506 of this Chapter.

(j) Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of this Chapter, when authorized by the building official provided:

(1) the building or structure has been placed on the Guam Register of Historical Places;

(2) any unsafe conditions will be corrected in accordance with approved plans;

(3) any substandard conditions will be corrected in accordance with approved plans; and

(4) the restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

**SOURCE:** GC § 31003 repealed and reenacted by P.L. 14-112:2 (Mar. 29, 1978); subsection (j)(1) amended by P.L. 17-076:1 (Dec. 11, 1984). Subsections (d), (e) and (f) as amended by P.L. 19-051:2, 3 & 4 (Dec. 31, 1988).

**§ 66105. Exception: Painting, Cleaning or Fencing.**

Notwithstanding any provision of law, a building permit, application or notice to the building official shall not be required to paint or clean any building or structure or to build any fence which otherwise complies with government of Guam laws, rules and regulations.

**SOURCE:** Enacted by P.L. 19-051:5 (Dec. 11, 1984); codified by Compiler.

**§ 66106. Compliance Required.**

No building or structure shall be constructed, extended, repaired or altered in violation of the provisions of this Chapter, except for ordinary repairs as defined in § 66104(f) and except further that the raising or lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted; provided, that the building or structure is not otherwise altered or its use or occupancy changed.

**SOURCE:** GC § 31004.

**2016 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, the reference to section 31003(f) of the Government Code was altered to reflect its codification in the GCA.

**§ 66107. Additional Requirements Not Covered.**

Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof and which is not specifically covered by this Chapter shall be determined by the Director of Public Works.

**SOURCE:** GC § 31005.

**§ 66108. Maintenance.**

All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition.

**SOURCE:** GC § 31006.

**§ 66109. Administration and Enforcement.**

The administration and enforcement of the provisions of this Chapter shall be the responsibility and duty of the Director of Public Works or his designated representatives, who for such purposes shall be known as the building official.

**SOURCE:** GC § 31007 as amended by P.L. 14-112:3 (Mar. 29, 1978).

**§ 66110. Delegation of Authority.**

The Director of Public Works is hereby empowered to delegate any authority granted herein, except the authority to promulgate rules and any regulations as hereinafter set forth in § 66116, to any employee of the

Department of Public Works. Any duty prescribed herein to be performed by the Director of Public Works may be assigned to any employee of the Department of Public Works and the Director of Public Works shall establish and furnish to each such employee appropriate credentials to be used in the performance of his official duties.

**SOURCE:** GC § 31008.

**§ 66111. Restrictions on Employees.**

No employee or officer engaged in administering or enforcing the provisions of this Chapter shall engage in any activity inconsistent with his duties under this Chapter; and no such officer and employee so employed shall during the term of his employment, be engaged directly or indirectly in any building business, enter into any building contracts or furnish building materials, plans or specifications for others. This section shall not be construed to prohibit any employee from contracting for the construction of a building or structure for his own use.

**SOURCE:** GC § 31009.

**§ 66112. Employees Relieved of Liability.**

Any officer or employee duly charged with the enforcement of this Chapter, acting for the government of Guam in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any such suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Chapter shall be defended by the Attorney General until the final termination of the proceedings.

**SOURCE:** GC § 31010.

**§ 66113. Building Records.**

The Director of Public Works shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices, rules, regulations, decisions and orders issued. File copies of all papers in connection with building operations shall be retained in the official records so long as the building or structure to which they relate remains in existence.

**21 GCA REAL PROPERTY**  
**CH. 66 BUILDING LAW**

**SOURCE:** GC § 31011 from the original Government Code of Guam enacted in 1952. Former subsection (a) was repealed by P.L. 14-112:8 (Mar. 29, 1978).

**§ 66114. Report to Governor.**

The Director of Public Works shall annually submit a report to the Governor of Guam which report shall include a summary of all permits and certificates issued, rules, regulations and other promulgated, and materials approved.

**SOURCE:** GC § 31012.

**§ 66115. Cooperation.**

Officials of other departments in the government of Guam exercising any degree of control over construction, use or occupancy of buildings or structures, appurtenances connected or attached thereto or equipment thereof, under other applicable laws of Guam shall cooperate and assist in the enforcement of the provisions of this Chapter. Any territorial employee empowered to make inspections of such structures shall promptly report to the head of his department any violations of the provision of this Chapter. Such department head shall promptly communicate the violation to the Director of Public Works.

**SOURCE:** GC § 31013.

**§ 66116. Purpose; Rules and Regulations.**

(a) The provisions of this Chapter are designed to set forth the standards of safety, strength, sanitation and fire resistance and the express approval of certain materials, methods, devices or equipment which will satisfy these same standards.

(b) In furtherance of the intent of subsection (a) of this section the Director of Public Works may formulate and promulgate, and may amend or repeal regulations supplementary to and not inconsistent with the provisions of this and other applicable Federal and territorial laws. Said regulations shall have the force and effect of law and shall be concerned with the uses of alternate materials, methods, devices, equipment and tests which are deemed acceptable as meeting the standards established by or pursuant to this Chapter; and with such other matters as the Director of Public Works may, from time to time, deem necessary in order to effectuate the express purposes of this Chapter. It is the intent of this section that the standards of the governmental agencies and recognized national technical organizations listed

in this Chapter shall serve as a guide in prescribing regulations promulgated pursuant to this Chapter.

**SOURCE:** GC § 31014.

**NOTE:** P.L. 13-040:1 repealed and reenacted that portion of the Administrative Adjudication Law specifying procedures which must be followed by government departments and agencies in order to promulgate rules and regulations. The law governing same is now set out in Art. 3, Chapter 9 of Title 5 Guam Code Annotated, Government Operations.

**§ 66117. Regulations.**

(a) No regulation of the Director of Public Works issued pursuant to this Chapter shall become effective until fifteen (15) days after notice of intention to enforce it shall have been given in a newspaper in general circulation in the Territory of Guam, and until a public hearing shall have been held; provided, that said public hearing shall not be necessary unless a written request shall have been made for such hearing during the four (4) weeks following publication. Such regulation must be drawn in its proposed form and open to public inspection at the time the notice to enforce is published.

(b) Any regulation may be amended or repealed by the same procedure prescribed for the adoption of new rules.

(c) The Director of Public Works, not less than thirty (30) days subsequent to the publishing of the notice to enforce, may make such regulations effective by publication, in a newspaper of general circulation in the Territory of Guam, of a statement to the effect that such regulation has been adopted and that three (3) certified copies of the complete regulation are now available for public use at the office of the Director of Public Works.

**SOURCE:** GC § 31015.

**§ 66118. Discretion to Adapt to Circumstances.**

The Director of Public Works may vary or modify the application of any provision of this Chapter or of any regulation adopted pursuant thereto, consonant with the spirit and intent of the law, upon application of the owner or his representative, if any of the following conditions:

(a) When there are practical difficulties involved in carrying out structural or mechanical provisions of this Chapter or of a regulation adopted pursuant thereto, or

(b) Where the proposed variation or modification will not substantially affect the structural integrity designed to be achieved by the provisions of this Chapter or of any regulation adopted pursuant thereto.

**SOURCE:** GC § 31016.

**§ 66119. New or Alternate Materials.**

(a) Any new or alternative materials, methods, devices or equipment may be used by their proponent only when the proposed use has been expressly authorized in writing by the Director of Public Works in execution of the broad policy set forth in Section § 66116(a) of this Chapter. The Director of Public Works may promulgate procedures not inconsistent with rules, regulations and standards in addition to the provisions of the National Codes adopted in this Chapter to adopt or to accommodate circumstances and materials which affects the energy, efficiency and construction costs of single-family dwellings. Such procedures, rules, regulations and standards shall be promulgated in accordance with Sections 66116 and 66117 of this Chapter.

(b) The proponent shall file, in addition to his application for a building permit, a request for authorization to use the proposed new or alternate material, method, device or equipment, accompanied by proof in support of his claims regarding the consistency of the proposed use with the standards established by this Chapter. Such proof shall consist of a complete report from an approved laboratory listed in this Chapter on the performance characteristics of the subject matter to meet the proposed use as set forth in the application for a building permit.

(c) The Director of Public Works, within a reasonable time after submission of the request for authorization of the proposed use, shall approve or disapprove such use. Said approval or disapproval shall be in writing, and shall set forth the basis of said Director's decision. Any approval shall require the applicant to utilize such material, method, device or equipment in strict conformity with the terms of the approval.

**SOURCE:** GC § 31017. Subsection (a) as amended by P.L. 17-076:2 (Dec. 11, 1984).



**§ 66120. Prohibitions.**

It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provision is made or the installation of which is regulated by this Chapter, without first filing an application with the building official in writing, and obtaining the required permit therefor; except that ordinary repairs as defined in 66104(f) which do not involve any violation of this Chapter shall be exempt from this provision.

**SOURCE:** GC § 31018.

**2016 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, the reference to section 31003(f) of the Government Code was altered to reflect its codification in the GCA.

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**ARTICLE 2**  
**APPLICATION FOR PERMIT; PERMIT**

- § 66201. Application for Permit.
- § 66202. Same: Who May Make.
- § 66202.1. Clearing and Grading Permit Required for Government Agencies.
- § 66203. Same: Content.
- § 66204. Same: Additional Information Required.
- § 66205. Same: Plot Plan Required.
- § 66206. Same: Additional Details Required.
- § 66207. Same: Examination.
- § 66208. Same: Action Upon.
- § 66209. Same: Endorsement.
- § 66210. Approved Plans: Changes Prohibited.
- § 66211. Same: Disposition of.
- § 66212. Permit.
- § 66213. Special Permit.
- § 66214. Cessation in Building.

**§ 66201. Application for Permit.**

The application for a permit shall be submitted in such form as the building official may prescribe and shall be accompanied by the required fee as prescribed in § 66408.

SOURCE: GC § 31019.

**§ 66202. Same: Who May Make.**

Application for a permit shall be made by the owner or lessee of the property, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and, where the owner or lessee is a corporation, the responsible officers shall be stated in the application.

SOURCE: GC § 31020.

**§ 66202.1. Clearing and Grading Permit Required for Government Agencies.**

(a) A permit for Clearing, Grading, and Construction shall be required of government, autonomous, and public entities in the same manner as private citizens.

An application for the permit shall be submitted to the Department of Public Works by the entity who owns the property, or which is to authorize, complete, or contract for the proposed project on government land, with the approval of the following agencies indicated on the application to the Department of Public Works: Department of Land Management, Zoning Division; Department of Parks and Recreation; Guam Power Authority; Guam Environmental Protection Agency; Guam Geodetic Network Survey Division; Department of Agriculture; and the Department of Public Works. No fee shall be charged for government application for a permit pursuant hereto and the application shall be submitted in such form as the Building Official may prescribe. Government entities shall be subject to all other applicable provisions of this Chapter. Clearing, grading, or construction shall not begin on any government property or project in violation of this statute. Building Officials and Guam Peace Officers are authorized to issue citations to violators of this Section in accordance with the rules and regulations

promulgated by the Department of Public Works in this regard. Officers acting in violation of this statute shall be held personally liable for all damages resulting therefrom, and shall be subject to a fine of One Thousand Dollars (\$1,000) for each offense, and may be fined up to Five Thousand Dollars (\$5,000) for violations after the third violation of this Section.

(b) Government, autonomous, and public entities shall *not* be required to obtain the permit required in Subsection (a) for work done in response to typhoons, earthquakes, or other natural disaster or emergency as declared by *I Maga'lahen Guåhan* and requiring an immediate response in order to minimize environmental damage, restore utility services, or protect utility systems.

**SOURCE:** Added by P.L. 27-111. Amended by P.L. 31-081:1 (Sept. 30, 2011).

**§ 66203. Same: Content.**

The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structures and of all portions of the site or lot not covered by the building, and such additional information as may be required by the building official.

**SOURCE:** GC § 31021.

**§ 66204. Same: Additional Information Required.**

The application for the permit shall be accompanied by not less than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions, showing the nature and character of the work to be performed. When quality or its equivalent is used, information shall be given to establish such quality; and in no case shall this Chapter be cited or the term legal specifications or its equivalent be used as a substitute for specific information. The building official may waive the required for filing plans when the work involved is of a minor nature.

**SOURCE:** GC 31022.

**§ 66205. Same: Plot Plan Required.**

There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and established street grades; and it shall be drawn in accordance with an accurate boundary-line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and constructions that are to remain on the

site or plot. The building official may waive the requirements of this section when the work involved is of a minor nature.

**SOURCE:** GC § 31023.

**§ 66206. Same: Additional Details Required.**

The building official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design.

**SOURCE:** GC § 31024.

**§ 66207. Same: Examination.**

The building official shall promptly examine or cause to be examined, each application for a building permit and all materials filed in conjunction therewith, in order to ascertain whether the proposed work is in accordance with the requirements of the provisions of this Chapter. Whenever the actual physical conditions of the proposed work, or the site thereof, are not apparent from the application for a building permit and the materials filed in conjunction therewith, the building official shall examine or cause to be examined the site of the proposed work in order to determine such conditions.

**SOURCE:** GC § 31025.

**§ 66208. Same: Action Upon.**

(a) The building official shall act upon each application for a building permit without unreasonable or unnecessary delay. On finding conformity with all the requirements of this and other applicable laws, the building official shall, upon receipt of the required fee, issue the permit to the applicant.

(b) If an application for a permit or the plans and specifications submitted therewith, describe proposed work not in conformity with all the requirements of this and other applicable laws, or do not contain sufficient information to enable the building official to reach a decision, he shall not issue a permit, but shall return the plans and specifications to the applicant, together with his refusal to issue such permit, and reason therefor. The building official, upon request of the applicant, shall make such refusal, containing the reasons therefor, in writing.

**SOURCE:** GC § 31026.

**§ 66209. Same: Endorsement.**

The building official, upon the issuance of a permit, shall endorse in writing or stamp on both sets of plans and specifications “APPROVED FOR PERMIT #.....” and affix his signature to such endorsement.

**SOURCE:** GC § 31027.

**§ 66210. Approved Plans: Changes Prohibited.**

Approved plans and specifications shall not be changed, modified or altered in any manner affected by the provisions of this or other applicable laws, without express written authorization from the building official, and all work shall be done in accordance with the approved plans and specifications. In the event that field conditions require variations to permitted specifications or plot layout for ongoing and future projects affecting underground facilities on public easements, permittee shall maintain and file an as built drawing with the Department of Public Works within thirty (30) days of completion of the work. Failure to file as built drawing shall waive the permittee’s or operator’s right to recover from a subsequent contractor for any damage to the underground facilities pursuant to Chapter 71 of Title 21, Guam Code Annotated.

**SOURCE:** GC § 31028. Amended by P.L. 29-146:2 (Jan. 30, 2009).

**§ 66211. Same: Disposition of.**

The building official shall retain one set of approved and endorsed plans and specifications with their attached data and return the other set to the applicant. The applicant’s set shall be kept at the work site at all times during which the authorized work is in progress, and shall be open to inspection at all reason able times to the building official or his authorized representative.

**SOURCE:** GC § 31029.

**§ 66212. Permit.**

(a) The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation of the provisions of this Chapter. Any building permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.

(b) The issuance of a building permit after approval of plans, specifications and attached data submitted therewith, shall not prevent the building official from thereafter requiring correction of any errors in said plans, specifications and data, nor from prohibiting building operations to be carried on thereunder until said correction is made.

(c) Any building permit shall lapse and be void if the work authorized by it is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time after the work has been commenced; provided, that, for cause, the building official may allow up to a maximum of three (3) months each. All such extensions shall be in writing and noted on the building permit and in the building records of the Department of Public Works.

SOURCE: GC § 31030.

**§ 66213. Special Permit.**

The building official may, at his discretion, after receipt of an application for a building permit and pending issuance of such building permit, issue a special permit for the foundations, and without assurance that a building permit for the superstructure will be granted. Such activity as the applicant may undertake under said special permit must be in full compliance with the provisions of this and any other applicable law.

SOURCE: GC § 31031.

**§ 66214. Cessation in Building.**

Whenever there is a cessation in the authorized construction of any building or structure of more than twelve (12) months, the building official, by written order served upon the permit holder and the owner of the premises, shall require the holder of the permit or said owner to place such premises in a condition of reasonable health and safety in the determination of the building official.

SOURCE: GC § 31032.

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ARTICLE 3  
CERTIFICATE OF OCCUPANCY

- § 66301. Certificate of Occupancy.
- § 66302. Same: Alterations.
- § 66303. Same: Content.
- § 66304. Same: Changes.
- § 66305. Same: Application.
- § 66306. Same: Same: Inspection.
- § 66307. Same: Issuance or Denial.

**§ 66301. Certificate of Occupancy.**

No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the building official and posted on the premises certifying that such building confirms to the provisions of this Chapter.

SOURCE: GC § 31033.

**§ 66302. Same: Alterations.**

No building or structure hereafter enlarged or extended, or so altered, wholly or in part, as to change its classification or occupancy, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the building official certifying that the work for which the permit was issued has been completed in accordance with the provisions of the law; provided, that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of said building or structure shall not continue for more than thirty (30) days after completion of the alteration unless such certification shall have been issued.

SOURCE: GC § 31034.

**§ 66303. Same. Content.**

In addition to the certification as to compliance with the provisions of this Chapter, the Certificate of Occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of individual persons that may be accommodated in the several stories, in case such number is limited by provision of law or by the permit and whether the structure is Fully Concrete Dwelling installed with Typhoon Shutters.

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**SOURCE:** GC § 31035. Amended by P.L. 23-128:IV:28(a) (Dec. 12, 1996). Repealed and reenacted by P.L. 24-059:IV:2 (Sept. 12, 1997).

**§ 66304. Same: Changes.**

(a) No change of occupancy shall be made in a building or structure hereafter erected or altered that is not consistent with the last issued certificate of occupancy, unless a new certificate of occupancy is secured. No change of occupancy that would bring a building or structure under some special provisions of this Chapter shall be made, unless the building official finds, upon inspection, that such building or structure conforms substantially to the provisions of law with respect to the proposed new occupancy, and issues a certificate of occupancy therefor.

(b) The occupancy of a building shall not be deemed to have been changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

**SOURCE:** GC § 31036.

**§ 66305. Same: Application.**

Any person desiring a certificate of occupancy as hereinabove required shall, after completion of the work for which the building permit was issued, file with the building official a signed application therefore on a form furnished by the building official stating, in writing, that the work has been completed in compliance with the terms of the construction permit and the provisions of this Chapter.

**SOURCE:** GC § 31037.

**§ 66306. Same: Same: Inspection.**

The building official, upon receipt of an application for a certificate of occupancy, shall promptly inspect or cause to be inspected the construction, enlargement, alteration, repair, conversion, movement or improvement of the building, structure or appurtenances, or the installation of equipment for which a building permit was issued in order to ascertain whether the proposed work has been completed in accordance with the requirements of the building permit and the provisions of this Chapter.

**SOURCE:** GC § 31038.

**§ 66307. Same: Issuance or Denial.**

(a) If after inspection as provided in § 66306, it is found that the proposed work has been completed in accordance with the requirements of the building permit and the provisions of this Chapter, together with the certification issued by the Director of the Department of Revenue and Taxation that the property and all the improvements thereon have been entered into the tax assessment rolls, the building official shall issue a certificate of occupancy. The building official shall keep a permanent record of all certificates of occupancy issued.

(b) If after inspection, as provided in § 66306, it is found that the proposed work has not been completed in accordance with the building permit or the provisions of this Chapter, the building official shall refuse to issue a use permit and shall order the work completed to comply with the building permit or this Chapter.

(c) The building official may issue a temporary use permit for any portion or portions of the premises which may be safely occupied prior to the issuance of a certificate of occupancy.

**SOURCE:** GC § 31039. Subsection (a) amended by P.L. 23-061:2 (Dec. 5, 1995).

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**ARTICLE 4  
BUILDING INSPECTION**

- § 66401. Building Inspection.
- § 66402. Same.
- § 66403. Same.
- § 66404. Tests As Proof of Compliance.
- § 66405. Same: Prefabricated Buildings.
- § 66406. Stoppage of Work for Noncompliance.
- § 66407. Revocation of Permit.
- § 66408. Fees.
- § 66409. Contractual Review of Plans & Permits.

**§ 66401. Building Inspection.**

The building official or his authorized representative, insofar as may be necessary in the performance of his duties, upon showing proper credentials,

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may enter at any reasonable time any building, structure or premises in the Territory of Guam to perform any duty imposed upon him by this Chapter. Any person or persons interfering with the building official or his authorized representative in the performance of such duties shall be liable to the penalties hereinafter provided.

**SOURCE:** GC § 31040.

**§ 66402. Same.**

(a) The building official, in order to accomplish the express purpose of this law as set forth in § 66102, shall inspect or cause to be inspected from time to time, but not less than once every three (3) years, all buildings, structures, appurtenances and equipment in order to verify proper maintenance, continues compliance with the applicable provisions of this Chapter and with such other laws, rules and regulations as may be applicable.

(b) Whenever in the opinion of the building official, any part of the structural frame or construction of any building, structure, or equipment is in an unsafe or unsanitary condition, he may order such portions of the structural frame or construction of the building, structure or equipment exposed for inspection.

(c) The building official shall record the findings from such inspections in the current record as provided for in § 66113.

**SOURCE:** GC § 31041.

**§ 66403. Same.**

(a) The building official shall inspect or cause to be inspected from time to time during the progress of work thereon, all buildings or structures for work on which a building permit has been issued and is outstanding. A record shall be made of every inspection and of all violations of the provisions of this Chapter as discovered by such inspection and of other applicable laws, rules and regulations.

(b) The Director of Public Works shall promulgate rules and regulations concerning the required inspections, reinspection and special inspection. Promulgation of these rules and regulations shall be done in accordance with § 66116(a) and the Administrative Adjudication Law.

(c) The Director of Public Works shall require inspection of an elevator by an official inspector each time the derailment of a counterweight is indicated by the appropriate detection device. Such inspection shall be performed before the elevator may be returned to service.

(d) Inspections: general. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Sections 305, 306 and 307 of the 1991 edition of the Uniform Building Code promulgated by the International Conference of Building Officials (the "UBC"), or its equivalent in the 2009 International Building Code and related codes, which sections are hereby incorporated by reference in the Building Law of Guam, except that subsections (d) and (e) of subparagraph (c) of said Section 306 of the UBC, or its equivalent in the 2009 International Building Code and related codes, permitting the waiver of special inspections, and periodic special inspections, respectively, are not included in the incorporation of such section in the Building Law of Guam and shall not be so incorporated except by specific statute.

(e) [Repealed].

**SOURCE:** GC § 31042 as amended by P.L. 14-112:4 (Mar. 29, 1978); Subsection (d) added by P.L. 22-83:2; Subsection (e) added by P.L. 22-83:3. Subsection (d) amended by P.L. 30-199:18 (Sept. 21, 2010). Subsection (e) repealed by P.L. 30-199:19 (Sept. 21, 2010).

#### **§ 66404. Tests as Proof of Compliance.**

(a) Whenever there is insufficient evidence that any material or any construction does not conform to the requirements of this Title, or in order to substantiate claims for alternate materials or methods of construction, the building official may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency or laboratory listed in this Title.

(b) Tests shall be in accordance with generally recognized standard test procedures for the proposed use. In the absence of such standard test procedures, the building official shall specify the test procedure.

(c) The building official may require tests to be repeated, if at any time he has reason to believe that an approved use no longer conforms to the requirements upon when the approval was based.

SOURCE: GC § 31043.

**§ 66405. Same: Prefabricated Buildings.**

Where the unit or component parts of a prefabricated building are not readily accessible to inspection, the building official may accept a certification from an approved national testing agency that the building is identical with a specimen previously approved by the national authority.

SOURCE: GC § 31044.

**§ 66406. Stoppage of Work for Noncompliance.**

(a) Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this or other applicable laws, or rules and regulations issued pursuant thereto, or in an unsafe and dangerous manner, such work shall be immediately stopped.

(b) The stopwork order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person in charge of the work; and shall state the conditions under which work may be resumed.

(c) The building official may require that work be stopped on oral notice, pending issuance of a written order, in these instances where he deems immediate action is necessary for public safety.

SOURCE: GC § 31045.

**§ 66407. Revocation of Permit.**

The building official shall revoke a permit or approval issued under the provisions of this law

(a) in case of any false statement or misrepresentation as to a material fact in any application or plans and specifications in which the permit was issued or approval given,

(b) in any case in which a permit was issued in error and conditions are such that a permit should not have been issued, and

(c) in any case where a building permit owner refuses to comply with a stop order issued under the provisions of § 66406.

**SOURCE:** GC § 31046.

**§ 66408. Fees.**

Building Permit Fees. A fee for each permit issued by the building official in connection with any work covered by this Chapter shall be paid to the Treasurer of Guam. The building Official shall charge fees as set forth in Table 3A of the latest edition of the Uniform Building Code (UBC) except that the building permit fee for a single family residence or storage facility, cooking facility, fence or any other improvement for residential use whether such improvement is attached to the dwelling or not, shall be one-half (½) applicable fee in Table 3-A. The determination of value or valuation under any of the provisions of this Chapter shall be made by the building official. The valuation to be used in computing the permit and the plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire extinguishing system and any other permanent equipment. Where work for which a permit is required by this Chapter is started or proceeded with prior to obtaining said permit, the fees specified in Table 3A of the latest edition of the Uniform Building Code shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirement of this Chapter in the execution of the work nor from any other penalties prescribed herein.

**SOURCE:** GC § 31047. Subsection (c) amended by 12-152:3 (July 2, 1974); § 31047 repealed and reenacted by P.L. 14-112:5 (Mar. 29, 1978); subsection (a) amended by P.L. 15-090:16 (Jan. 8, 1980).

**NOTE:** Reference to latest edition of the Uniform Building Code made pursuant to P.L. 17-076:4 (Dec. 11, 1984).

**2013 NOTE:** Subsection designation deleted to adhere to the Compiler's general codification scheme in accordance to the authority granted by 1 GCA § 1606.

**§ 66409. Contractual Review of Plans & Permits.**

(a) Legislative Findings and Intent. The Legislature finds that the Building Permits and Design Analysis Section of the Department of Public Works is currently backlogged with plan reviews and building inspections, which backlog causes developers many problems with their loans and building plans because of the time involved in drawing plans and getting the plans approved by the various agencies of the government of Guam. The backlog also causes contractors problems with long periods of no work until the plans are approved and permitted, and with long delays waiting for

inspections during the construction phase. It is the intent of the Legislature that the government of Guam encourage more construction in all areas by eliminating such a backlog and such long waiting periods. In order to alleviate some of the backlog in required plan reviews and phase inspections by the Building Permits and Design Section, the Legislature finds it appropriate to allow the Section to contract for professional architects and engineers to conduct such plan reviews and inspections.

(b) Outside Architects and Engineers. Notwithstanding any other provision of law, the Building Permits and Design Analysis Section of the Department of Public Works, acting through the building official, is authorized to contract for plan reviews and building inspection services using licensed Guam architects and engineers.

(c) Creation of Revolving Fund. On the effective date of this Section, a revolving fund, designated as the "DPW Building and Design Fee Account," *shall* be established separate and apart from other funds of the government of Guam, and separate records *shall* be kept therefore.

(1) All fees collected for plan checking reviews by the Department of Public Works *shall* be deposited into the Fund, and *shall not* lapse at the end of the fiscal year but *shall* rollover into the next fiscal year or until expended.

(2) Twenty-five percent (25%) of all fees collected pursuant to § 66408 of this Chapter *shall be* deposited into the Fund for the *sole* purpose of hiring licensed professional engineers in the unclassified service and *shall not* lapse at the end of the fiscal year and *shall* continue until fully expended.

(3) The Director of Public Works *shall* administer the Fund and *shall* issue vouchers properly certifying the use of the Fund's monies.

(4) The monies deposited in the Fund *shall* be expended *only* for the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section.

(5) The Director *shall* comply with all existing reporting requirements by issuing a quarterly accounting of the Fund to *I Maga'låhen Guåhan, I Liheslaturan Guåhan* and the Office of Public Accountability.



(6) The Director *shall* ensure the DPW Building and Design Fee Account Fund is in compliance with all existing statutes, rules and regulations, codes, executive orders, and any other authority which is applicable to the Department of Public Works Division of Engineering-Capital Improvement Project Building Permits and Inspection Section.

(7) All monies in the Fund are hereby appropriated and are *not* subject to *I Maga'låhi's* transfer authority.

(8) Nothing in this Section shall be construed to prohibit the Director from expending monies deposited in the Fund for the purpose of funding positions in the Department of Public Works Division of Engineering-Capital Improvement Project Building Permits and Inspection Section.

(d) Commencement of contracted services. To ensure that there is no impact on the General Fund for such plan reviews and building inspections, no funds may be used from the General Fund to pay therefor. Plan reviews and inspections may be contracted out when adequate funds have accumulated in the DPW Building & Design Fee Account to defray the costs of such contractual services.

(e) List of Approved Architects and Engineers. To ensure a fair and equitable distribution of contracts among available architects and engineers, the building official shall establish a list of approved architects and engineers which shall be used on a rotating basis to solicit proposals for contracts to provide plan reviews and inspections. All architects and engineers on such list must be licensed on Guam.

(f) Fees. Fees charged for plan reviews and inspections that are contracted out shall be determined by soliciting proposals with the fees to be the lowest accepted by the architects and engineers on the approved list.

(g) Quarterly Reports. The building official shall submit a quarterly report to the Speaker of the Legislature detailing the number of plan reviews and building inspections that have been conducted under this section.

**SOURCE:** Added by P.L. 22-110:1. Subsection (c) repealed by P.L. 28-068:II:II:9 (Sept. 30, 2005), reenacted by P.L. 30-118:2 (Apr. 1, 2010), amended by P.L. 31-233:XII:33 (Sept. 7, 2012), amended by P.L. 32-068:XII:21 (Sept. 11, 2013), and amended by P.L. 33-066:XII:33 (Sept. 5, 2015).

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ARTICLE 5  
UNSAFE STRUCTURES

- § 66501. Unsafe Structures.
- § 66502. Same: Examination.
- § 66503. Same: Same: Report.
- § 66504. Same: Order to Vacate.
- § 66505. Same: Same.
- § 66506. Same: Actual and Immediate Danger.
- § 66507. Prohibition and Penalty.
- § 66508. Territorial Land Use Commission: Appeals.

**§ 66501. Unsafe Structures.**

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

(b) For the purpose of this Chapter, unsafe buildings are all buildings and structures or equipment thereof which are structurally unsafe, or which are unsanitary, or which are unfit for human habitation, or are not provided with adequate means of egress, or which constitute a fire hazard, or are otherwise dangerous to human life or safety, or which in relation to existing uses constitute a hazard to the safety of the public or occupants by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

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

**SOURCE:** GC § 31048. P.L. 32-157:3 (May 21, 2014) amended subsections (a) and (b) and added subsection (c), effective 180 days from enactment.

**§ 66502. Same: Examination.**

The building official shall examine or cause to be examined every unsafe or damaged building or structure. He shall make or cause to be made, a written record of such examination, which shall set forth a factual description of the premises and specifically enumerate the particular conditions which are alleged to be violations of the provisions of this Chapter or otherwise render such buildings unsafe.

**SOURCE:** GC § 31049.

**§ 66503. Same: Same: Report.**

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

(1) Notify in writing, by personal service, certified mail, or registered mail, the owner, occupant, lessee, mortgagee, agent, and other persons having an interest in said building as shown by the land records of the Department of Land Management, that the building or structure is unsafe, and that:

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

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

(C) said mortgagee, agent, or other persons having an interest in said building, must vacate and may, at his own risk, repair or demolish said building or have such work or act done. Any person notified under this Subsection to vacate and either repair or demolish any building *shall* be given such reasonable time, *not exceeding* thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice as herein provided. Such notice *shall* describe the building deemed unsafe, *shall* include a statement of the particulars which make it unsafe, and *shall* contain an order requiring the building to be put in such condition as to comply with the terms of this Chapter within a stated time, *not exceeding* thirty (30) days.

(2) Post, or cause to be posted in a conspicuous place at the principal point of entry to the building deemed unsafe, a notice reading as follows:

“This building has been found to be unsafe by the Department of Public Works, government of Guam. This notice is to remain on the building until it is vacated and either repaired or demolished in accordance with the notice which has been given to all parties having an interest in this building. It is unlawful to remove this notice until such notice is complied with.”

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

(1) Notify in writing by personal service, certified mail, or registered mail, the State Historic Preservation Officer and the same parties as in § 66503(a) to appear before him on a specified date to show cause why the building deemed unsafe should not be vacated and either repaired or demolished in accordance with the statement of particulars set forth in the prior notice.

(2) Hold a hearing and hear such testimony as building department employees, owner, occupant, lessee, mortgagee, or other interested parties shall offer relative to the unsafe building.

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

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

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

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

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

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

(3) If an unsafe building is damaged or decayed, or deteriorated to the extent of fifty percent (50%) of its original value or structure, it *shall* be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the provisions or unsafe within the meaning of this Chapter, it *shall* be demolished.

**SOURCE:** GC § 31050. Amended by P.L. 32-157:4 (May 21, 2014), effective 180 days from enactment.

**§ 66504. Same: Order to Vacate.**

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

**SOURCE:** GC § 31051. Amended by P.L. 32-157:4 (May 21, 2014), effective 180 days from enactment.

**§ 66505. Same: Same.**

(a) The building official, on the vacation of any building in accordance with the provisions of § 66503 or § 66504, shall post or cause to be posted at each entrance to the building, a sign stating: “This building is unsafe and its use or occupancy is prohibited by the Director of Public Works. Any person entering this building without permission of the Director of Public Works shall be subject to fine or imprisonment or both.”

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

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

SOURCE: GC § 31052.

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

(a) In case there shall be, in the opinion of the building official, actual and immediate danger of failure or collapse of a building or structure, or any part thereof so as to endanger life or property, he shall promptly cause such building or structure to be made temporarily safe, or if necessary, to be demolished. In such cases the decision of the building official shall be final and conclusive.

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

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

SOURCE: GC § 31053.

**§ 66507. Prohibition and Penalty.**

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

(b) Any person violating the provisions of this Chapter *shall* be deemed guilty of a petty misdemeanor; *except*, that any person entering an unsafe structure without permission of the Director of Public Works *shall* be subject to a fine of up to One Thousand Dollars (\$1,000) per violation.

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

(d) Any person violating the provisions of this Article pertaining to unsafe structures, including failure to vacate and either repair or demolish such structures, who is the owner of real property that has been classified as an industrial or commercial site in accordance with § 60107, Chapter 60, Article 1, Title 21, Guam Code Annotated, *shall* be fined, annually, an

amount equal to twenty percent (20%) of the assessed value of the subject property, and such fine *shall* be pro-rated for any portion of a year in which the violation continues. The fine provided in this Subsection *shall* be a lien on the property if unpaid for more than ninety (90) days.

**SOURCE:** GC § 31054. Subsection (b) as amended by P.L. 13-187:198. P.L. 32-157:7 (May 21, 2014) amended subsections (a) and (b) and added subsection (d), effective 180 days from enactment.

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

(a) Guam Building Code Council. The Guam Building Code Council shall sit as a Board of Appeals (Board) to hear appeals of any decision of the building official relative to the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of the provisions of this Chapter. The Director of Public Works, or the building official, shall make such investigations as are deemed necessary for appeals to the Board. The Board shall hold hearings and may adopt reasonable rules and regulations for the conduct of any investigations made under its direction; provided, however, that every hearing shall be conducted pursuant to the procedure set forth in the Administrative Adjudication Law; and further provided, that the Board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant, and may recommend such new legislation as is consistent therewith to I Liheslatura (the Legislature). Neither the Director of Public Works nor the building official shall influence or attempt to influence the decision of the Board relative to any matter that pursuant to the provisions of this Section comes before it, except by the presentation of relevant evidence arising from its investigations, as directed by the Board. The Director of Public Works shall not vote on any appeal pursuant to this Subsection.

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

(b) Territorial Land Use Commission. In any matter other than that which is the subject of an appeal pursuant to Subsection (a) of this Section,

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the Commission is empowered to hear appeals from any order, requirement, decision or determination of the building official or his authorized representative or any rule, regulation or amendment or repeal thereof made by the building official; provided, that summary abatement by the building official or his authorized representative pursuant to § 66506 of this Chapter shall be final and conclusive.

**SOURCE:** GC § 31055 as repealed and reenacted by P.L. 14-112:6 (Mar. 29, 1978). Amended by P.L. 32-157:8 (May 21, 2014), effective 180 days from enactment.

**NOTE:** Pursuant to the authority granted by 1 GCA § 1606, the references to the Government Code were altered to reflect its codification in the GCA.

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**ARTICLE 6**  
**TERRITORIAL LAND USE COMMISSION**

- § 66601. Territorial Land Use Commission: Prohibition.
- § 66602. Same: Substitute for Member.
- § 66603. Same: Personnel.
- § 66604. Same: Records.
- § 66605. Same: Rules of Procedures.
- § 66606. Same: Appeal from Rulings.
- § 66607. Same: Same: Time for Filing.
- § 66608. Same: Same: Transmittal of Records.
- § 66609. Same: Power to Stay Proceedings.
- § 66610. Same: Hearing on Appeal.
- § 66611. Same: Same: Transcript.
- § 66612. Same: Decision on Appeal.
- § 66613. Same: Same: Filing.
- § 66614. Same: Agent to Execute Orders.
- § 66615. Same: Judicial Review of Decision.

**§ 66601. Territorial Land Use Commission: Prohibition.**

No member of the Commission shall pass on any question in which he is engaged as contractor, material man, preparer of the plans and specifications or in which he has any personal interest.

**SOURCE:** GC § 31056.

**§ 66602. Same: Substitute for Member.**



During absence of a member by reason of disability or disqualification, the Governor may designate a qualified substitute; which substitute shall, insofar as possible, represent the same type of expert knowledge as the member replaced.

SOURCE: GC § 31057.

**§ 66603. Same: Personnel.**

The Department of Public Works shall provide the Commission with such clerical personnel and office facilities as may be reasonably necessary to carry out the provision of this Chapter.

SOURCE: GC § 31059.

**§ 66604. Same: Records.**

The Commission shall keep permanent and accurate records of all its activities including a record of every tally vote.

SOURCE: GC § 31060.

**§ 66605. Same: Rules of Procedure.**

The Commission shall establish rules for its own procedure, not inconsistent with the provisions of this Chapter.

SOURCE: GC § 31061.

**§ 66606. Same: Appeal From Rulings.**

Any party adversely affected or aggrieved by any order, requirement, decision or determination of the building official or his authorized representative, or any rule, regulation or amendment or repeal thereof, may appeal from such action to the Commission.

SOURCE: GC § 31062.

**§ 66607. Same: Same: Time For Filing.**

Any appeal from an action of the building official shall be made within fifteen (15) calendar days, including Sundays and holidays, after the action complained of by filing with the building official and with the Commission a notice of appeal specifying the grounds thereof.

SOURCE: GC § 31063.

**§ 66608. Same: Same: Transmittal of Records.**

The building official, upon receipt of the notice of appeal, shall transmit to the Commission all of the records upon which the action appealed from was taken.

**SOURCE:** GC § 31064.

**§ 66609. Same: Power to Stay Proceedings.**

The Commission shall have power to stay all proceedings in a matter before the building official where an appeal has been duly filed or a review ordered by the Commission.

**SOURCE:** GC § 31065.

**§ 66610. Same: Hearing on Appeal.**

The Commission shall fix a reasonable time for hearing appeals and shall give adequate notice to all parties in interest. All hearings shall be conducted according to rules established by the Commission but any party in interest may appear in person, or by a designated attorney or agent.

**SOURCE:** GC § 31066.

**§ 66611. Same: Same: Transcript.**

Any party in interest may cause a transcript of the hearing to be prepared at his own expense.

**SOURCE:** GC § 31067.

**§ 66612. Same: Decision on Appeal.**

The Commission after hearing an appeal, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, determination, rule or regulation appealed from, and may make such order, requirement, decision or determination as in its opinion will best serve the stated purpose of the law.

**SOURCE:** GC § 31068.

**§ 66613. Same: Same: Filing.**

The Commission shall make decisions on each appeal in writing and within a reasonable time. It shall, without unreasonable delay cause to be served on the parties in interest, a copy of its decision. Additional copies of the decision shall be filed in the building records of the Department of Public Works.

SOURCE: GC § 31069.

**§ 66614. Same: Agent to Execute Orders.**

The building official shall serve as the agent of the Commission to execute its orders.

SOURCE: GC § 31070.

**§ 66615. Same: Judicial Review of Decision.**

Any party aggrieved by the decision of the Commission shall be entitled to judicial review thereof by application to the Superior Court within fifteen (15) days after the filing of the Commission's decision in the building records of the Department of Public Works.

SOURCE: GC § 31071. *Island* changed to *Superior* Court pursuant to P.L. 12-085.

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**ARTICLE 7**  
**AMENDMENTS TO BUILDING CODE**

§ 66701. Notice of Amendments to Building Code.

§ 66702. Notice of Non-Conforming Construction after Amendment.

**§ 66701. Notice of Amendments to the Building Code.**

Whenever the Building Code, found in Chapter 67 of this Title, or its successor, used by the government of Guam is updated, the Department of Public Works shall notify in a newspaper of general circulation all parties who have completed construction who have been issued building permits or who have construction in progress that an updated version of the Building Code, or its successor, is in use and make a copy of such updated version of the Building Code, or its successor, available for their inspection. When there are amendments to the Building Code, or its successor, which relate to safety, notice of such amendments must be published in a newspaper of general circulation to make owners of buildings aware of possible safety violations or deficiencies. All buildings under construction at the time of adoption of amendments to the Building Code, or its successor, relating to safety shall conform thereto if practicable.

SOURCE: GC § 31072 enacted by P.L. 17-076:9. Amended by P.L. 32-157:8 (May 21, 2014), effective 180 days from enactment.

**§ 66702. Notice of Non-Conforming Construction After Amendment.**

Whenever a building inspection of the Department of Public Works becomes aware of non-conforming construction in buildings which does not meet current safety standards as a result of amendments or updates made to the International Building Code subsequent to approval of the building's plans by the Department of Public Works, the Department shall notify the building owner of the variance in writing in order that the building owner be aware of the potential safety hazard.

**SOURCE:** GC § 31073 enacted by P.L. 17-076:10. Amended by P.L. 30-199:20 (Sept. 21, 2010).

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# THE OFFICE OF SENATOR TELENA CRUZ NELSON

*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* | 36th GUAM LEGISLATURE

COMMITTEE ON

EDUCATION,

SELF DETERMINATION  
AND HISTORIC  
PRESERVATION,

INFRASTRUCTURE,

BORDER SAFETY,

FEDERAL AND  
FOREIGN AFFAIRS,

AND

MARITIME  
TRANSPORTATION

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill No. 46-36 (COR) was introduced on January 29, 2021 by Speaker Therese M. Terlaje, Senator Jose “Pedro” Terlaje, Senator Telen Cruz Nelson, and Senator Christopher M. Duenas was subsequently referred by the Committee on Rules to the Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation on February 1, 2021.

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators, stakeholders, and all main media broadcasting outlets on Wednesday, April 14, 2021 (5-Day Notice), and again on Monday, April 19, 2021 (48-Hour Notice). Notice of today’s hearing was also available on the Guam Legislature website.

#### Senators Present

Senator Telen Cruz Nelson, Committee Chairperson

Senator Amanda L Shelton, Vice Chairperson

Speaker Therese M. Terlaje, Committee Member

Senator Sabina F. Perez, Committee Member

Senator Telo Taitague, Committee Member

Senator Joanne Brown

Senator V. Anthony Ada

#### Appearing before the Committee

Vincent Arriola, Director, Guam Department of Public Works

Gina Campos, Realtor

## II. SUMMARY OF TESTIMONY & DISCUSSION

The Virtual Informational Hearing was Called-to-Order at 3:30 P.M.

**Senator Telenia C. Nelson:** We can start bringing in people who would like to testify on Bill No. 46-36, go ahead and have them sit at the table and I will read the title for Bill No. 46-36(COR), which is sponsored by Therese M. Terlaje, Jose Pedro Terlaje, Telenia Cruz Nelson and Christopher Duenas. Bill No. 46-36(COR) is an act to amend subsection 66 212 Charlie of chapter 66 title 21 Guam Code Annotated, relative to encouraging construction of homes by extending the validity of a building permit for a minimum of 12 months. Okay, at this time I would like to call forward those who would like to testify, we have Ms. Campos, please go ahead and proceed with your testimony, just state your name for the record. Forgive me Ms. Campos. Speaker Terlaje, please go ahead and introduce the Bill.

**Speaker Therese M. Terlaje:** *Håfa Adai* and thank you Madam Chair, especially for the hearing on this Bill No. 46-36. It's sponsored by myself, Senator Jose Pedro Terlaje, Senator Telenia Cruz Nelson, Senator Christopher Duenas and I thank my co-sponsors. So, under the current law, a building permit lapses and is void if work authorized is not commenced within three months after it's issuance and may only be allowed an extension for a maximum of three months by D.P.W. and so this bill would extend the allowable time to 12 months before a building permit lapses and is voided. I want to note that it was just pointed out to me by the Department of Public Works that there's another conflicting code section that allows up to six months.

So, In any case, I would like to amend the law, so that we give at least a one-year period with the possibility of extensions to that if, because often there are delays Madam Chair in the construction that may go beyond these allowable time periods due to unforeseen circumstances that affect these you know the homeowners to

be. So, they require the homeowners if not renewed to get their permits renewed or requires them to start all over again and we all know that permit process currently is a time consuming process and every delay in it costs you money, changes prices, everything changes. So, this would allow homeowners some flexibility, hopefully save them some time from having to renew a building permit that was already approved and as you know these delays are often beyond the control of those homeowners and we've seen this especially during Covid-19 that was so very clear, when agencies had to shut down and construction was many things were complicated and so there are that happens throughout even prior to Covid-19, there were financing issues, contractor issues that go beyond the control of the homeowner.

So, I know that the Government's been looking at ways to streamline the permitting process and assemble a task force to improve this process and the report from the task force showed that the time it took to process a new residential house permit was about four months and for permits for commercial renovations, it was about six months. So, this bill is consistent with that intent to reform and streamline, the permitting process and make it more convenient for those who are trying to build homes. The bill does not take away the regulatory responsibilities of the Government Agencies as they will still need to conduct their review and inspections as authorized and the bill merely allows homeowners and property owners flexibility if their construction projects are delayed. So, they will have a few more months under that existing building permits, *Si Yu'os Ma'ase* Madam Chair.

**Senator Telenia C. Nelson:** Thank you Madam Speaker. Now, we will call on Ms. Gina Campos to give testimony and then Director you can follow immediately after, just please ensure that you state your name for the record.

**Director Vincent P. Arriola:** Thank you very much Madam Chair, my name is Vince Arriola, I am the Director at the Department of Public Works, I'm very

pleased to be here. Honorable Senators good to see all of you, Madam Speaker good to see you. If I may let me just read the testimony into the record?

[ *See attached written testimony*]

Thank you very much Madam Chair.

**Senator Telenia C. Nelson:** Thank you very much Director. Ms. Campos.

**Gina Campos:** Thank you for the opportunity for being here today, actually I'm here in support of this bill, but I'm here to ask that I know you've got a task force right now and I want.

**Senator Telenia C. Nelson:** Can you into the mic please.

**Gina Campos:** Okay. Is it better?

**Senator Telenia C. Nelson:** And go ahead and state your name for the record.

**Gina Campos:** My name is Gina Campos, I'm here as a realtor and as a citizen. I actually am in the building process right now. In December of 2019, I started my building permit process at the time you know a being a realtor, I understand right now that trying to buy an existing home is quite expensive. So, my children are in the process of building their homes and at the time, I started the building process with the thought that if I were to apply under self-construction that not only would it be quicker, that we would save money and I'm here because I support this bill, but I'm also trying to bring up an issue that is important to me both personally and as a realtor. I have the opportunity to work with many families and so, I see the struggle that they're going through and actually going through the building permit process myself, I want you to know that I started my permit in December, I got my building permit in August of 2020 and I want to say that I feel that I know people right, don't they say you know people it goes a lot faster. Well trust me, I



was in there all the time, trying to know people and see if I can push the process even faster and that's what I this was my experience and so imagine normal working people, who are trying to go through this process. There is a problem this addresses the end of the problem, it doesn't address the beginning and I'm here because there's a lot of local families who've got property and again, I'm going to say that I appreciate this effort, but I want the Legislature and I want D.P.W. to start at the beginning.

Why does it take eight months to get a building permit? I have another family, who's been calling me, you know they see me on T.V. so, when there's a problem and they get frustrated they call and ask for help. I can't do anything except call other people, but I'm going to try and her issue is her family is trying to move their parents out of a two-story, they live on a second floor apartment, they're trying to get a permit to enclose their carport, so her mother and father could move in, it's been four months to get a permit to enclose a carport on a existing home. So, Senators I applaud you for paying attention. Could we go to the beginning and figure out what's wrong with the system. I support this bill, thank you and that's all I have to say. Thank you for your time.

**Senator Telena C. Nelson:** Thank you Ms. Campos. Is there anyone else that is going to give testimony on this bill, no? Okay, Speaker you're welcome to.

**Speaker Therese M. Terlaje:** Sure, I want to thank you for your testimony, thank you for your patience while we were hearing another bill prior to this, but especially Ms. Campos, I appreciate very much about the beginning of the process and I have looked at the looked at the task force that made a report as to how we should all get together to solve that issue. So, I am looking forward to not just Legislation, but one of the biggest recommendations in that task force report was to put things into electronic mode and not manual and so, that they would be routed quicker throughout the agencies and at the same time every agency as opposed to sequentially and so that's one of the things I think that could be

implemented as soon as the director is able, right and so that's an administrative like coordination that they could do and so I'm very much looking forward to that and hoping that can occur, but I do agree there's more we can do as a Legislature, I'm looking very carefully at the task force's recommendations and listening to people like you as to what is a practical experience. So, I very much thank you for your testimony and we will not ignore it.

**Gina Campos:** Well, I just want to share one other thing, you know, because I'm doing a self-construction, I'm there for all inspections, I'm there for the process and let me tell you the people that are showing up and doing the work, the people I deal with they all want to do a great job, they're all really trying, they're putting in their best effort, the problem is not the people, it's the bureaucracy of the system that is getting in everybody's way, not just in the building permit process, but also in the occupancy permit. Yes, last year the Government of Guam only issued 143 residential building permits that is an incredible issue, because we all need, we all know there are so many people that want to contribute to fixing this process, we just need a means to be able to get in there and participate, but I'm telling you the people that are in place, they do a great job, but the bureaucracy of this system is overwhelming even for them. I just want to share that and I promise, I'll shut up now.

**Speaker Therese M. Terlaje:** No, No, thank you very much, I appreciate it. Mr. Arriola, were you trying to speak? No? Okay, that's it for me Madam Chair, thank you.

**Senator Telenia C. Nelson:** Thank you Madam Speaker. I'd like to call Senator Ada, if he has any questions or comments at this time.

**Senator V. Anthony Ada:** I don't have any questions or comments Madam Chair, thank you.

**Senator Telenia C. Nelson:** And at this moment, I'm sorry forgive me Senator Shelton the Legislative Secretary, I did not notice you came in. I'd like to thank you for being here today. Senator Taitague, do you have any questions?

**Senator Telo T. Taitague:** Thank you Madam Chair and I definitely was appreciate your testimony today, every time you come in it say a whole lot and things that need to be addressed. So, I appreciate it and I too went to this task force that was implemented with I think Bert Johnson was part of this group and listened to some of the issues and the bureaucracy surrounding it. So, I mean that was the nemesis of my A.R.C. Legislation that was ultimately vetoed, but always I appreciate it and thank you Mr. Director for also being here and I'm sure you're taking notes on with regards to this issue. So, I appreciate it. Thank you Madam Chair.

**Senator Telenia C. Nelson:** Thank you Senator Taitague. Senator Joanne Brown, do you have any questions or comments?

**Senator Joanne M. Brown:** Thank you very much Madam Chair. I mean this is really interesting, I've been in D.P.W. and I've also been at Guam E.P.A., some of the two more challenging agencies that you need to get a building permit, this is not a new process, it really it's not that complicated, I mean I understand if you're dealing with major mega you know hill size projects, a hotel, a golf course, if you're dealing with single-family residential homes, it really shouldn't be that complicated. So, maybe since we have the Director here, I'm going to take advantage of you Mr. Arriola, because you are here, it's rare moment to have a Director here that I can ask you a question of, but what is the delay for a single family residential home to permit, is it getting inspectors out there? Reviewing housing plans for a you know standard three-bedroom two-bathroom home was not that complicated, so what's the clog in the wheel?

**Director Vincent P. Arriola:** It isn't, as you know you were there, basically if everything is aligned, if everything is available, all the information is available per

code for local statutes takes anywhere from eight to ten days review by even reviewed by other agencies, but you know we do have environmental issues, we have floodplain issues, we have easements, we have rights away, we have property ownership, we have certification that are needed for electrical work, for plumbing. We have issues that we have to do with ingress and egress into the roadway, I mentioned this properly issues, there's a lot of issues that come up in construction and we have to get those addressed, you know I don't know specifically Ms. Campos's her building permit process, but you can bet your dollar out when I get back, I'm going to find out exactly what happened and why it would take eight months, eight months is certainly long, that's way long. I'll admit that, but I have to imagine there was just other issues that entered the picture, because you know in talking with the staff and she's correct the staff just wants to do a good job, they want to take their paperwork from this desk, they want to review it and get it off and get to the next one that's the God's honest truth, because there's a lot and I'm not sure where you got your number Gina, but we had, we entered almost 800 applications last year from April to March of this year, of those 670 were issued building permits.

So, that's an average of what maybe 50/60 a month, that's a pretty good clip and it is taxing on the agencies, absolutely it's there seven or eight agencies that do the review process from Land Management to Agriculture to Environment and you know there are a lot of issues on property issues that I can tell you right now, if there's a citation on a certain property issues, let me give you an example, because it happens to our roadways as well if that tiny little snail that's on the endangered species list or a certain tree is on the property, your projects stops. If there is ancient remains that are on your property, your project stops, there's a lot of S.H.P.P.O. issues, a lot of environmental issues. So, I don't know exactly what transpired with Ms. Campos Gina, but again if everything is in line it really should take ten days to two weeks at max from all the agencies, Fire included E.P.A., but most often they're not, it's there a lot of other issues involved we get plans for a beautiful executive home built put together by an architects registered peeled everything

the whole works the entire electrical system is missing. So, there's a lot of human errors there as well so, you know we have to deal with that and do you do I want to kick out the building permits as fast as they can you know, of course I do who doesn't you know we especially with this Covid-19 issue facing us as Gina mentioned, you know we are a catalyst for construction on Guam, construction never stopped during Covid, except for maybe two weeks, when we had that huge spike, but Public Works, the permit section, the C.I.P. section, we have to assist the construction industry in continuing to move and so, I've told the staff, the staff know we are the catalyst for construction of ground, if we don't do our jobs and construction stops real estate stops that is not good for us.

**Senator Joanne M. Brown:** You know I appreciate that because there's nothing you're saying you know that hasn't existed since Public Works issued permits, probably now a few more requirements, maybe because we're more environmentally sensitive and you know the issues of the snail is not an everyday thing, probably a little more maybe historical resources, but again we're talking standard you know residential homes, if it's an individual home and not a subdivision or you know four or five, six houses that we want to build. I mean it's just bringing to light, it's not new. What I have seen as Government as time has gone on even with all this new technology and this modern technology, is we're less efficient when we were back, I see as less efficient in some areas, when we were back to the basics things happened and I don't know if it where that you know clog is in the wheel that's preventing routine operations of Government from happening, I can't imagine average people what recourse do they have, who do they go air their concerns with, so I don't know. Maybe for you, this testimony is enlightening as well that you're going to check with building permits and find out is you know is her circumstance the only one or what is the issue and anyway maybe you we can you Gina, was there any unique circumstance to your property that may have caused a delay?

**Gina Campos:** There is a unique circumstance my property is located in an area, where that Parks and Rec. considers that there remains, there weren't any the property's been investigated, but here's what I saw, that I thought really delayed the entire process. When I submitted it, I was told to have plans to turn into all agencies and there are eight of them.

**Senator Joanne Brown:** Yes, you have to many sets.

Gina Campos: Yes, I would told to have many sets, yes I was told to submit to all eight agencies and you start with D.P.W. and you give a copy to all eight agencies. What I noticed and I thought in my mind that, because each agency was tasked with a different part of the process that they would look at their section independently and so, you're right, I mean if I'm E.P.A. and I only look at what E.P.A. looks at that should take a couple of weeks, but what I noticed was when I went to E.P.A to say my plan's been here for a month, is there any result, the question was well has Parks and Rec signed off well. No, I'm still trying to get an appointment with Parks and Rec, well when they sign off come back and that seemed to be the general process with all the agencies. Well had the Department signed off well, if they haven't signed off then come back after they signed off, so that's what I ended up doing is focusing on the agencies that were giving me the hardest processing time, you know processing situation.

I would have to continuously follow up with them, until I had an appointment then I met with them and Parks and Rec is a whole different animal, that's a whole different ball game, so is E.P.A., your right, but that's what happened, because the other agencies wouldn't sign off until the other guys signed off. I ended up having to finish with those guys, which took me about four to five months, then after that I went back to everybody else and processed the document through and so, I found that to be inefficient. You all are independently looking at something, some different part of the plan why don't you stick to that part of the plan, but that is not how, that's not how they treated my plan and I'm finding talking to other contractors, that's kind of how it is, there are some agencies that are known for

being a little bit harder to process through and so you have to wait for them and then move on to everybody else and you know like I said the people that do that, I see that the people that are there that are doing the work once you get to them, they really want to help you out. The problem is getting to them, I'm telling you the bureaucracy is really frustrating and I realize now why a lot of people end up not building, it is so difficult and now the cost and by the time, when I started my building permit to when I got my permit that was the cost had gone up about \$40,000, just because of the time delay. So, anyway I know you guys have something else coming up at 3:30 and I just want to thank you and I am happy to participate with any task group for free if that might help somebody, because I'm done, I'm almost, I'm applying for my building permit right now. I'm done, but I'm hoping I could help somebody else.

**Senator Joanne M. Brown:** Well, thank you for your testimony, I mean it's enlightening and it's unfortunate, because maybe that's why we have so much illegal construction that's unregulated out there, because it's easier to do that than go through the Government process, but certainly I mean we have a key Director here of the agency that ultimately will look at the final document that's circulated and they put their final stamp of approval on a project, maybe that is something. I'm sure that you're tasked with Mr. Arriola of working with to help facilitate, because that's disheartening especially imagine young people trying to go out and get a construction, you know they're asking mom to help out or dad to help out, because the Government is just so not user friendly. Anyway, thank you very much Madam Chair, for the opportunity to ask questions on this issue.

**Senator Telenia C. Nelson:** Thank you Senator Brown and Ms. Campos. Senator Shelton, do you have any questions to comments at this time?

**Senator Amanda L. Shelton:** Thank you Madam Chair, I don't have any questions right now, but I do appreciate the testimony today, especially your answer to the

last question to help us break down, what are the other issues that we may address through this Legislation. So, I appreciate both of your time today.

**Senator Telenia C. Nelson:** Okay, I just have one question for the Director, how many certified engineers, do you currently have at D.P.W.? Can you speak into the mic, may perhaps turn it on.

**Director Vincent P. Arriola:** We do not have any certified engineers, we do have except for one who is our acting Chief Engineer.

**Senator Telenia C. Nelson:** Okay and the personnel, that take a look at the plans, the building plans at D.P.W., are they, do they have extensive qualifications in understanding these plans or are they just on the job trained?

**Director Vincent P. Arriola:** No, they have been there a long time. I can tell you right now, the hold back is not a D.P.W. and it's not because I'm here.

**Senator Telenia C. Nelson:** Do they have certifications if in the areas that they work for to approve plans or is it on the job training?

**Director Vincent P. Arriola:** it is not on the job training, they don't have certification, but they've been there for a long time. So

**Senator Telenia C. Nelson:** So, it's through experience?

**Director Vincent P. Arriola:** Yes, right through experience. They're not P.E.A.L. Service.

**Senator Telenia C. Nelson:** But they haven't received any formal education to receive certification to review plans.



**Director Vincent P. Arriola:** Yes, they do.

**Senator Telenia C. Nelson:** Okay, thank you. Speaker do you have any closing comments, you'd like to say. Okay, thank you very much. Thank you Ms. Campos, I appreciate your testimony, I wholeheartedly agree with you and we are going to work to fix this issue, as I am the Oversight of D.P.W. So, Mr. Arriola and I are going to be having meetings in the upcoming week, correct?

**Director Vincent P. Arriola:** Yes, Ma'am

**Senator Telenia C. Nelson:** Okay, thank you Mr. Arriola. This now adjourn our Public Hearing, it is now 3:53 in the afternoon. Thank you everyone, have a good afternoon and God bless.

The public hearing was adjourned at 3:53 P.M.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation hereby reports out Bill No. 46-36 (COR) - Therese M. Terlaje, Jose "Pedro" Terlaje, Telenia Cruz Nelson, Christopher M. Dueñas - "AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS," with the recommendation **TO DO PASS.**

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

**Bill No. 46-36 (COR)**

Introduced by:

Therese M. Terlaje *Tmt*  
Jose "Pedro" Terlaje *JT*  
Telena Cruz Nelson *T.C. Nelson*  
Christopher M. Dueñas *CMD*

**AN ACT TO AMEND § 66212(c) OF CHAPTER 66,  
TITLE 21, GUAM CODE ANNOTATED, RELATIVE  
TO ENCOURAGING CONSTRUCTION OF HOMES  
BY EXTENDING THE VALIDITY OF A BUILDING  
PERMIT FOR A MINIMUM OF TWELVE MONTHS.**

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

**Section 1. Terms and Conditions of Approval by GLUC to be  
Enforced with Building Permit.** § 66212(c) of Title 21, Guam Code Annotated, is  
hereby amended to read:

“(c) Any building permit shall lapse and be void if the work  
authorized by it is not commenced within ~~three (3)~~ twelve (12) months after  
its issuance; or is suspended or abandoned for a period of ~~three (3)~~ twelve  
(12) months at any time after the work has been commenced; provided, that,  
for cause, the building official may allow four (4) extensions up to a  
maximum of three (3) months each. All such extensions shall be in writing  
and noted on the building permit and in the building records of the  
Department of Public Works.”



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÅTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

February 18, 2021

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**From:** **Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules

**Re:** **Fiscal Notes**

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*Buenas yan Håfa adai.*

Attached, please find the fiscal notes for the following bills:

**Bill No. 38-36 (COR) – Revised**

**Bill No. 46-36 (COR)**

**Bill No. 58-36 (COR)**

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 46-36 (COR)**

**AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR MINIMUM OF TWELVE MONTHS.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works (DPW)	Dept./Agency Head: Vincent P. Arriola, Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund (\$11,054,309); Territorial Educational Facilities Fund (\$7,254,262)	18,308,571
	<b>\$18,308,571</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2019 Unreserved Fund Balance		\$0	\$0
FY 2020 Adopted Revenues	\$0	\$0	\$0
FY 2021 Appro. (P.L. 35-99 thru )	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
DPW Building and Design Fee Account 1/	\$0	1/	1/	1/	1/	1/
<b>Total</b>	<b>\$0</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>

1/ 25% of all Building Permit Fees collected are deposited into the DPW Building and Design Fee Account

- Does the bill contain "revenue generating" provisions? / / Yes / X/ No  
If Yes, see Attachment.
- Is amount appropriated adequate to fund the intent of the appropriation? / X/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ / X/ N/A
- Does the Bill establish a new program/agency? / / Yes / X/ No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X/ No  
Is there a federal mandate to establish the program/agency? / / Yes / X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes / X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X/ Yes / / No  
/ / Requested agency comments not received by due date / / Other:

Analyst: William P. Taitingfong Date: 2/15/21 Director: Lester L. Carlson, Jr., Director Date: FEB 17 2021

**Comments:**

Based on information received from DPW, the fiscal impact to DPW is minimal with regards to the extension of the validity of approved building permits from 6 months to 12 months. The fee for renewal of an expired permit is 65% of the original permit fee, and are typically for self-construction / single family dwellings and occur on average approximately 3 times per fiscal year. Additionally, the DPW recommends that the 6 month permit validity period remain in effect, as a longer period may not take into account or capture relevant changes to building codes, or other environmental factors.




# OFFICE OF VICE SPEAKER TELENA CRUZ NELSON

COMMITTEE ON EDUCATION, SELF-DETERMINATION AND HISTORIC PRESERVATION  
INFRASTRUCTURE, BORDER SAFETY, FEDERAL AND FOREIGN AFFAIRS, AND  
MARITIME TRANSPORTATION

## COMMITTEE VOTE SHEET

Bill No. 46-36 (COR) - Therese M. Terlaje, Jose "Pedro" Terlaje, Telena Cruz Nelson, Christopher M. Dueñas

**"AN ACT TO AMEND § 66212(c) OF CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENCOURAGING CONSTRUCTION OF HOMES BY EXTENDING THE VALIDITY OF A BUILDING PERMIT FOR A MINIMUM OF TWELVE MONTHS."**

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Senator Telena Cruz Nelson</b> Chairperson 4/26/21		✓				
<b>Senator Amanda L. Shelton</b> Vice Chairperson	e-vote 4/27/21	✓				
<b>Speaker Therese M. Terlaje</b> Member	e-vote 4/26/21	✓				
<b>Senator Sabina F. Perez</b> Member	e-vote 4/26/21	✓				
<b>Senator Clynton E. Ridgell</b> Member	e-vote 4/26/21			✓		
<b>Senator Telo T. Taitague</b> Member	e-vote 4/26/21			✓		
<b>Senator Mary Camacho Torres</b> Member						





Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## Request for E-Vote: Bill No. 46-36 (COR).

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Office of Senator Amanda L. Shelton <officeofsenatorshelton@guamlegislature.org>

Tue, Apr 27, 2021 at 9:59 AM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To do pass.

Respectfully,



**Senator Amanda L. Shelton**

*Legislative Secretary*

*Chairwoman, Committee on Air Transportation, Parks,  
Tourism, Higher Education, and the Advancement of  
Women, Youth, and Senior Citizens*

**Office of the People • Senator Amanda L. Shelton**

36th Guam Legislature

*I Mina'trentai Sais na Liheslaturan Guåhan*

T +1 (671) 969-2574 • (671) 989-2572

E [officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)



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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## Request for E-Vote: Bill No. 46-36 (COR).

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**Clynt Ridgell** <clyntridgell@guamlegislature.org>

Mon, Apr 26, 2021 at 3:07 PM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Cc: "Hon. Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, "Hon. Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, "Senator Telo T. Taitague" <senatortelot@gmail.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

To report out only.

[Quoted text hidden]



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## Request for E-Vote: Bill No. 46-36 (COR).

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**Sabina Perez** <sabina@senatorperez.org>

Mon, Apr 26, 2021 at 9:40 PM

To: Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To do pass

----- Forwarded message -----

From: **Office of Senator Sabina Perez** <office@senatorperez.org>

Date: Mon, Apr 26, 2021 at 2:33 PM

Subject: Fwd: Request for E-Vote: Bill No. 46-36 (COR).

To: Sabina Perez <sabina@senatorperez.org>

[Quoted text hidden]

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### Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning

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36th Guam Legislature

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### Senator Sabina Perez

Office of Senator Sabina Perez

36th Guam Legislature • *I Mina'trentai Sais na Liheslaturan Guåhan*

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,  
Research, and Planning

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Website: [senatorperez.org](http://senatorperez.org)



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**Bill No. 46-36 (COR) Committee Report.pdf**  
3903K





Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## Request for E-Vote: Bill No. 46-36 (COR).

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**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Mon, Apr 26, 2021 at 2:58 PM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Hafa adai,

To Do Pass.

Thank you.  
TMT

### Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

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## Request for E-Vote: Bill No. 46-36 (COR).

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Senator Telo Taitague <senatortelot@gmail.com>

Mon, Apr 26, 2021 at 2:44 PM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To report out only.

***Si Yu'os Ma'åse,***

***Create a Great Day!***

*Senator Telo T. Taitague*

36th Guam Legislature

Suite 309 DNA Building

[238 Archbishop Flores St.](#)

[Hagatna, Guam 96910](#)

Tel: (671) 989-8356

Email: [senatortelot@gmail.com](mailto:senatortelot@gmail.com)

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