


I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 267-32(CR)

Introduced by:

Michael F.Q. San Nicolas 

T.C. Ada 

AN ACT TO STRENGTHEN PROVISIONS FOR
THE REPAIR OR DEMOLITION OF UNSAFE
STRUCTURES IN GUAM'S BUILDING LAW, BY
AMENDING §§ 66501, 66503, 66504, 66505, 66507
AND 66508 OF ARTICLE 5 AND § 66701 OF
ARTICLE 7, EACH OF CHAPTER 66, TITLE 21,
GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act *shall* be cited as the "Responsible Urban
3 Renewal Act."

4 Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
5 that the Guam Building Law was included in the general enactment of the
6 Government Code of 1952, pursuant to Public Law 1-88 and was established
7 to secure and promote the safety, health and general welfare of the people and
8 visitors of Guam by ensuring that standards are in place with regards to the
9 design, construction and maintenance of buildings and structures in Guam.

10 Among the provisions of the Guam Building Law, as amended, is Article 5,

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1 which sets forth requirements for the repair, vacation or demolition of unsafe
2 structures.

3 *I Liheslaturan Guåhan* finds that enforcing the standards established by
4 the Guam Building Law has been difficult since its inception. As a result,
5 more buildings and structures which are not properly maintained and fail to
6 meet regulations are still standing. This neglect has resulted in many unsafe
7 structures throughout Guam, which blight the landscape of our beautiful
8 island and pose safety hazards to the public.

9 *I Liheslaturan Guåhan* further finds that the provisions on unsafe
10 structures, unfortunately, allow for three options for owners of properties:
11 that the buildings or structures be repaired, vacated or demolished. This
12 means that simply by vacating the premises, the owner is considered to have
13 complied with the law, which is problematic, since the blight and the hazards
14 that the building poses remains.

15 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend the Guam
16 Building Law to require that owners vacate and either repair or demolish
17 unsafe structures and to improve the enforcement of the provision by creating
18 an annual fine of 20% of the value of the assessed property, which may
19 become a lien upon the property, for commercial and industrial zoned
20 properties.

21 **Section 3. Unsafe Structures.** §66501 of Article 5, Chapter 66, Title 21,
22 Guam Code Annotated, is hereby *amended*, to read:

1 **“§ 66501. Unsafe Structures.**

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

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

13 **Section 4. Unsafe Structures: Examination: Report.** §66503 of Article 5,
14 Chapter 66, Title 21, Guam Code Annotated, is hereby *amended*, to read:

15 **“§ 66503. Same: Same: Report.**

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

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

1 (A) The owner must vacate and either—~~or~~ repair, or
2 demolish said buildings or structure in accordance with the
3 terms of the notice and of this Chapter.

4 (B) The occupant or lessee must vacate said building,
5 or ~~may~~ prove it repaired in accordance with the terms of the
6 notice and of this Chapter.

7 (C) Said mortgagee, agent, or other persons having an
8 interest in said building, must vacate and may, at his own
9 risk, repair, ~~vacate~~ or demolish said building or have such
10 work or act done. Any person notified under this subsection
11 to vacate and either repair,—~~vacate~~ or demolish any building
12 shall be given such reason able time, not exceeding thirty
13 (30) days, as may be necessary to do, or have done, the work
14 or act required by the notice as herein provided. Such notice
15 shall describe the building deemed unsafe, shall include a
16 statement of the particulars which make it unsafe, and shall
17 contain an order requiring the building to be put in such
18 condition as to comply with the terms of this Chapter within
19 a stated time, not exceeding thirty (30) days.

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

1 ‘This building has been found to be a dangerous
2 building by the Department of Public Works, government of
3 Guam. This notice is to remain on the building until it is
4 vacated and either repaired,~~vacated,~~ or demolished in
5 accordance with the notice which has been given to all
6 parties having an interest in this building. It is unlawful to
7 remove this notice until such notice is complied with.’

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

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

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

19 (3) Make written findings of fact from the testimony offered
20 at said hearing, and on the basis of such findings render a written
21 decision as to whether the building is safe, or unsafe within the
22 meaning of this Chapter. The original copy of such findings and

1 decisions shall be kept in the Department of Public Works. Other
2 copies shall be sent to all parties served with notice of the hearing.

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

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

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

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

4 (2) If deemed an unsafe building, ~~is in such condition as to~~
5 ~~make it dangerous to the health, safety or general welfare of its~~
6 ~~occupants,~~ it shall be ordered to be vacated.

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

15 **Section 5. Unsafe Structures: Order to Vacate.** §66504 of Article 5,
16 Chapter 66, Title 21, Guam Code Annotated, is hereby *amended*, to read:

17 “§ 66504. **Same: Order to Vacate.**

18 The building official, whenever he determines that ~~an unsafe~~
19 building, structure, or portion thereof, constitutes an unsafe structure, as
20 defined in §66501 of this Article, ~~immediate danger to the occupants,~~
21 shall order the buildings, structure, or portion thereof, to be vacated at

1 once and not reoccupied until issuance of a new certificate of occupancy
2 by the building official.”

3 **Section 6. Unsafe Structures: Order to Vacate.** §66505 of Article 5,
4 Chapter 66, Title 21, Guam Code Annotated, is hereby *amended*, to read:

5 “§ 66505. **Same: Same.**

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

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

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

19 **Section 7. Prohibition and Penalty.** §66507 of Article 5, Chapter 66,
20 Title 21, Guam Code Annotated, is hereby *amended*, to read:

21 “§ 66507. **Prohibition and Penalty.**

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

5 (b) Any person violating the provisions of this Chapter shall be
6 deemed guilty of a petty misdemeanor.

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

10 (d) Any person violating the provisions of this Article pertaining
11 to unsafe structures, including failure to vacate and either repair or
12 demolish such structures, who is the owner of real property that has
13 been classified as an industrial or commercial site in accordance with §
14 60107, Chapter 60, Article 1, Title 21 of the Guam Code Annotated, shall
15 be fined, annually, an amount equal to twenty percent (20%) of the
16 assessed value of the subject property, such fine shall be pro-rated for
17 any portion of a year in which the violation continues. The fine
18 provided in this subsection shall be a lien on the property if unpaid for
19 more than ninety (90) days."

20 **Section 8. Guam Building Code Council; Territorial Land Use**

21 **Commission; Appeals.** §66508 of Article 5, Chapter 66, Title 21, Guam Code

22 Annotated, is hereby *amended*, to read:

1 “§ 66508. Guam Building Code Council; Territorial Land Use
2 **Commission; Appeals.**

3 (a) Guam Building Code Council. ~~Contractors License Board~~. The
4 Guam Building Code Council ~~Contractors License Board~~ shall sit as a
5 Board of Appeals (Board) to hear appeals of any decision of the
6 building official relative to the suitability of alternate materials and
7 methods of construction and to provide for reasonable interpretation of
8 the provisions of this Chapter. The Board shall make investigations and
9 hold hearings and may adopt reasonable rules and regulations for
10 conducting its investigation; provided, however, that every hearing
11 shall be conducted pursuant to the procedure set forth in § 10517 of the
12 Government Code; and further provided that the Board shall render all
13 decisions and findings in writing to the building official with a duplicate
14 copy to the appellant and may recommend such new legislation as is
15 consistent therewith to the Legislature. The Director of Public Works
16 shall not participate in any investigation or hearings conducted
17 pursuant to this Section, nor shall he or the building official, if other
18 than the Director of Public Works, attempt to or influence the decision of
19 the Board relative to any matter that pursuant to the provisions of this
20 Section comes before it. A final decision of the Board of Appeals may be
21 appealed to the Superior Court in the manner provided in the
22 Administrative Adjudication Law.

1 (b) Territorial Land Use Commission. In any matter other than
2 that which is the subject of an appeal pursuant to Subsection (a) of this
3 Section, the Commission is empowered to hear appeals from any order,
4 requirement, decision or determination of the building official or his
5 authorized representative or any rule, regulation or amendment or
6 repeal thereof made by the building official; provided, that summary
7 abatement by the building official or his authorized representative
8 pursuant to § 66506 of this Chapter shall be final and conclusive.”

9 **Section 9. Notice of Amendments to the Building Code.** §66701 of
10 Article 7, Chapter 66, Title 21, Guam Code Annotated, is hereby *amended*, to
11 read:

12 “§66701. **Notice of Amendments to the Building Code.**

13 Whenever the ~~Uniform~~ Building Code, found in Chapter 67 of this
14 Title, or its successor used by the Government of Guam ~~pursuant to this~~
15 ~~Chapter or Chapter 67 of this Title~~ is updated, the Department of Public
16 Works ~~shall is required to~~ notify in a newspaper of general circulation all
17 parties who have completed construction who have been issued
18 building permits or who have construction in progress that an updated
19 version of the ~~Uniform~~ Building Code or its successor is in use and
20 make a copy of such updated version of the ~~Uniform~~ Building Code or
21 its successor available for their inspection. When there are amendments
22 to the ~~Uniform~~ Building Code or its successor which relate to safety,

1 notice of such amendments must be published in a newspaper of
2 general circulation to make owners of buildings aware of possible safety
3 violations or deficiencies. All buildings under construction at the time
4 of adoption of amendments to the ~~Uniform~~ Building Code or its
5 successor relating to safety shall conform thereto if practicable.”

6 **Section 10. Effective Date.** The provisions of this Act shall be effective
7 one hundred eighty (180) days from the enactment of this Act.

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