

**MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session**

Bill No. 173-33 (corp)

Introduced by:

Brant T. McCreddie
V. Anthony Ada



**AN ACT TO REPEAL AND REENACT CHAPTER 17,
TITLE 10, GUAM CODE ANNOTATED; RELATIVE
TO SHELTER INFRASTRUCTURE AND
EMPLOYMENT SERVICES FOR THE HOMELESS.**

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

2 **Section 1. Short Title.** This Act *may* be cited as the “**Homeless Assistance**
3 **Act of 2015.**”

4 **Section 2.** 10 GCA Chapter 17 is *repealed* and *reenacted* to read:

5 **“CHAPTER 17**

6 **ASSISTANCE TO THE HOMELESS**

7 § 17101. Definitions.

8 § 17102. Administration.

9 § 17103. Eligible Activities.

10 § 17104. Ineligible Activities.

11 § 17105. Non-discrimination Requirements.

12 § 17106. Homeless Assistance Fund; Established.

13 § 17107. Initial Deposit.

14 § 17108. Annual Deposit.

15 § 17109. Annual Audit; Required.

1 **§ 17101. Definitions.**

2 As used in this Chapter, unless the context requires a different meaning:

3 (a) *Shelter* means any facility with sleeping accommodations and acceptable
4 sanitary facilities, the primary purpose of which to provide temporary shelter to the
5 homeless. This definition encompasses transitional housing and similar arrangements
6 that provide longer term accommodations, so long as the maximum length of stay
7 does not exceed twelve months.

8 (b) *Department* means the Department of Public Health and Social Services.

9 (c) *Homeless* means families or individuals who are economically disadvantaged
10 and have no access to shelter.

11 **§ 17102. Administration.**

12 It is the duties and responsibility of the Department to initiate and administer a
13 pilot program for the homeless. The Department shall with its own personnel and
14 facilities:

15 (a) Conduct an island-wide assessment of the homeless situation. Such survey
16 must include the following: Numbers, ages, ethnicity and gender, the nature and
17 extent of the problems relating to homelessness, the immediate and long term needs of
18 the homeless in Guam;

19 (b) Survey existing programs that provide to the homeless population;

20 (c) Establish criteria for eligibility of services under this Chapter, which criteria
21 should include consideration of:

- 22 1. Individuals who because of personal/domestic and/or financial
23 problems are forced to move out of their place of residence.
- 24 2. Newly arrived immigrants to the Guam.
- 25 3. Elderly and disabled adults who are not wanted by their families.
- 26 4. Persons who temporarily reside with friends or families.

5. Persons in transit on island who do not have living accommodations.

6. Families with children.

(d) ~~Formulate plans and policies with the Agency for Human Resources Development or the Department of Labor or establish memorandums of agreement with organizations~~ for job training and job placement for the homeless in order to enable them to develop and maintain their potential skills and abilities;

(e) Cooperate with civic, businesses and community organizations or groups which provide or sponsor programs and services beneficial to the homeless;

(f) Keep the Governor, the Legislature, the municipal mayors and the general public informed on all major developments and achievements in programs and services for the homeless;

(g) Apply and receive Federal grants or other forms of assistance for the homeless; and

(h) Formulate plans for creating a shelter for the homeless in accordance with subsections (b) and (d) of § 17103 of this Chapter. Such plans shall include, but not be limited to, site identification, costs, personnel, engineering, and design. Not later than one hundred twenty (120) days after enactment, the Department shall submit preliminary plans and recommendations for creating a shelter for the homeless to I Maga'lahaen Guåhan and I Liheslaturan Guåhan.

§ 17103. Eligible Activities.

Appropriations under this Chapter may and deposits made to the Homeless Assistance Fund established in § 17106 of this Chapter shall be used for:

(a) Contracting shelter for the homeless;

(b) Renovation or conversion of government-owned buildings for use as shelters for the homeless;

1 (c)Essential services to the homeless, including, but not limited to, services
2 concerned with employment, physical health, mental health, substance abuse,
3 education or food;

4 (d)Acquisition or construction of shelters for the homeless.

5 **§ 17104. Ineligible Activities.**

6 Appropriations ~~under this Chapter may~~ and deposits made to the Homeless
7 Assistance Fund established in § 17106 of this Chapter shall not be used for:

8 ~~(a)Acquisition or construction of shelters for the homeless;~~

9 ~~(b)~~(a)Renovation, rehabilitation, or converting buildings owned by religious
10 organizations or by private entities.

11 **§ 17105. Non-Discrimination Requirements.**

12 Shelter provided under this Chapter may not be denied on the basis of race,
13 color, age, religion, sex, or national origin.

14 **§ 17106. Homeless Assistance Fund; Established.**

15 There is hereby created, separate and apart from other funds of the government
16 of Guam, a fund known as the Homeless Assistance Fund (hereinafter HAF). The
17 HAF shall not be commingled with the General Fund and shall be kept in a separate
18 bank account, which account shall be interest bearing. All interest earned shall remain
19 in the HAF. Monies from donations, grants, and other amounts as may be authorized
20 by law shall be deposited in the HAF and shall be expended by the *I Liheslatura*
21 exclusively for purposes authorized in § 17103 of this Chapter.

22 **§ 17107. Initial Deposit.**

23 In fiscal year 2017, an amount equal to fifteen percent (15%) of the adopted
24 revenue projection of the Safe Streets Fund for each fiscal year, or a minimum of
25 Thirty Six Thousand Dollars (\$36,000) and an amount equal to six tenths percent
26 (0.6%) of the adopted revenue projection of the Tourist Attraction Fund for each fiscal

1 year, or a minimum of Two Hundred Thirty Thousand Dollars (\$230,000), shall be set
2 aside and allocated by the Department of Administration for deposit into the Homeless
3 Assistance Fund established by this Chapter. The initial deposit shall be made over the
4 course of the fiscal year as collections are received.

5 **§ 17108. Annual Deposit.**

6 Beginning in fiscal year 2018, an amount equal to fifteen percent (15%) of the
7 adopted revenue projection of the Safe Streets Fund for each fiscal year, or a
8 minimum of Thirty Six Thousand Dollars (\$36,000) and an amount equal to one tenth
9 percent (0.1%) of the adopted revenue projection of the Tourist Attraction Fund for
10 each fiscal year, or a minimum of Thirty Eight Thousand Dollars (\$38,000), shall be
11 set aside and allocated by the Department of Administration for deposit into the
12 Homeless Assistance Fund established by this Chapter. Each annual deposit shall be
13 made over the course of the fiscal year as collections are received.

14 **§ 17109. Annual Audit; Required.**

15 The Office of the Public Auditor shall conduct an annual audit of the HAF to
16 ensure compliance with all statutory regulations governing its deposits and
17 expenditures.”

18 **Section 3. Effective Date.** This Act shall be effective immediately upon
19 enactment.

20 **Section 4. Severability.** If any provision of this Law or its application to any
21 person or circumstance is found to be invalid or contrary to law, such invalidity shall
22 not affect other provisions or applications of this Law which can be given effect
23 without the invalid provisions or application, and to this end the provisions of this
24 Law are severable.