

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

Bill No. 321-33 (COR)

Introduced by:

T.C. Ada 

2016 JAN 10 AM 8:32  
JULIA

**AN ACT TO AMEND SECTION 2 OF PUBLIC LAW 33-104, RELATIVE TO EXTENDING THE PAYMENT PERIOD FOR THE EXPIRED LAND FOR THE LANDLESS CONTRACTS; TO WAIVE THE 10 YEAR WAIT PERIOD PRIOR TO THE TRANSFER OF PROPERTY FOR EXCEPTIONAL CASES; TO PROVIDE A WAIVER FOR EXISTING RESIDENTS OF AFFECTED LOTS; AND TO PROVIDE FOR A JOURNAL VOUCHER TRANSFER OF FUNDS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public Law 33-104 extended the time period to cure and remedy defaulted 10-year contracts in the various Land for the Landless Programs and also authorized the transfer of unpaid *Land for the Landless* subdivisions into the Chamorro Land Trust Commission land inventory. According to data provided by the Department of Land Management (DLM), out of the three hundred ninety-one (391) defaulted accounts in the Land for the Landless Program, thirty-nine (39) accounts were paid in full while forty-one (41) respondents requested for an appeal to the default notice letters.

*I Liheslaturan Guåhan* further finds that many of the respondents appealed to the default notice letters due to personal hardship, medical situations and in some cases the original applicant-assignee of the subject lot of the defaulted contract currently resides on the affected property.

1 It is the intent of *I Liheslaturan Guåhan* to extend the payment period of those  
2 who have responded to the notices and allow them sufficient time to pay their balance  
3 on the *Land for the Landless* default account.  
4

5 **Section 2.** Section 2 of P.L. 33-104 is hereby amended to read as follows:

6 **“Notification of Purchasers Under the Land for the Landless Who**  
7 **Had Defaulted and Remedy.**

8 (a) The Director of the Department of Land Management  
9 (Department) *shall* exercise his best efforts to notify purchasers who  
10 had defaulted on contracts under the *Land for the Landless* program to  
11 submit, at the purchaser’s option, an appeal to rescind the default. The  
12 appeal must provide justification on why the default should be  
13 rescinded. Said notifications from the Department of Land  
14 Management *shall* be sent via certified mail, and accomplished within  
15 forty-five (45) days of enactment of this Act.

16 (b) Purchasers, or their legal beneficiaries, *shall* be given  
17 thirty (30) days from the date of receipt of the notice to submit their  
18 appeal and justification to the Department. The Department *shall* have  
19 forty-five (45) days to review the appeals and to make a  
20 determination. Appeals that *do not* receive a determination within the  
21 forty-five (45) days *shall* be deemed approved.

22 (c) If the Department finds the justification to be reasonable  
23 or pursuant to (b) above, and Purchaser, or his/her legal beneficiaries,  
24 is still eligible under the program’s guidelines, the Department shall  
25 give Purchaser the opportunity to rectify the default within ~~sixty (60)~~  
26 three hundred sixty-five (365) days from the date of notice that the  
27 default has been rescinded the enactment of this Act. However the

1 Purchaser, or his/her legal beneficiaries shall be required to place a  
2 minimum deposit of 10% of the balance due.

3 (d) The remedy available to the purchaser, or his/her legal  
4 beneficiary, *shall* be to pay the full amount of the balance due on the  
5 initial Two Thousand Five Hundred Dollars (\$2,500) purchase price.

6 (e) An interest penalty *shall* be assessed on the unpaid  
7 balance at an annual percentage rate (APR) of four and one half  
8 percent (4.5%) from the date that last payment was made or should  
9 have been made.

10 (f) Funds received *shall* be deposited into the *Chamorro*  
11 *Land Trust Survey and Infrastructure Fund.*

12 (g) Re-entry. Every deed of conveyance of a lot under this  
13 Act *shall* contain a right of re-entry by the government if the grantee  
14 sells or leases any of the conveyed property within ten (10) years after  
15 the date of execution of the deed by *I Maga 'lāhi* (the Governor).

16 (h) Limitations in Deed. Each deed conveying a lot pursuant  
17 to this Act *shall* contain a right of reverter to the government if the  
18 grantee sells or leases any of the conveyed property within ten (10)  
19 years after the date of execution of the deed, or if the grantee inherits  
20 or otherwise acquires other land in Guam, in addition to the conveyed  
21 lot, and at the time of such subsequent acquisition of land the grantee  
22 has not constructed any structure on the conveyed lot.

23 (i) If complete payment of the account was made 10 years or  
24 more ago but through some administrative error or some other reason  
25 a deed of conveyance failed to be signed; the 10-year waiting period  
26 before any subsequent transfer can be made is hereby waived and the

1 deed of conveyance shall be issued immediately without any reference  
2 to the waiting period.

3 (j) If upon a field inspection of the subject lot of the expired  
4 contract the Department finds that the original assignee-applicant for  
5 that lot is found to be currently residing on the lot then the payment  
6 extension period is Three Hundred and Sixty Five (365) days. Interest  
7 shall continue to accrue in the payment extension period and the  
8 Provisions in Section 2c of Public Law 33-104 shall apply.

9 (k) Notwithstanding any law, provision, rule, or regulation, the  
10 Department of Land Management is hereby authorized to transfer, by  
11 journal voucher, *Two Thousand Dollars (\$2,000.00)* to reimburse the  
12 Department for postal and publication expenses related to the  
13 administration of Public Law 33-104. The transfer shall come from the  
14 *Chamorro Land Trust Survey and Infrastructure Fund* identified as  
15 Department of Administration Revenue Account Number 3669-57001,  
16 CLT-Sale of Government Land.”

17 **Section 6. Severability.** If any provision of this law or its application to any  
18 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*  
19 *not* affect other provisions or applications of this law that can be given effect without  
20 the invalid provisions or applications and to this end the provisions of this Act are  
21 severable.