

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**Bill No. 214-35 (LS)**  
As Substituted on the Floor

Introduced by:

Mary Camacho Torres

**AN ACT TO *ADD A NEW* ARTICLE 5 TO CHAPTER 48 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING LEASE PROTECTIONS FOR TENANTS WHO ARE VICTIMS OF FAMILY VIOLENCE, CRIMINAL SEXUAL CONDUCT, OR STALKING; AND TO FURTHER CITING THIS ACT AS THE “*GUAM SAFE HOUSING ACT OF 2020.*”**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that acts of family violence, sexual assault, and stalking remain significant problems  
4 on Guam—with a devastating impact to individual victims, their families, and the  
5 entire island community.

6           *I Liheslaturan Guåhan* finds that family violence was the second highest  
7 offense charged overall in the Superior Court of Guam in 2018, and that three  
8 hundred seventy-seven (377) cases of family violence were filed by the Prosecution  
9 Division of the Office of the Attorney General in Fiscal Year 2018 alone. *I*  
10 *Liheslaturan Guåhan* further finds that Guam has the second highest number of  
11 sexual assaults per capita in the nation with sixty-four (64) reported rapes per one  
12 hundred thousand (100,000) people (National Organization of Asians and Pacific  
13 Islanders Ending Sexual Violence, 2017). Additionally, *I Liheslaturan Guåhan* finds

1 that sixty-one percent (61%) of female victims and forty-four percent (44%) of male  
2 victims are stalked by someone who has been an intimate partner in their lives  
3 (National Center for Victims of Crime, 2016).

4 *I Liheslaturan Guåhan* finds that it is a legitimate government interest to  
5 address obstacles that victims of violence may face in accessing and maintaining  
6 safe housing. *I Liheslaturan Guåhan* recognizes that victims may be trapped in an  
7 abusive relationship or forced to stay in an unsafe living environment due to the  
8 terms of their residential lease agreement. Without access to safe housing, these  
9 victims are more likely to remain in or return to abusive or dangerous situations.  
10 Moreover, *I Liheslaturan Guåhan* recognizes that these individuals risk being  
11 revictimized if other landlords refuse to enter into a lease agreement with them  
12 because of their history as a victim. While *I Liheslaturan Guåhan* acknowledges that  
13 most landlords would do what they can for victims of family violence, *I Liheslaturan*  
14 *Guåhan* finds that many states are, nonetheless, in the process of adopting or  
15 amending clear legal protections for victims of these crimes.

16 *I Liheslaturan Guåhan* finds that since 2010, there has been a major increase  
17 in state and local jurisdictions enacting and implementing a variety of housing  
18 protections for victims of violence (National Housing Law Project). Currently,  
19 twenty-seven (27) states have early lease termination laws for survivors while  
20 twenty-four (24) states and localities have eviction defense laws for survivors.  
21 Moreover, forty-four (44) states and localities have laws pertaining to confidentiality  
22 of housing records and documentation of victims.

23 By this Act, *I Liheslaturan Guåhan* therefore intends to increase safe housing  
24 for victims of family violence, sexual assault, and stalking by providing early  
25 termination of a residential lease agreement, as well as protection against  
26 discrimination, retaliation, eviction, and disclosure.



1           (3) a statement written within the prior thirty (30) days from a  
2           licensed medical or mental health professional who has examined or consulted  
3           with the victim, which written statement confirms such fact.

4           (c) If a tenant to a residential rental agreement or lease agreement  
5           terminates the residential rental agreement or lease agreement and vacates the  
6           premises pursuant to § 48501(a), then the tenant shall be responsible for one (1)  
7           month's rent following vacation of the premises, which shall be due and payable to  
8           the landlord within ninety (90) days after the tenant vacates the premises. Following  
9           such payment, the tenant shall be released from any rent payment obligation under  
10           the residential rental or lease agreement without penalty. This provision shall not  
11           affect a tenant's liability for delinquent, unpaid rent, or other amounts owed to the  
12           landlord prior to the tenant's notification that he or she is a victim of family violence,  
13           criminal sexual conduct, or stalking.

14           (d) Nothing in this Section relieves a tenant, other than the tenant who is a  
15           victim of family violence, criminal sexual conduct, or stalking from his or her  
16           obligations under the residential rental agreement or lease agreement.

17           **§ 48502. Protection Against Eviction and Liability.**

18           (a) A victim under this Act shall not be evicted based on an incident or  
19           incidents of actual or threatened family violence, criminal sexual conduct, or  
20           stalking.

21           (b) A victim under this Act shall not be held liable for damage to the  
22           property related to an incident or incidents of actual or threatened family violence,  
23           criminal sexual conduct, or stalking beyond the value of the victim's security  
24           deposit, when the alleged perpetrator is a tenant and the victim provides written  
25           notice of the damage, and documentation required pursuant to § 48501(b), within  
26           thirty (30) days of the occurrence of the damage.

1        (c) Nothing in this Act prohibits a landlord from evicting a tenant for  
2 reasons unrelated to family violence, criminal sexual conduct, or stalking.

3        (d) Nothing in this Act prohibits a landlord from instituting a forcible entry  
4 and detainer action against the tenant of the premises who perpetuated the family  
5 violence, criminal sexual conduct, or stalking, or from obtaining a criminal no  
6 trespass order against a non-tenant who perpetuates such violence or abuse at the  
7 premises.

8        (e) Nothing in this Act limits the rights of a landlord to hold a perpetrator  
9 of the family violence, criminal sexual conduct, or stalking liable for damage to the  
10 premises or landlord's property.

11        **§ 48503. Lock Changes where Victim Lives with Perpetrator.**

12        (a) If a person who is restrained from contact with a protected tenant  
13 under a court order is also a tenant of the same dwelling unit as the protected tenant,  
14 the landlord shall change the locks of the protected tenant's dwelling unit not later  
15 than twenty four (24) hours after the protected tenant gives the landlord a copy of  
16 the court order. The landlord shall pay the cost of changing the locks and give the  
17 protected tenant a key to the new locks.

18        (b) The landlord shall not be liable to the restrained person for any civil  
19 damages as a result of actions the landlord takes to comply with this Section.

20        (c) This Section shall not be construed to relieve the restrained person of any  
21 obligation under a lease agreement or any other liability to the landlord.

22        **§ 48504. Discrimination and Retaliation Against Tenant Prohibited.**

23        (a) A landlord shall not terminate a lease, refuse to renew a lease, refuse to  
24 enter into a lease, or retaliate against a tenant solely because a tenant, an applicant,  
25 or an individual who is a member of the tenant's or applicant's household is the  
26 victim of family violence, criminal sexual conduct, or stalking.

1           **(b)** A landlord shall not refuse to enter into a lease with an applicant or  
2 retaliate against a tenant solely because the tenant, the applicant, or an individual  
3 who is a member of the tenant’s or applicant’s household has terminated a residential  
4 rental or lease agreement under § 48501 of this Act.

5           **§ 48505. Disclosure Prohibited.**

6           **(a)(1)** A landlord shall not disclose any information provided by a tenant  
7 under this Act to a third party unless the disclosure satisfies any one (1) of the  
8 following:

9                           **(A)** The tenant consents in writing to the disclosure; or

10                           **(B)** The disclosure is required by law or order of the court.

11           **(2)** A landlord’s communication to a third party which provides  
12 evidence under § 48501(b), to verify the contents of such documentation is  
13 not disclosure for purposes of this Section.

14           **§ 48506. False Notice and Protection of Action Taken in Good Faith.**

15           **(a)** If a tenant knowingly submits false notice or accompanying  
16 documentation to a landlord as evidence to terminate a residential rental or lease  
17 agreement under this Act, the landlord may recover an amount equal to three (3)  
18 months periodic rent or threefold actual damages, whichever is greater, plus costs  
19 and reasonable attorney’s fees.

20           **(b)** The person who committed family violence, criminal sexual conduct,  
21 or stalking against the tenant shall not be entitled to any damages or other relief  
22 against the landlord or tenant who complies with the provisions of this Act in good  
23 faith.”

24           **Section 3. Application.** This Act shall apply to all residential real estate  
25 rental or lease agreements on Guam, and to any renewals, modifications, or  
26 extensions of such agreements upon enactment. The provisions of this Act shall not  
27 be waived or modified by the agreement of the parties under any circumstances.

1           **Section 4. Severability.** If any provision of this Act or its application to any  
2 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
3 not affect other provisions or applications of this Act that can be given effect without  
4 the invalid provision or application, and to this end the provisions of this Act are  
5 severable.