



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

FEB 20 1998

Refer to
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 2-23-98

Time: 10:40 a.m.

Rec'd by: [Signature]

Print Name: Fred Goefig

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 377 (COR), "AN ACT TO AMEND §5411 OF TITLE 12 GCA, AS AMENDED BY P.L. 20-113, RELATIVE TO THE AS TUMBO SUBDIVISION PROGRAM, TO ALLOW FOR AN EXCEPTION FOR A GRANTEE(S) TO TEMPORARILY LEASE CONVEYED PROPERTY IF RECEIVING EXTENDED REHABILITATIVE OR LIFE THREATENING MEDICAL TREATMENT OFF ISLAND", which I have signed into law today as **Public Law No. 24-138**.

Currently, the law requires those who are grantees of the As Tumbo Subdivision Program, as well as other Guam Housing and Urban Development (GHURA) programs, to personally occupy the premises. Occasionally, there are emergency situations which require an occupant to leave the premises for a period of time, such as to go off island to obtain medical treatment. This does not mean that the occupant is abandoning the premises.

This legislation will allow residents of the As Tumbo Subdivision, as well as other GHURA programs, to lease out their premises during these times of emergency situations, under the supervision of the GHURA.

Very truly yours,

[Signature]
Carl T. C. Gutierrez

Attachment 00665

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By <u>[Signature]</u>
Time <u>12:05 p.m.</u>
Date <u>2-23-98</u>

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 377 (COR), "AN ACT TO AMEND §5411 OF TITLE 12 GCA, AS AMENDED BY P.L. 20-113, RELATIVE TO THE AS TUMBO SUBDIVISION PROGRAM, TO ALLOW FOR AN EXCEPTION FOR A GRANTEE(S) TO TEMPORARILY LEASE CONVEYED PROPERTY IF RECEIVING EXTENDED REHABILITATIVE OR LIFE THREATENING MEDICAL TREATMENT OFF-ISLAND," was on the 4th day of February, 1998, duly and regularly passed.

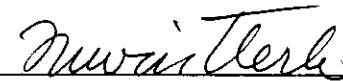


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by the Governor this 11th day of February, 1998, at
1:20 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 2-20-98

Public Law No. 24-138

**TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) REGULAR SESSION**

Bill No. 377 (COR)

Substituted by the Committee on Agriculture,
Land, Housing, Community and Human
Resources Development and as amended
on the Floor.

Introduced by:

J. C. Salas
E. J. Cruz
L. F. Kasperbauer
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO AMEND §5411 OF TITLE 12 GCA, AS
AMENDED BY P.L. 20-113, RELATIVE TO THE AS
TUMBO SUBDIVISION PROGRAM, TO ALLOW
FOR AN EXCEPTION FOR A GRANTEE(S) TO
TEMPORARILY LEASE CONVEYED PROPERTY IF
RECEIVING EXTENDED REHABILITATIVE OR**

**LIFE THREATENING MEDICAL TREATMENT
OFF-ISLAND.**

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

2 **Section 1. Legislative Findings.** The Guam Legislature has found that
3 in P.L. 14-138, which created the As Tumbo Subdivision program, there was
4 the intent to provide Guam Housing and Urban Renewal Authority
5 (“GHURA” hereinafter) the discretion to restrict the purchasers of each of the
6 residential lots from selling, leasing, or otherwise transferring the property
7 without prior written consent until the construction of any or all
8 improvements, agreed-to by the purchaser, is made. Subsequently, P.L. 20-
9 113 was enacted, which created a more restrictive mandate that the grantee(s)
10 must personally occupy the property conveyed and not lease it to others.
11 Rules and regulations were promulgated thereafter by the GHURA Board (the
12 “BOARD” hereinafter) to reflect this more stringent provision.

13 Though the Guam Legislature understands the intent of the more
14 restrictive law, it has found that in the case of a grantee(s) who must leave the
15 island temporarily to receive extended rehabilitative or life threatening
16 medical treatment, this provision of P.L. 20-113 would require that the
17 families bear the cost of maintaining two (2) separate households, along with
18 medical and living expenses. It is the intent of this legislature to provide
19 some relief and flexibility for those families in this precarious situation.
20 Therefore, an amendment to the law and to the rules and regulations of the As
21 Tumbo Subdivision program is necessary.

22 **Section 2. Amendment.** Subsection 5411 of Title 12 of the Guam Code
23 Annotated as amended by P.L. 20-113, is hereby further amended as follows:

1 **“Section 5411. Rules.** (a) The Board shall promulgate reasonable
2 rules and regulations, pursuant to the Administrative Adjudication
3 Law, to effect the purpose of this Chapter, which regulations shall
4 include requirements that (i) the grantee(s) must personally occupy the
5 property conveyed and not lease it to others, (ii) the property may not
6 be conveyed by the grantee(s) to a third party, except that a mortgage to
7 a bona fide lending institution to secure funds to construct a residence
8 on the property shall not be a violation of such rule even if such
9 mortgage is foreclosed, and (iii) each deed of conveyance shall contain a
10 right of reverter clause to the Authority in the event such regulations are
11 violated.

12 (b) Exception. Notwithstanding any law, rule or regulation to
13 the contrary, the Board is authorized to grant an exception to the As
14 Tumbo Subdivision or other Guam Housing and Urban Renewal
15 Authority (GHURA) Subdivisions program requirements to allow a
16 grantee(s) to lease conveyed property temporarily while receiving
17 extended rehabilitative or life threatening medical treatment off island.
18 GHURA shall promulgate any rules, regulations, and/or procedures to
19 effectuate this act, including provisions to document and verify that
20 treatment as certified by two (2) licensed physicians is not available on
21 island and that the off island treatment has been scheduled through the
22 Administrative Adjudication Law. Additionally, the grantee(s) shall
23 report to the Board periodically on the status of their treatment. Within
24 sixty (60) days after enactment of this Act, the GHURA Board shall

1 develop and submit the rules and regulations required under this
2 Section pursuant to the Administrative Adjudication Law.”

24-138



24th GUAM
LEGISLATURE

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

January 20, 1998

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

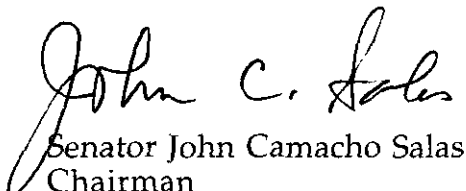
The Committee on Agricultural, Land, Housing, Community & Human Resources Development to which was referred Bill No. 377, has had the same under consideration and now wishes to report back the same, with the recommendation **TO DO PASS**, as substituted by the committee.

The Committee votes are as follows:

To Do Pass	5
Not To Pass	0
Abstain	0
Other (Off-Island)	4

A copy of the Committee's report and other pertinent documents are enclosed for your reference and information.

Sincerely,


Senator John Camacho Salas
Chairman

Attachments



SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

BILL NUMBER 377

TITLE An Act to amend §5411 of Title 12 GCA, as amended by PL 30-113, relative to the As-Tumbo subdivision program, to allow for an exception for a grantee(s) to temporarily lease conveyed property if seeking extended rehabilitative or life threatening medical treatment off-island.

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
<i>John C. Salas</i> John Camacho Salas, Chairman	✓			
Edwardo J. Cruz, M.D., Vice-Chairman				
Elizabeth Barrett-Anderson, Member				
<i>Larry F. Kasperbauer</i> Larry F. Kasperbauer, Member	✓			
Felix P. Camacho, Member				
<i>Carlotta A. Leon Guerrero</i> Carlotta A. Leon Guerrero, Member	✓			
<i>Thomas C. Ada</i> Thomas C. Ada, Member	✓			
William B.S.M. Flores, Member				
Frank B. Aguon, Jr., Member				

Committee on Agriculture, Land, Housing,
Community & Human Resources Development
Committee Report on Bill 377
Publicly Heard Monday, October 20, 1997

Bill 377 - An act to amend §5411 of Title 12 GCA, as amended by P.L. 20-113, relative to the Astumbo Subdivision Program, to allow for an exception for a grantee(s) to temporarily lease conveyed property if seeking extended rehabilitative or life threatening medical treatment off island.

I. ATTENDANCE

- Senator John C. Salas, Chairman
- Senator Frank B. Aguon, Jr., Member
- Senator William B. S.M. Flores, Member
- Senator Lawrence F. Kasperbauer, Member
- Senator Francisco P. Camacho, Guest

II. MAIN SPONSORS

Senator John Camacho Salas
Senator Eduardo J. Cruz, M.D.
Senator Lawrence F. Kasperbauer

III. SYNOPSIS

Legislation that created the Astumbo Subdivision program intended for GHURA to exercise discretion in restricting lot purchasers from selling, leasing, or otherwise transferring the property without prior written consent. P.L. 20-113 created a more restrictive mandate that purchasers must personally occupy the property and in no way lease to others. GHURA developed rules and regulations reflecting this more stringent provision.

The bill's author has found in the case where the owner must leave island temporarily for extended rehabilitative or medical treatment for a life threatening condition, P.L. 20-113 forces the family to bear the cost of maintaining two (2) separate households, along with medical and living expenses.

This bill will amend current law to allow GHURA to grant an exception in the case of off-island extended rehabilitative or medical treatment for a life threatening condition.

IV. TESTIMONY

Chairman Salas provided an overview of the bill. Although current law prohibits an Astumbo landowner from leasing their property, there are situations in which a family member has had to go off-island for months at a time to receive life threatening medical or rehabilitative treatment. Without the ability to lease out their property, these families have had to carry the burden of two households and their living expenses on top of medical costs. The original law creating the Astumbo Subdivision was meant to give GHURA discretion in deciding if cases like this should be made exceptions.

Mr. Ronald Lujan, GHURA Community Development Manager, and Mr. Jose San Nicolas, GHURA Deputy Director, testified in support of the bill, noting that the current law is too restrictive and does not allow any flexibility.

Chairman Salas noted that opponents of the bill may feel too many benefits are already given and adding this would encourage abuse of the system.

Mr. Ronald Lujan noted that GHURA would have to be diligent in its enforcement and review on a case-by-case basis to ensure that there is no abuse.

Senator Francisco r. Camacho noted that since this is for medical treatment, documents should be verified and that treatment is for life threatening conditions.

Senator Lawrence F. Kasperbauer asked that the Chairman amend the bill to delete the hyphen (-) in the word As-Tumbo and use the spelling Astumbo". He also expressed concern that the bill's use of the word "seeking" may make the legislation too loose. He recommended amending the bill to use the word "Scheduled" or " Receiving" to tighten up the language and intent.

Chairman Salas asked Mr. Lujan if he felt that GHURA should be allowed even greater flexibility than the bill proposes. Mr. Lujan noted that this is a good start and requested the committee to also look at workers who are assigned, with their families, off-island for months at a time.

V. COMMITTEE FINDINGS

The committee finds that the original law creating the Astumbo program was meant to allow GHURA's Board of Commissioners discretion in allowing leasing of properties, on a case by case basis. The current regulation, while attempting to deter any abuse of this program, does not address the reality that Astumbo families may have to leave island for months at a time to treat a life threatening medical condition. It is clear that GHURA needs this flexibility, along with stringent procedures, to avoid forcing families to incur and suffer the hardship of financing two households and medical expenses.

VI. COMMITTEE RECOMMENDATION

Therefore, the committee recommends **TO DO PASS** Bill 377, as substituted by committee.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 377 (cor)
Amendatory Bill: Yes

Date Received: October 08, 1997
Date Reviewed: October 23, 1997

Department/Agency Affected: Guam Housing and Urban Renewal Authority
Department/Agency Head: Taling Taitano, Executive Director
Total FY Appropriation to Date: Autonomous

Bill Title (preamble): AN ACT TO AMEND §5411 OF TITLE 12 GCA, AS AMENDED BY P.L. 20-113, RELATIVE TO THE AS-TUMBO SUBDIVISION PROGRAM, TO ALLOW FOR AN EXCEPTION FOR A GRANTEE(S) TO TEMPORARILY LEASE CONVEYED PROPERTY IF SEEKING EXTENDED REHABILITATIVE OR LIFE THREATENING MEDICAL TREATMENT OFF ISLAND.

Change in Law: §5411 of Title 12 GCA, as amended by P.L. 20-113

Bill's Impact on Present Program Funding:
Increase _____ Decrease _____ Reallocation _____ No Change X

Bill is for:
Operations _____ Capital Improvement _____ Other X

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Autonomous	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? Yes -- IF NO, ADD'L AMOUNT REQUIRED \$ _____
AGENCY/PERSON/DATE CONTACTED: GHURA / Ronald Lujan / October 23, 1997

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

ANALYST Md DATE 10/23/97 DIRECTOR Joseph Rivera DATE NOV 13 1997
M. Dizon *Joseph E. Rivera, Acting*

FOOTNOTES: See attached.

1/

Bill 377 proposes to allow for an exception for a grantee to temporarily lease conveyed property if seeking extended rehabilitative or life threatening medical treatment off island. The intent of the bill is to allow seriously ill grantees an option to lease their property while dealing with a severe medical condition. In doing so it will benefit not only the grantee and their family, but the Authority and the lending institution as well. The fiscal impact of such a measure is that it will allow less foreclosures on conveyed property.



SENATOR JOHN CAMAC IO SALAS
CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND
HUMAN RESOURCES DEVELOPMENT

TESTIMONY SIGN IN SHEET

Bill Number 377

Title An Act to amend §5411 of Title 12 GCA, as amended by PL 30-113, relative to the As-Tumbo subdivision program, to allow for an exception for a grantee(s) to temporarily lease conveyed property if seeking extended rehabilitative or life threatening medical treatment

Monday, October 20, 1997

Name	Organization	PH Testimony	
RONALD LUDAN	GHORA	<input checked="" type="checkbox"/> ORAL	<input checked="" type="checkbox"/> FOR
JOE SAN NICOLAS	GHUMA	<input type="checkbox"/> WRITTEN	<input type="checkbox"/> AGAINST
		<input checked="" type="checkbox"/> ORAL	<input checked="" type="checkbox"/> FOR
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		<input type="checkbox"/> ORAL	<input type="checkbox"/> FOR

Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 475-4251 Fax: 477-8082

Carol A. Ibanez, Chairperson
Rita C. Okada, Commissioner
John Q. Finona, Commissioner
Joseph T. Gumataotao, Commissioner
Tomas T. Aguon, Commissioner

Joseph M. Borja
Administrative Director

Lydia T. Cruz
Deputy Administrative Director

October 20, 1997

Testimony
on
Bill 313, Bill 351, Bill 358 and Bill 377

Bill 313

No objections to the bill. A 70 acre portion of Lot 10120-R16, Dededo was reserved under P.L. 22-18 for this type of exchange, said portion is not in the Chamorro Land Trust Available Lands Inventory.

Bill 351

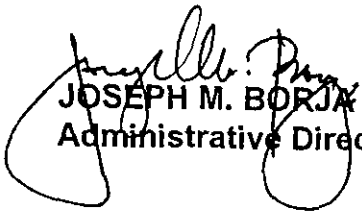
No objections to the bill. This lot is not in the Chamorro Land Trust Available Lands Inventory.

Bill 358

No objections to the bill. A 70 acre portion of Lot 10120-R16, Dededo was reserved under P.L. 22-18 for this type of exchange, said portion is not in the Chamorro Land Trust Available Lands Inventory.

Bill 377

No comment.


JOSEPH M. BORJA
Administrative Director