

**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN**  
**2020 (SECOND) Regular Session**  
**LEGISLATIVE SESSION VOTING RECORD**

Bill No. 214-35 (LS) As substituted; and amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building June 15, 2020					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

**TOTAL: 15**

Aye

Nay

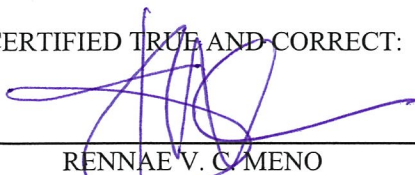
Not Voting/  
Abstained

Out During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO  
Clerk of the Legislature

I = Pass

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

**Bill No. 214-35 (LS)**

As substituted and amended on the Floor.

\*

Introduced by:

Mary Camacho Torres  
Telen Cruz Nelson  
Tina Rose Muña Barnes  
Régine Biscoe Lee

**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 CITE 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

1 hundred thousand (100,000) people (National Organization of Asians and Pacific  
2 Islanders Ending Sexual Violence, 2017). Additionally, *I Liheslaturan Guåhan* finds  
3 that sixty-one percent (61%) of female victims and forty-four percent (44%) of male  
4 victims are stalked by someone who has been an intimate partner in their lives  
5 (National Center for Victims of Crime, 2016).

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

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

25 By this Act, *I Liheslaturan Guåhan* therefore intends to increase safe housing  
26 for victims of family violence, sexual assault, and stalking by providing early

1 termination of a residential lease agreement, as well as protection against  
2 discrimination, retaliation, eviction, and disclosure.

3 **Section 2.** A new Article 5 is hereby *added* to Chapter 48 of Title 21, Guam  
4 Code Annotated, to read as follows:

5 **“ARTICLE 5**

6 **GUAM SAFE HOUSING ACT OF 2020**

7 § 48501. Early Termination of Rental Agreement.

8 § 48502. Protection Against Eviction and Liability.

9 § 48503. Lock Changes Where Victim Lives With Perpetrator.

10 § 48504. Discrimination and Retaliation Against Tenant Prohibited.

11 § 48505. Disclosure Prohibited.

12 § 48506. False Notice and Protection of Action Taken in Good Faith.

13 **§ 48501. Early Termination of Rental Agreement.**

14 (a) If a tenant to a residential rental agreement or lease agreement notifies  
15 the landlord in writing that he or she is the victim of family violence, criminal sexual  
16 conduct, or stalking as defined under Guam law, and provides to the landlord  
17 evidence as defined in § 48501(b) of this Article, and the tenant seeks to vacate the  
18 premises due to fear of imminent danger for self or children because of family  
19 violence, criminal sexual conduct, or stalking, then the tenant may terminate the  
20 residential rental agreement or lease agreement and vacate the premises without  
21 further obligation, except as otherwise provided in § 48501(c) of this Article.

22 (b) For the purposes of this Article, evidence that a tenant is a victim of  
23 family violence, criminal sexual conduct, or stalking may be provided to his or her  
24 landlord in the form of:

25 (1) a police report written within the prior thirty (30) days;

26 (2) a valid restraining or protective order; or

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) of this Article, then the tenant shall be responsible  
7 for one (1) month's rent following vacation of the premises, which shall be due and  
8 payable to the landlord within ninety (90) days after the tenant vacates the premises.  
9 Following such payment, the tenant shall be released from any rent payment  
10 obligation under the residential rental or lease agreement without penalty. This  
11 provision shall not affect a tenant's liability for delinquent, unpaid rent, or other  
12 amounts owed to the landlord prior to the tenant's notification that he or she is a  
13 victim of family violence, 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 Article 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 Article 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) of this  
26 Article, within thirty (30) days of the occurrence of the damage.

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

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

8 (e) Nothing in this Article limits the rights of a landlord to hold a  
9 perpetrator of the family violence, criminal sexual conduct, or stalking liable for  
10 damage to the 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 under  
13 a court order is also a tenant of the same dwelling unit as the protected tenant, the  
14 landlord shall change the locks of the protected tenant's dwelling unit no later than  
15 twenty-four (24) hours after the protected tenant gives the landlord a copy of the  
16 court order. The landlord shall pay for 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  
21 any 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 Article.

5 **§ 48505. Disclosure Prohibited.**

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

9 (1) the tenant consents in writing to the disclosure; or

10 (2) the disclosure is required by law or order of the court.

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

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

15 (a) If a tenant knowingly submits a false notice or accompanying  
16 documentation to a landlord as evidence to terminate a residential rental or lease  
17 agreement under this Article, 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 Article in  
23 good 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.