


IMINA'TRENTAI SIETTE NA I LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 110-37 (LS)

Introduced by:

Committee on Maritime
and Air Transportation,
Parks, Tourism, Higher
Education, and the
Advancement of Women,
Youth, and Senior Citizens 
by request of *I Kongressun*
Manhoben Guåhan, the Guam
Youth Congress, in accordance
with 2 GCA §7102.

**AN ACT TO *ADD* A NEW §24414 TO ARTICLE 4,
CHAPTER 24, TITLE 11, GUAM CODE ANNOTATED,
ADD A NEW § 58110.1 TO ARTICLE 1, CHAPTER 58,
TITLE 12, GCA, AND *AMEND* §58203, ARTICLE 2,
CHAPTER 58, TITLE 12, GCA, RELATIVE TO
IMPLEMENTING PROPERTY TAX ABATEMENT
INCENTIVES TO PROMOTE THE IMPLEMENTATION
OF GREEN ROOFS AND REQUIRING A PERCENTAGE
OF ROOFING AREAS FOR GREEN ROOFS CERTAIN
QUALIFYING CERTIFICATE AND HOTEL
DEVELOPMENTS**

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

2 **Section 1. Title.** This act shall be known as the *Green Roofs Act*.

3 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
4 vegetation-covered roofs, commonly known as green roofs, provide numerous
5 environmental benefits, to include reduction in air pollution and the trapping of
6 harmful greenhouse gas and carbon emissions. Green roofs also promote the

1 biodiversity of native and threatened plants, and can also be made up of edible, herbal,
2 or medicinal plants. conducted by the Western Pacific Tropical Research Center at the
3 University of Guam, the underside of a vegetation-covered concrete roof model was
4 up to 21°F cooler than a bare concrete roof, potentially cutting a typical household’s
5 electricity consumption by approximately 64%.

6 *I Liheslaturan Guåhan* also finds that Guam’s climate, weather, and building
7 characteristics are especially suited for the effective growth of green roofs. Green roofs
8 provide additional benefits such as reducing stormwater runoff and improving runoff
9 water quality.

10 *I Liheslaturan Guåhan* further finds that green roofs can be easily grown and
11 implemented with locally sourced materials. In 2018, visiting scholar Ms. Lieve
12 Dierchx successfully led a green roof pilot project with the Center for Island
13 Sustainability of the University of Guam.

14 *I Liheslaturan Guåhan* also finds that many jurisdictions throughout the United
15 States and the globe have passed legislation promoting the widespread implementation
16 of green roofs, including the city of Portland which mandated that green roofs cover
17 100% of the roof of any building having or exceeding a square footage of 20,000
18 square feet.

19 Therefore, it is the intent of *I Liheslaturan Guåhan* to take advantage of the
20 many benefits that green roofs provide to further advance island sustainability and
21 mitigate the harmful effects of climate change by promoting cleaner air, increased
22 energy efficiency, and improved runoff water quality.

23 **Section 3.** A new subsection is *added* to Article 4, Chapter 24, Title 11, Guam
24 Code Annotated; to hereby read as follows:

25 **“§ 24414. Green Roof Property Tax Abatement**

26 The owner of any commercial or residential building which meets the
27 requirements in (b) of this subsection shall be entitled to an abatement on the assessed

1 property tax of the respective building as prescribed:

2 (a) For any property with fifty percent (50%) or more of its total building
3 rooftop area consisting of vegetation-covered roofing, the property owner shall
4 be qualified for a one-time one hundred percent (100%) abatement of property
5 tax for such property.

6 (b) The building owner shall provide, with the claim for abatement, a
7 certification of the square footage of vegetation-covered roofing, to be provided
8 by the Department of Public Works.

9 (c) The Department of Public Works, in certifying the square footage of
10 a vegetation-covered roof shall make such decision within the following
11 parameters:

12 (1) “Vegetation-covered roof” or “green roof” means a living
13 vegetative system covering an area of roofing.

14 (2) The green roof shall be composed of several layers with living
15 vegetation as its uppermost layer.

16 (3) The green roof shall not compromise the structural integrity of
17 the roof or building of which it is installed on.

18 (d) The owner of any commercial or residential building shall be entitled
19 to a one-time abatement for the duration of the life of that building.

20 For the purposes of this Subsection, functional solar paneling which
21 provides for a building’s energy needs, as determined by the Guam considered
22 a vegetation-covered roof. The building owner shall provide, with the claim for
23 abatement, a certification of the square footage of solar paneling-covered
24 roofing, to be provided by the Department of Public Works.”

25 **Section 4.** A new subsection is *added* to Article 1, Chapter 58, Title 12, Guam
26 Code Annotated; to hereby read as follows:

27 **“§ 58110.1. Green Roofs**

1 Any beneficiary availing of any of the tax benefits of this Chapter and
2 constructing a new building/structure exceeding a total square footage of ten thousand
3 (10,000) square feet shall ensure that fifty percent (50%) of the total rooftop area of
4 the building consists of vegetation-covered roofing.

5 (a) The Department of Public Works shall certify the compliance of the
6 building/structure with this Subsection with the following parameters:

7 (1) “Vegetation-covered roof” or “green roof” means a living
8 vegetative system covering an area of roofing

9 (2) The green roof shall be composed of several layers with
10 living vegetation as its uppermost layer.

11 (3) The green roof shall not compromise the structural integrity
12 of the roof or building of which it is installed on.

13 (b) For the purposes of this Subsection, functional solar paneling
14 which provides for a building’s energy needs, as determined by the Guam Power
15 Authority, and certified by the Department of Public Works, shall be considered
16 a vegetation-covered roof.”

17 **Section 5.** § 58203 of Article 2, Chapter 58, Title 12, Guam Code Annotated,
18 is hereby *amended* to read as follows:

19 **“§ 58203. Special Hotel Qualifying Certificate Defined.**

20 The Special Hotel Qualifying Certificate (QC) is a contract valid for a given
21 period, executed by *I Maga’håga Guåhan* (the Governor of Guam) upon the
22 recommendation of the Authority. The QC, once issued and unless suspended,
23 rescinded, or revoked, shall constitute conclusive evidence of entitlement to the tax
24 rebates, abatements, or exemptions set forth on its face.

25 (a) Hotel Construction and Expansion Tax Rebate and Abatement.

26 There shall be allowed to each developer a tax rebate, exemption, and abatement
27 in an amount equal to ten percent (10%) of their total construction cost, which

1 can be applied by the developer at their discretion to the following taxes:

2 (1) Fifty percent (50%) Business Privilege Tax (BPT) for twenty
3 (20) years as long as the tax credits are available at the point they are
4 taken.

5 This BPT exemption shall not apply to the levy of three percentage
6 points (3%), out of the total percentage points levied from time to time, of
7 the BPT, the revenues from which are pledged to the government of
8 Guam Business Privilege Tax Bonds;

9 (2) Seventy-five percent (75%) Income Tax Rebate for twenty
10 (20) years;

11 (3) One hundred percent (100%) Real Property Tax Abatement
12 for ten (10) years; provided, the fee simple owner taxpayer is the
13 Qualifying Certificate beneficiary and that the real property on which the
14 tax is assessed is only utilized by the beneficiary for activities identified
15 in their qualifying certificate;

16 (4) One hundred percent (100%) of Use Tax Exemption with
17 respect to the property used to construct, furnish, and equip the new
18 facility construction or substantial expansion of an existing building. The
19 exemption must be claimed no later than one (1) year of issuance of the
20 facility's occupancy permit.

21 (b) Developers availing of this program shall ensure that seventy-five
22 percent (75%) of the total rooftop area of any hotel development consist of
23 vegetation-covered roofing.

24 (1) The Department of Public Works shall certify the
25 compliance of the building/structure with this Subsection with the
26 following parameters:

27 (2) “Vegetation-covered roof” or “green roof” means a living

1 vegetative system covering an area of roofing

2 (3) The green roof shall be composed of several layers with living
3 vegetation as its uppermost layer.

4 (4) The green roof shall not compromise the structural integrity of
5 the roof or building of which it is installed on.

6 (5) For the purposes of this Subsection, functional solar paneling
7 which provides for a building's energy needs, as determined by the Guam
8 Power Authority and certified by the Department of Public Works, shall
9 be considered a vegetation-covered roof."

10 ~~(b)~~(c) Application Period. Eligible developers for this special QC shall
11 file their application prior to issuance of the hotel project building permit.

12 ~~(e)~~(d) Benefit Negotiations. The Authority has the sole authority to
13 negotiate the terms of the QC. Negotiations shall be completed prior to
14 issuance of the hotel project's building permit."

15 **Section 6. Severability.** If any provision of this Law, or its application to any
16 person or circumstance, is found to be invalid or inorganic to law, such invalidity *shall*
17 *not* affect other provisions or applications, and to this end the provisions of the law are
18 severable.

19 **Section 7. Effective Date.** The provisions of this Act *shall* be effective on
20 October 1, 2023.