

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 133-37 (COR) As amended by the Committee on Infrastructure, Economic Development, Simon Sanchez High School, Disability Services, Self-Determination and Historic Preservation, Housing, Public Accountability, and the Guam Buildup; substituted; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 22, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓	I				
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher		✓				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓	I				
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

14

1

0

0

Aye

Nay

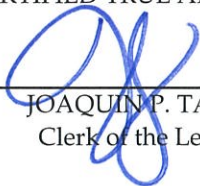
Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

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

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As amended by the Committee on Infrastructure,
Economic Development, Simon Sanchez High School,
Disability Services, Self-Determination and
Historic Preservation, Housing, Public Accountability,
and the Guam Buildup; and substituted and
further amended on the Floor.

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Introduced by:

Sabina Flores Perez
Therese M. Terlaje
Chris Barnett
Telo T. Taitague

**AN ACT TO *ADD* A NEW § 48307 TO ARTICLE 3 OF
CHAPTER 48, TITLE 21, GUAM CODE ANNOTATED,
RELATIVE TO ALLOWING TENANTS TO MAKE
REPAIRS TO WEATHERHEADS AND WEATHERHEAD
POSTS FOLLOWING STORMS IN CASES WHERE
LANDLORDS FAIL TO ACT EXPEDITIOUSLY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that following significant typhoons, the most common form of damage is to the
4 weatherheads of buildings. The weatherhead is the structure where the electrical
5 service line enters the building. Its purpose is to keep rainwater out of the building.
6 If the weatherhead is damaged during a windstorm, water may enter the building's
7 electrical system causing damage or creating an electrical hazard risk. For these
8 reasons, GPA requires that repairs be made by a licensed electrician. While owner-
9 occupied homeowners are quick to engage repair services, landlords of rental units
10 may have less incentive to make repairs.

1 *I Liheslatura* further finds that prior to the enactment of the recent landlord-
2 tenant law (Public Law 34-146) tenants were authorized to make minor repairs when
3 the landlord did not act expeditiously (§§ 51101 and 51102, 18 GCA). Under the
4 recently enacted Public Law 34-146, tenants can choose to either declare a breach
5 has occurred and vacate the premises or take reasonable or appropriate measures to
6 make repairs if the landlord fails to do so. Following a major storm, it is usually
7 difficult to hire moving services, find suitable housing, and/or find available licensed
8 and master electricians. Therefore, residents of rental units may find themselves
9 waiting several months until the landlord makes repairs so that electricity services
10 can be restored.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to clarify current statute
12 by allowing a narrow exception to the landlord-tenant law that allows tenants, whose
13 landlords fail to act expeditiously or fail to commence or fail to make a good faith
14 effort to commence repairs, to fund the cost of repairs to weatherheads and
15 weatherhead posts caused by damaging and destructive winds and to offset future
16 rent payments by the amount of the repair costs.

17 **Section 2.** A new § 48307 is *added* to Article 3 of Chapter 48, Title 21,
18 Guam Code Annotated, to read as follows:

19 “§ 48307. **Weatherhead Damage from Windstorm.**

20 (a) Notwithstanding any other provision of this Chapter, the tenant
21 shall report any observed damage to the weatherhead or weatherhead post
22 where the damage is related to damaging or destructive winds (windspeed that
23 exceeds thirty-four (34) knots or forty (40) miles per hour) to the landlord or
24 the landlord’s contractor, agent, representative, or employee. If the landlord
25 fails to commence or make a good faith effort to commence repair to the
26 damaged weatherhead within ten (10) days following the date that the landlord
27 became aware of the damage, the tenant may, with the services of a master

1 and licensed electrician, and at his own cost, cause repairs to be made to the
2 weatherhead in compliance with Guam's building and electrical code laws,
3 rules, and regulations. The tenant may deduct the reasonable cost of such
4 repairs from the next subsequent rent payment, only after submitting an
5 itemized invoice to the landlord. In the event that the cost exceeds one (1)
6 month's rent payment, the tenant may continue to deduct the balance of the
7 cost, for a period not to exceed three (3) months. In the event that damage to
8 the weatherhead occurs in a multifamily structure and multiple tenants incur
9 the cost of repairs, each tenant may deduct the cost of the repairs that the
10 respective tenants contributed for the repair service from future rent payments.

11 (b) The date of the landlord's awareness of the damage occurs at the
12 earliest date of the following:

13 (1) the landlord or the landlord's contractor, agent,
14 representative, or employee becomes aware of the damage to the
15 weatherhead or weatherhead post;

16 (2) the tenant, in writing or orally, communicated the
17 discovery of damage to the weatherhead or weatherhead post to the
18 landlord or the landlord's contractor, agent, representative, or
19 employee; or

20 (3) an inspection of the weatherhead or weatherhead post was
21 conducted by an employee or contractor of the Guam Power Authority
22 during post-storm electrical service restoration, and the landlord or
23 tenant was notified that electricity could not be restored until the
24 damage to the weatherhead was repaired in accordance with applicable
25 laws, rules, and regulations.

26 (c) This Section does not apply to the following:

1 (1) buildings where a licensed electrician, master electrician,
2 or engineer has determined that it is unsafe to restore electricity service
3 until repairs other than repairs to the weatherhead or weatherhead post
4 are completed; or

5 (2) the building was subject to water inundation as a result of
6 damaged doors, windows, or loss of roofing parts or flooding, and such
7 building was deemed unsafe by a licensed electrician, master
8 electrician, or engineer until appropriate repairs can be made; or

9 (3) the tenant apparently abandoned the building following
10 the windstorm.”

11 **Section 3. Severability.** If any provision of this Act or its application to any
12 person or circumstance is found to be invalid or inorganic, such invalidity shall not
13 affect other provisions or applications of this Act that can be given effect without
14 the invalid provision or application, and to this end the provisions of this Act are
15 severable.

16 **Section 4. Effective Date.** This Act shall be effective upon enactment.