

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
386-33 (COR)	T. R. Muña Barnes Judith T. Won Pat, Ed.D. James V. Espaldon	AN ACT TO ADOPT RULES AND REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND GUIDELINES OF THE HOUSING TRUST FUND ACT.	10/13/16 2:27 p.m.	10/14/16	Committee on Municipal Affairs, Tourism, Housing, and Historic Preservation	11/14/16 9:04 a.m.	11/22/16 9:33 a.m.	Fiscal Note Request 10/14/16
	DATE PASSED	TITLE	DATE AND TIME TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LÀ HEN GU'À HAN</small>	PUBLIC LAW NO.	NOTES
	12/02/16	AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND GUIDELINES OF THE HOUSING TRUST FUND ACT.	12/05/16	4:50 p.m.	12/16/16			



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

December 5, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 201-33 (COR), 224-33 (COR), 285-33 (COR), 317-33 (COR), 335-33 (COR), 343-33 (COR), 344-33 (COR), 347-33 (COR), 348-33 (COR), 354-33 (COR), 360-33 (COR), 361-33 (COR), 362-33 (COR), 365-33 (COR), 369-33 (COR), 370-33 (COR), 371-33 (COR), 373-33 (COR), 374-33 (COR), 375-33 (COR), 378-33 (COR), 384-33 (COR), 386-33 (COR), 387-33 (COR), 393-33 (COR), 394-33 (COR), and 400-33 (COR); and Substitute Bill Nos. 168-33 (COR), 187-33 (COR), 221-33 (COR), 351-33 (COR), and 367-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on December 2, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (32)

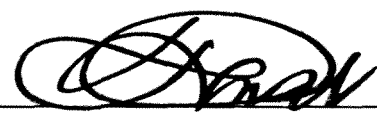
OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 1:40 PM DATE 12-5-16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

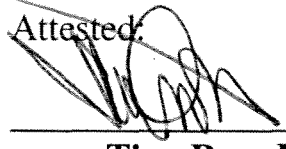
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that **Bill No. 386-33 (COR)**, "AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND GUIDELINES OF THE HOUSING TRUST FUND ACT," was on the 2nd day of December 2016, duly and regularly passed.



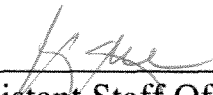
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 2th day of Dec, 2016, at 4:30 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY _____
TIME 4:30 PM DATE 12-2-16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 386-33 (COR)

As amended on the Floor.

Introduced by:

T. R. Muña Barnes
Judith T. Won Pat, Ed.D.
James V. Espaldon
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
Brant T. McCreddie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.

**AN ACT TO ADOPT THE RULES AND REGULATIONS
GOVERNING THE ADMINISTRATION,
DEVELOPMENT, IMPLEMENTATION, PROCEDURES
AND GUIDELINES OF THE HOUSING TRUST FUND
ACT.**

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

2 **Section 1. Legislative Findings and Intent.** With the enactment of Public
3 Law 31-166, *I Liheslaturan Guåhan* established the “Housing Trust Fund Act.”
4 Under the Act, *I Liheslaturan Guåhan* determined that the Housing Trust Fund *shall*
5 be administered by Guam Housing Corporation wherein the funds held in the
6 Housing Trust Fund *shall* be used to assist qualified recipients to obtain affordable

1 housing as provided under the Act. It is, therefore, the intent of *I Liheslaturan*
2 *Guåhan* to adopt the rules and regulations governing the administration of affordable
3 housing to qualified recipients under the Housing Trust Fund Act.

4 **Section 2. Adoption of Rules and Regulations.** Notwithstanding any
5 other provision of law, rule, regulation, or Executive Order, the RULES AND
6 REGULATIONS GOVERNING THE ADMINISTRATION, DEVELOPMENT,
7 IMPLEMENTATION, PROCEDURES, AND GUIDELINES OF THE HOUSING
8 TRUST FUND ACT, attached hereto as Appendix “A”, governing the
9 administration of affordable housing to qualified recipients under the Housing Trust
10 Fund Act, are adopted by *I Liheslaturan Guåhan*, and *shall* be codified as a new §
11 2120 of Chapter 2, Title 11, Guam Administrative Rules and Regulations.

12 **Section 3. Severability.** If any provision of these rules and regulations or
13 its application to any person or circumstances is found to be invalid or contrary to
14 law, such invalidity *shall not* affect other provisions or applications to these rules
15 and regulations that can be given effect without the invalid provisions or application,
16 and to this end the provisions of these rules and regulations are severable.

1 Appendix “A”

2 **RULES AND REGULATIONS GOVERNING THE ADMINISTRATION,**
3 **DEVELOPMENT, IMPLEMENTATION, PROCEDURES AND**
4 **GUIDELINES OF THE HOUSING TRUST FUND ACT**

5
6 A new § 2120 is *added* to Chapter 2 of Title 11, Guam Administrative Rules,
7 to read:

8 **“§ 2120. Guam Housing Trust Fund.**

9 (a) Purpose and Use of the Housing Trust Fund.

10 (1) Pursuant to the Housing Trust Fund Act, codified at
11 Title 12 GCA §§ 41001 – 41006, the purpose of the
12 Housing Trust Fund (Fund) is to support the affordability
13 and accessibility of housing for the residents of Guam, and
14 to finance support services that assist low-income
15 households in obtaining and maintaining affordable
16 housing.

17 (2) The Fund *shall* be kept separate and apart from all
18 other funds or accounts held or maintained by Guam
19 Housing Corporation (Corporation). The Fund, for the
20 purposes of this Subsection, may come from federal grants
21 and other contributions, grants, gifts, bequests, and
22 donations received from other governmental entities,
23 individuals, private organizations, or foundations, and any
24 interest earnings on such monies, which monies the
25 Corporation may solicit, accept, expend and disburse for
26 the purpose of making grants or loans subject to approval
27 by *I Liheslaturan Guåhan*. The Fund *shall* also consist of
28 all monies collected by the Corporation, which may

1 include monies generated from recording fees, real
2 property transfer fees, interest money earned from tenant
3 security deposits, or real estate brokered escrow accounts,
4 or other viable resources to support the Housing Trust
5 Fund Program as approved by *I Liheslaturan Guåhan*.
6 The funds, collected as provided under this Subsection or
7 by law, *shall* be transmitted to the Corporation, and
8 deposited in a separate account under the Fund.

9 (3) The Board of Directors of the Guam Housing
10 Corporation *shall* approve the expenditure of monies held
11 in the Fund for the improvement, preservation, or
12 expansion of affordable housing; to finance foreclosure
13 prevention activities on Guam; to fund the acquisition of
14 housing; or to fund resources towards obtaining the
15 economic data necessary to advise the Board of Directors
16 of the Guam Housing Corporation relative to the housing
17 conditions on Guam.

18 (4) Any monies held in the fund that is not expended or
19 encumbered from any appropriation at the end of any
20 fiscal year, including interest earned on the investment or
21 deposit of moneys held in the fund, *shall* remain in the
22 fund and *shall not* revert to the general fund account or any
23 other funds under the control and management of Guam
24 Housing Corporation, and *shall* be utilized for the next
25 fiscal year for the purposes specified in the Housing Trust
26 Fund Act.

27 (b) Allocation Procedures for Programs.

1 (1) The Fund may be used for the production or
2 preservation of affordable housing through acquisition of,
3 new construction, reconstruction, and/or rehabilitation of
4 non-luxury housing upon the approval by the Board of
5 Directors of the Corporation. These funds *shall* be
6 allocated to specific, affordable housing and rental
7 programs as established pursuant to 12 GCA § 41003 of
8 the Housing Trust Fund Act. A fee of ten percent (10%)
9 *shall* be allocated and used from the Fund for each housing
10 or rental program supported by the Fund and remitted to
11 the Corporation to cover the Corporation's reasonable
12 administrative fees associated with administering the
13 Housing Trust Fund programs.

14 (2) The Corporation, upon approval by the Board, *shall*
15 determine a percentage of the trust funds to be withheld in
16 support of the various affordable housing programs
17 approved by *I Liheslaturan Guåhan*, consistent with the
18 appropriate criteria and guidelines as provided by 12 GCA
19 §§ 41003 and 41004 and any other law or regulation, to
20 include, but not be limited to, the following type of
21 programs:

- 22 (A) Home ownership programs;
- 23 (B) Land survey revolving fund;
- 24 (C) Down payment assistance programs;
- 25 (D) Grants designated under the First-Time
26 Home-owner Relief Act program;
- 27 (E) Rental assistance programs;

- (F) Utility hook-up programs;
- (G) Hazard mitigation programs;
- (H) Property renovation programs;
- (I) Homeless programs;
- (J) Retrofit programs for compliance with the Americans for Disabilities Act;
- (K) Emergency shelters;
- (L) Housing Solution Programs for the elderly;
- (M) Property acquisition programs;
- (N) New Construction programs;
- (O) Non-Profit or charitable housing programs;
- (P) Special lending or loan programs;
- (Q) Short term loan programs; and
- (R) Any other affordable housing program as approved by the Corporation and *I Liheslaturan Guåhan* consistent with the Housing Trust Fund Act, and all other applicable laws.

(3) The disbursement of these funds to a specific program *shall* be based upon income and financial need with the primary emphasis on the lowest of the income level as identified by the U.S. Department of Housing and Urban Development (HUD) adjusted by household size and consistent with the guidelines for income limits established by the Corporation. Some of these programs may be specific to first-time home buyers, or by income or financial need, as determined by the specific program and

1 consistent with the Housing Trust Fund Act and these rules
2 and regulations.

3 (4) The guidelines and criteria for each housing
4 program as set forth above, unless otherwise specified
5 elsewhere, *shall* be established by the Board of Directors
6 of the Corporation and approved by *I Liheslaturan*
7 *Guåhan*.

8 (c) Prohibited activities and fees under the Housing Trust Fund.

9
10 The Fund *shall not* be used to pay any delinquent taxes, fees, or
11 other charges on properties to be assisted with the Housing Trust Fund
12 programs or for any political activities, travel or lobbying associated
13 with the development and implementation of the Housing Trust Fund
14 programs.

15 (d) Duties and responsibilities of Guam Housing Corporation
16 involving the administration of the Housing Trust Fund:

17 (1) The Corporation *shall* encourage private enterprise
18 in all public and private agencies engaged in the planning,
19 construction, and acquisition of adequate affordable
20 housing or the rehabilitation of existing houses on Guam
21 by providing research, advisory, and liaison services and
22 grants for rehabilitation, construction, or acquisition from
23 appropriations made for this purpose by *I Liheslaturan*
24 *Guåhan* and from funds accumulated in the Fund.

25 (2) The Corporation *shall* conduct continuing research
26 into new approaches to affordable housing on Guam to
27 include:

1 (A) Investigating living, dwelling, and housing
2 conditions on Guam and viable means and methods
3 of correcting unsafe, unsanitary, or substandard
4 conditions;

5 (B) Making available to responsible agencies,
6 boards, commissions, or other government agencies
7 its findings and recommendations with regard to
8 any building or property where conditions exist that
9 are unsafe, unsanitary or substandard;

10 (C) Accepting and receiving grants and services
11 from the federal government and other sources, and
12 to process such grants and services for itself and
13 other public and private non-profit agencies and
14 corporations related to affordable housing;

15 (D) Providing training and technical support to
16 individuals, private enterprise, and all public
17 agencies in the construction and renovation of
18 affordable housing;

19 (E) Administering and making loans and grants
20 available to individuals and private enterprise
21 foreclosure counselors who will assist individuals
22 or enterprises in understanding, avoiding, or
23 working through foreclosures of property;

24 (F) Serving as the sole agency for the purpose of
25 administering any plan for financial housing
26 assistance to persons in low and moderate income
27 households for the purpose of assisting such persons

1 in obtaining housing, including without limitation,
2 rental assistance, technical assistance, the
3 construction and rehabilitation of housing, as well
4 as any other plan relating to such financial housing
5 assistance that requires action that has not been
6 made the specific responsibility of any other agency
7 in accordance with the Housing Trust Fund Act or
8 other federal or Guam law, consistent with these
9 rules and regulations;

10 (G) Establish, adopt, and amend such rules and
11 regulations as may be necessary to accomplish the
12 goals of the Housing Trust Fund Act; and

13 (H) Enforce the provisions of the Housing Trust
14 Fund Act and these rules and regulations.”