

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

DEC 04 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

33-15-1146
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 12-4-2015
Time: 1:27 pm
Received By:

Dear Madame Speaker:

Transmitted herewith is Bill No. 196-33 (LS) "AN ACT TO TRANSFER APPROXIMATELY FOUR HUNDRED FORTY-THREE (443) LOTS WHICH HAVE LAPSED INTO FORECLOSURE FROM ALL THE "LAND FOR THE LANDLESS" SUBDIVISIONS, AND FROM ALL OTHER SUCH SUBDIVISIONS, TO THE CHAMORRO LAND TRUST COMMISSION'S AVAILABLE LANDS INVENTORY FOR CHAMORRO HOMELANDS" which was signed into law by Acting Governor, Ray Tenorio on December 1, 2015, as **Public Law 33-104**.

Senseramente,

EDDIE BAZA CALVO

2015 DEC -4 PM 3:51

1146

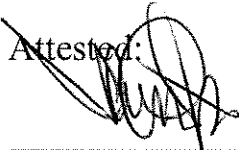
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 196-33 (LS), "AN ACT TO TRANSFER APPROXIMATELY FOUR HUNDRED FORTY-THREE (443) LOTS WHICH HAVE LAPSED INTO FORECLOSURE FROM ALL THE "LAND FOR THE LANDLESS" SUBDIVISIONS, AND FROM ALL OTHER SUCH SUBDIVISIONS, TO THE CHAMORRO LAND TRUST COMMISSION'S AVAILABLE LANDS INVENTORY FOR CHAMORRO HOMELANDS," was on the 19th day of November 2015, duly and regularly passed.

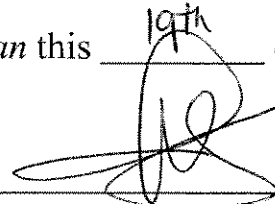


Judith T. Won Pat, Ed.D.
Speaker

Attested:


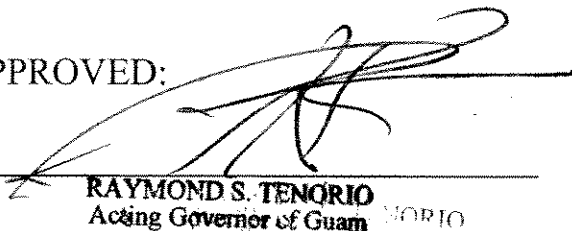
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 19th day of November,
2015, at 5:50 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: DEC 01 2015

Public Law No. 33-104

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 196-33 (LS)

As amended by the Sponsor; and
substituted and amended on the Floor.

Introduced by:

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

AN ACT TO TRANSFER APPROXIMATELY FOUR HUNDRED FORTY-THREE (443) LOTS WHICH HAVE LAPSED INTO FORECLOSURE FROM ALL THE "LAND FOR THE LANDLESS" SUBDIVISIONS, AND FROM ALL OTHER SUCH SUBDIVISIONS, TO THE CHAMORRO LAND TRUST COMMISSION'S AVAILABLE LANDS INVENTORY FOR CHAMORRO HOMELANDS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that P.L. 14-138 authorized the *Land for the Landless Program* on August 25,

1 1978. Afterwards, more public laws were enacted to provide for more than one
2 thousand six hundred fifty (1,650) residential lots in Agafu Gumas and Tract 9210
3 in Yigo, As-Tumbo in Dededo, As-Lucas in Talofofu, Ija in Inarajan, Malojloj,
4 Pigua in Merizo, Tract 104-Machanag/As-Pailo and Tract 3241 in Umatac, Umang
5 and Pagachao in Agat, and Kaiser in Piti, that have benefited about one thousand
6 thirty-six (1,036) families. General Fund appropriations were authorized to survey
7 the tracts and construct the infrastructure within these subdivisions.

8 The residential lots were sold for Two Thousand Five Hundred Dollars
9 (\$2,500) payable over a ten (10)-year contract period. Unfortunately, some buyers
10 were unable to meet the obligations of their contract. As a result of the default, the
11 contracts were terminated.

12 *I Liheslaturan Guåhan* further finds that in the FY 2011 Citizens Centric
13 report, the Department of Land Management reported that there exists four
14 hundred forty-three (443) unpaid *Land for the Landless* accounts. These four
15 hundred forty-three (443) accounts have essentially lapsed into foreclosure leaving
16 the valuable lots vacant and left idle outside of the real property tax base but within
17 the titled residential subdivisions.

18 *I Liheslaturan Guåhan* further finds that P.L. 23-39 terminated the *Land for*
19 *the Landless Programs and Subdivisions* in Yigo, Dededo, and Agat. Therefore,
20 the expired agreements of these government lands are no longer ‘*dedicated to a*
21 *specific public use by law, and are hereby designated as available lands*’ for use
22 by the Chamorro Land Trust Commission pursuant to § 75104(a) and § 75105(a)
23 of Chapter 75, Title 21, GCA.

24 *I Liheslaturan Guåhan* intends to transfer all expired un-consummated
25 contracts for lots in all the *Land for the Landless* subdivisions, and all other such
26 subdivisions, into the Chamorro Land Trust Commission’s available lands
27 inventory for Chamorro Homelands. These subdivisions, throughout the island, are

1 intended for residential leasing and will become valuable assets for the
2 beneficiaries of the Chamorro Land Trust. Certain lots within these subdivisions
3 may not be suitable for residential use due to their topography or geological
4 characteristics, and their use is at the discretion of the Commission. The
5 Commission, though, is highly encouraged to consider community gardens, green
6 spaces, park spaces and conservation areas in their consideration for the use of
7 these such lots and areas.

8 **Section 2. Notification of Purchasers Under the Land for the Landless**
9 **Who Had Defaulted and Remedy.**

10 (a) The Director of the Department of Land Management
11 (Department) *shall* exercise his best efforts to notify purchasers who had
12 defaulted on contracts under the *Land for the Landless* program to submit, at
13 the purchaser's option, an appeal to rescind the default. The appeal must
14 provide justification on why the default should be rescinded. Said
15 notifications from the Department of Land Management *shall* be sent via
16 certified mail, and accomplished within forty-five (45) days of enactment of
17 this Act.

18 (b) Purchasers, or their legal beneficiaries, *shall* be given thirty
19 (30) days from the date of receipt of the notice to submit their appeal and
20 justification to the Department. The Department *shall* have forty-five (45)
21 days to review the appeals and to make a determination. Appeals that *do not*
22 receive a determination within the forty-five (45) days *shall* be deemed
23 approved.

24 (c) If the Department finds the justification to be reasonable or
25 pursuant to Subsection (b) above, and the purchaser, or his/her legal
26 beneficiary, is still eligible under the program's guidelines, the Department

1 *shall* give the purchaser the opportunity to rectify the default within sixty
2 (60) days from the date of notice that the default has been rescinded.

3 (d) The remedy available to the purchaser, or his/her legal
4 beneficiary, *shall* be to pay the full amount of the balance due on the initial
5 Two Thousand Five Hundred Dollars (\$2,500) purchase price.

6 (e) An interest penalty *shall* be assessed on the unpaid balance at
7 an annual percentage rate (APR) of four and one half percent (4.5%) from
8 the date that last payment was made or should have been made.

9 (f) Funds received *shall* be deposited into the *Chamorro Land*
10 *Trust Survey and Infrastructure Fund*.

11 (g) Re-entry. Every deed of conveyance of a lot under this Act
12 *shall* contain a right of re-entry by the government if the grantee sells or
13 leases any of the conveyed property within ten (10) years after the date of
14 execution of the deed by *I Maga'låhi* (the Governor).

15 (h) Limitations in Deed. Each deed conveying a lot pursuant to
16 this Act *shall* contain a right of reverter to the government if the grantee
17 sells or leases any of the conveyed property within ten (10) years after the
18 date of execution of the deed, or if the grantee inherits or otherwise acquires
19 other land in Guam, in addition to the conveyed lot, and at the time of such
20 subsequent acquisition of land the grantee has not constructed any structure
21 on the conveyed lot.

22 **Section 3. Transfer of Trust, Chamorro Homelands.** The Department
23 of Land Management is hereby directed to transfer all titles and maps of lots in the
24 *Land for the Landless* subdivisions, and all other such subdivisions, which have
25 contracts that have expired and/or foreclosed, or are unsold, to the Chamorro Land
26 Trust Commission's available lands inventory. These lots are now declared

1 Chamorro Homelands. Said transfer *shall* be made within two hundred ten (210)
2 days from the date of enactment of this Act.

3 **Section 4. Exemption.** § 2107 of Title 2, Guam Code Annotated, and the
4 Standing Rules of *I Mina'Trentai Tres Na Liheslaturan Guåhan* relative to the
5 appraisals of land *shall not* apply to this Act.

6 **Section 5. Severability.** If any provision of this law or its application to
7 any person or circumstance is found to be invalid or contrary to law, such
8 invalidity *shall not* affect other provisions or applications of this law, which can be
9 given effect without the invalid provisions or applications and to this end the
10 provisions of this law are severable.