

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
164-38 (COR) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure; and further amended on the Floor.	Tina Rose Muña Barnes Joe S. San Agustin William A. Parkinson V. Anthony Ada Chris Barnett Vincent A. V. Borja Shelly V. Calvo Christopher M. Dueñas Eulogio Shawn Gumataotao Jesse A. Lujan Sabrina Salas Matanane Therese M. Terlaje	AN ACT TO <i>ADD</i> A NEW ARTICLE 2A TO CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING THE ZONING LAW FOR AFFORDABLE HOUSING.	6/27/25 10:57 a.m.	7/7/25	Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	Request: 7/7/25 7/15/25	7/22/25 2:00 p.m.	9/12/25 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	9/29/25	AN ACT TO <i>ADD</i> A NEW ARTICLE 2A TO CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING THE ZONING LAW FOR AFFORDABLE HOUSING.	10/3/25	10/7/25	10/18/25				



COPY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
Thirty-Eighth Guam Legislature

October 7, 2025

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are Bill Nos. 1-38 (COR), 7-38 (COR), 21-38 (COR), 51-38 (COR), 70-38 (COR), 73-38 (COR), 77-38 (COR), 91-38 (COR), 99-38 (COR), 119-38 (COR), 135-38 (COR), 137-38 (COR), 144-38 (COR), 146-38 (COR), 164-38 (COR), and 177-38 (LS) which were passed by *I Mina'trentai Ocho Na Liheslaturan Guahan* on October 3, 2025.

Sincerely,

Senator Sabrina Salas Matanane
Legislative Secretary

Enclosure (16)

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By:	<u>Jessica Dydasco</u>
Date:	<u>10/7/25</u> Time: <u>4:40 PM</u>



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

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

This is to certify that **Bill No. 164-38 (COR)**, "AN ACT TO ADD A NEW ARTICLE 2A TO CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING THE ZONING LAW FOR AFFORDABLE HOUSING," was on the 3rd day of October 2025, duly and regularly passed.



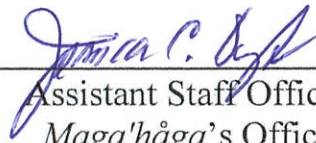
Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 7th day of October, 2025, at 4:40 o'clock P.M.



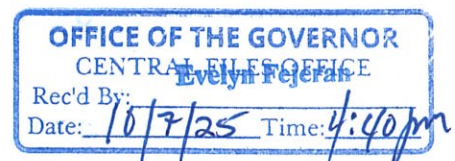
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 164-38 (COR)

As amended by the Committee on Land, Environment,
Housing, Agriculture, Parks, and Infrastructure;
and further amend on the Floor.

Introduced by:

Tina Rose Muna Barnes
Joe S. San Agustin
William A. Parkinson
V. Anthony Ada
Chris Barnett
Vincent A.V. Borja
Shelly V. Calvo
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Jesse A. Lujan
Sabrina Salas Matanane
Therese M. Terlaje
Frank F. Blas, Jr.
Telo T. Taitague

**AN ACT TO *ADD* A NEW ARTICLE 2A TO CHAPTER 61,
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO
STREAMLINING THE ZONING LAW FOR
AFFORDABLE HOUSING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam is facing a significant housing supply shortage, which has been further strained by the ongoing relocation of U.S. Marines from Okinawa, the expansion of military facilities, and the accompanying influx of civilian support personnel and private contractors. These factors, having disproportionately increased housing

1 demand without a corresponding increase in the supply of residential housing, create
2 severe market imbalances.

3 Compounding this imbalance are rising costs of concrete, rebar, and
4 construction materials and labor availability challenges with the limited pool of
5 skilled local labor being utilized for on base projects. Although private sector
6 developers may access H-2B labor similar to military contractors, regulatory and
7 administrative constraints continue to hinder streamlined housing production.

8 There exists a critical need to increase the supply of affordable housing units,
9 particularly for low- to moderate-income households earning between 30% and
10 150% of Guam's Area Median Income (AMI), as defined by the U.S. Department of
11 Housing and Urban Development (HUD). A review of Guam's current median
12 household income versus the median price of a home reveals an alarming
13 affordability gap, indicating that conventional market-driven solutions alone are
14 insufficient.

15 Furthermore, the Federal Housing Administration (FHA) mandates that
16 multifamily developments aimed at middle-income households include a Land Use
17 Restriction Agreement (LURA) as a requirement for eligibility under FHA
18 underwriting guidelines. A LURA serves as a legally binding agreement to maintain
19 affordability by limiting rents and tenant income levels for a specified duration.
20 Therefore, the intent of this Act is to enforce the mandatory inclusion of a LURA as
21 a prerequisite for participation in Guam's affordable housing program. This aligns
22 Guam's local housing policies with federal FHA multifamily financing
23 requirements.

24 *I Liheslaturan Guåhan* further recognizes that dormant lands may represent
25 untapped opportunities for targeted development; however, a comprehensive
26 inventory of R-1 and R-2 lands is critically lacking. A deeper understanding of

1 existing R-1 and R-2 inventory will be crucial to strategic planning and identifying
2 the highest-yield zoning conversions.

3 *I Liheslaturan Guåhan* further finds that current public hearing and planning
4 Council mandates—such as the requirement for three (3) Mayors Planning Council
5 (MPC) meetings per zoning application—may unnecessarily delay otherwise
6 meritorious and time-sensitive affordable housing projects. These delays are
7 particularly burdensome where grant deadlines, financing timelines, or escrow
8 closing conditions require certainty in zoning approvals. Therefore, this Act
9 authorizes a flexible, mayor-led approach to MPC hearings, reducing duplication for
10 non-controversial projects, while still ensuring meaningful community engagement
11 and adherence to the Open Government Law.

12 It is therefore the intent of *I Liheslaturan Guåhan* to –

- 13 • Streamline the zoning process to support the rapid development of
14 affordable and multifamily housing through appropriate conversions of
15 existing zones such as Agricultural (A), R-1, Commercial (C), Hotel
16 (H), and Planned Unit Developments (PUDs), subject to clear
17 environmental, infrastructure, and planning standards;
- 18 • Reinforce transparency and legitimacy in the zoning process by vesting
19 zoning designation authority in the Guam Land Use Commission
20 (GLUC), whose members are appointed by the Governor and
21 confirmed by *I Liheslaturan Guåhan*, with administrative processing
22 handled by the Department of Land Management (DLM);
- 23 • Ensure that developments located over the Northern Guam Lens
24 Aquifer (NGLA) or other designated water resource protection areas
25 are connected to municipal sewer infrastructure when available, or
26 utilize advanced, environmentally sustainable waste treatment systems
27 where sewer infrastructure is unavailable;

1 (a) "Department" means the Department of Land Management
2 (DLM) of Guam.

3 (b) "Affordable housing" means housing units designated for
4 families earning between 30% and 150% of the Area Median Income of
5 Guam.

6 (c) "Land Use Restriction Agreement (LURA)" means a deed
7 restriction that ensures that the property remains designated for affordable
8 housing, and meets U.S. Department of Housing and Urban Development
9 (HUD) 30% and 150% of the Area Median Income as per HUD Designated
10 High-Cost Living Area. A LURA executed under this Act shall require the
11 affordability designation to remain in effect for a period of thirty (30) years
12 from the date of issuance of the certificate of occupancy, in compliance with
13 Federal Housing Administration (FHA) lender underwriting requirements."

14 **§ 612A03. Streamlined Zoning Process.**

15 (a) For the purposes of this Act, only those developments planned for
16 affordable housing and/or housing units with Land Use Restriction Agreements
17 (LURA), as defined by this Act, shall avail of the Streamlined Zoning Process as
18 provided in this Act.

19 (b) The Bureau of Statistics and Plans (BSP), as Guam's designated land
20 use planning agency, shall issue planning guidelines and long-range zoning policies.
21 BSP shall transmit any position statements for applications submitted under this Act
22 to the Department of Land Management (DLM) within thirty (30) calendar days of
23 receipt. If BSP determines that a specific rezoning application requires additional
24 technical analysis or review time due to staffing limitations or the complexity of the
25 proposed development, BSP may request a conditional extension of no more than
26 thirty (30) additional calendar days. Such request shall be submitted in writing to
27 DLM and copied to the applicant, stating the justification for the extension. To

1 support the effective implementation of this Act and ensure timely processing of
2 applications under the streamlined zoning process, appropriations may be made to
3 BSP for the recruitment and hiring of qualified planning personnel or consultants, as
4 well as for the acquisition, maintenance, and enhancement of Geographic
5 Information System (GIS) resources and other technical infrastructure necessary to
6 support land use analysis and zoning reviews. All other zoning applications outside
7 this Act shall remain subject to BSP's standard review timelines.

8 (c) The Guam Land Use Commission (GLUC), composed of members
9 appointed by *I Maga'låhi/ I Maga'håga* (the Governor) and confirmed by *I*
10 *Liheslaturan Guåhan*, shall be the approving authority for zone designations under
11 this Act. The GLUC shall consider recommendations and advisory input provided
12 by the Application Review Committee (ARC) in its deliberations. DLM shall serve
13 as the implementing agency.

14 (1) Upon submission of a complete rezoning application under this
15 Act, DLM shall facilitate the review and forward the application, along with
16 the Mayor's resolution, to GLUC for a preliminary zoning determination. This
17 zoning decision shall serve as a conditional zoning approval, limited to
18 rezoning purposes only.

19 (2) Final approval of the proposed development, including site
20 plans, permits, and use compliance, shall occur separately via the Application
21 Review Committee (ARC) and GLUC, in accordance with standard processes
22 and procedures.

23 (3) GLUC shall have the authority to designate zones specifically
24 for:

25 (A) Single Family Dwellings (R-1).

26 (B) Multi Family Dwellings (R-2) targeting low to moderate-
27 income communities.

1 (C) Zoning Conversion to R2. Zones defined as A
2 [Agricultural], R1 [Single-Family Residential], C [Commercial], H
3 (Hotel), or Planned Unit Development may be converted to R2 [Multi-
4 Family Residential] zoning, provided the conversion complies with all
5 applicable regulations and standards set forth for R2 zones, including
6 but not limited to - density, building height, setback requirements, and
7 parking. Building height for R-2 conversions shall be subject to the
8 maximum height limitations provided in § 61401, Article 4, Chapter
9 61, Title 21, Guam Code Annotated. In areas outside the Hagåtña
10 Central Business District, building height shall not exceed thirty (30)
11 feet unless a variance is granted by the Guam Land Use Commission
12 (GLUC).

13 (4) Zoning Conversion to R1. Zones defined as A (Agricultural) may
14 be converted to R1 (Single-Family Residential) zoning, provided the
15 conversion complies with all applicable regulations and standards set forth for
16 R1 zones, including but not limited to - density, building height, setback
17 requirements, and parking.

18 **§ 612A04. Zoning Conversion. Compliance and Enforcement.**

19 (a) Any development undergoing zoning conversion under § 612A03(b)(3)
20 and § 612A03(b)(4) shall adhere to all current environmental regulations, building
21 codes, and urban planning guidelines.

22 (b) The Department of Land Management (DLM) shall oversee the
23 enforcement of zoning conversions to ensure compliance with all stipulated
24 conditions and standards.

25 (c) Violations of zoning conversion regulations may result in penalties,
26 including fines and revocation of conversion approvals.

1 (d) Applications for such zoning designations shall be expedited, and the
2 Department must approve or deny an application within thirty (30) days of
3 submission.

4 (e) A Land Use Restriction Agreement (LURA) executed pursuant to this
5 Act shall require the property to remain restricted for affordable housing for a period
6 of thirty (30) years from the date of certificate of occupancy. The agreement shall
7 be recorded with the Department of Land Management (DLM) and shall include
8 provisions for monitoring, enforcement, and penalties for early termination or non-
9 compliance.

10 (f) Developments located over the Northern Guam Lens Aquifer (NGLA)
11 or within designated water resource protection areas shall be required to connect to
12 an existing municipal sewer system, if available.

13 (1) Where municipal sewer infrastructure is not available:

14 (A) Only single-family detached dwellings shall be permitted to
15 install advanced nitrogen-reducing on-site wastewater disposal systems,
16 provided such systems are approved by the Guam Environmental Protection
17 Agency (GEPA), are located outside the Groundwater Protection Zone (GPZ),
18 and meet all applicable siting, setback, and performance standards; and

19 (B) Multi-family housing projects, apartment buildings, and
20 subdivisions shall be prohibited from using nitrogen-reducing on-site
21 wastewater disposal systems within the NGLA or designated groundwater
22 protection zones. These developments shall be required to connect to a public
23 sewer system or otherwise demonstrate compliance with all GEPA
24 requirements for wastewater infrastructure in sensitive recharge areas.

25 (2) The Department of Land Management (DLM), in coordination with
26 GEPA, shall promulgate rules and enforcement schedules to ensure ongoing
27 maintenance and compliance of said systems, including mandatory biennial

1 inspections. Funding mechanisms may be identified by DLM for enforcement
2 personnel to fulfill this mandate.”

3 (3) All provisions of this subsection shall be subject to the land use
4 management policy set forth in § 5101(c)(1)(B) of Chapter 5 GARR, the Guam
5 Environmental Protection Agency Water Quality Standards, which states that high-
6 density residential development - defined as more than one (1) dwelling per one-half
7 (½) acre should not occur within the Groundwater Protection Zone unless adequate
8 public sewer service is available.”

9 **§ 612A05. Application Requirements.**

10 (a) All proposed developments under this Act must comply with relevant
11 permitting requirements administered by the Application Review Committee (ARC)
12 and the Guam Land Use Commission (GLUC) prior to issuance of final development
13 approvals.

14 (b) Developers must obtain a resolution from the Mayor of the impacted
15 municipality confirming that community engagement has occurred. The Mayor may
16 convene a single Municipal Planning Council (MPC) meeting, held on the same day
17 as the Department of Land Management’s municipal public hearing, for the purposes
18 of soliciting community input and adopting a resolution of support.

19 (c) The Mayor’s resolution, reflecting MPC participation, shall be
20 transmitted to DLM and appended to the application file. The Mayor and MPC may
21 submit additional comments to the GLUC during final ARC and GLUC review
22 proceedings. This process shall not preclude additional community engagement
23 during the subsequent GLUC approval stages.

24 **§ 612A06. Reporting and Oversight.**

25 (a) The Department shall report annually to the Legislature on the number
26 of applications received, approved, and the status of developments under this Act.

1 (b) This report shall include an assessment of the effectiveness of the
2 streamlined process in addressing the housing shortage.

3 **§ 612A07. Streamlined Public Hearing and Mayor's Planning /council**
4 **(MPC) Review Process for Affordable Housing Projects.**

5 (a) The Mayor of the impacted municipality may convene a single MPC
6 public hearing held concurrently with or immediately following the Department of
7 Land Management's (DLM) municipal public hearing for the rezoning application.
8 This joint public hearing shall fulfill the statutory public notice and community input
9 requirements set forth in § 61106 of Title 21 GCA.

10 (b) Following the hearing, the Mayor shall issue a resolution confirming
11 the MPC's recommendation and certifying that community engagement has
12 occurred. This resolution shall be submitted to DLM no later than seven (7) calendar
13 days after the hearing.

14 (c) The resolution shall address zoning designation only. The Mayor and
15 MPC shall retain the right to submit additional feedback during subsequent ARC
16 and GLUC proceedings regarding the final development application.

17 (d) The provisions of this section shall apply exclusively to zoning
18 conversion or conditional use applications submitted under this Act for affordable
19 or mixed-income housing developments serving households earning between 30%
20 and 150% of Guam's AMI.

21 (e) The Department of Land Management shall adopt procedural
22 guidelines within forty-five (45) calendar days of enactment of this Act to ensure
23 compliance with the expedited zoning process, and shall ensure that all zoning
24 determinations are issued within ninety (90) calendar days of receipt of a complete
25 application."

26 **Section 3. Severability.** If any provision of this Act or its application to any
27 person or circumstance is found to be invalid or inorganic, such invalidity shall not

1 affect other provisions or applications of this Act which can be given effect without
2 the invalid provisions or application, and to this end the provisions of this Act are
3 severable.

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