







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
320-38 (COR)	V. Anthony Ada Christopher M. Dueñas Shelly V. Calvo Jesse A. Lujan Eulogio Shawn Gumataotao William A. Parkinson	AN ACT TO <i>ADD</i> A NEW §§ 61527 AND 61314 AND TO <i>AMEND</i> § 62101(a) ALL OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE LEGALIZATION OF CERTAIN NONCONFORMING DWELLINGS CONSTRUCTED ON COMMERCIAL ZONED LOTS AND TO CREATE A NEW ZONE DESIGNATION COMMERCIAL-MIXED (CM) ZONE THAT ALLOWS FOR THE CONSTRUCTION OF BOTH COMMERCIAL AND RESIDENTIAL BUILDINGS AND FACILITIES IN THE SAME LOT DESIGNATION.	5/13/26 2:57 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 320-38 (COR)

Introduced by:

V. Anthony Ada 
Christopher M. Dueñas 
Shelly V. Calvo 
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**AN ACT TO *ADD* A NEW §§ 61527 AND 61314 AND TO
AMEND § 62101(a) ALL OF CHAPTER 61, TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO THE
LEGALIZATION OF CERTAIN NONCONFORMING
DWELLINGS CONSTRUCTED ON COMMERCIAL
ZONED LOTS AND TO CREATE A NEW ZONE
DESIGNATION COMMERCIAL-MIXED (CM) ZONE
THAT ALLOWS FOR THE CONSTRUCTION OF BOTH
COMMERCIAL AND RESIDENTIAL BUILDINGS AND
FACILITIES IN THE SAME LOT DESIGNATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title. This Act shall be known and may be cited as the “**Family Dwelling Legalization Act of 2026.**”

Section 2. Findings and Purpose. *I Liheslaturan Guåhan* finds that dwellings, including multi-family, duplexes, and single-family residential buildings constructed on commercially zoned lots prior to December 31, 2000, contribute to needed housing supply and community stability. A number of Guam’s multifamily apartment buildings were legally permitted to be built on lots designated as Commercial Zone, despite the fact that a Conditional Use permit was not applied for and granted by the Guam Land Use Commission (GLUC). Single family and duplex

1 residential buildings, while legally permitted in a Commercial Zone, may not always
2 meet setback or other requirements. Guam’s financial institutions are now
3 mandating that all buildings to be financed meet the requirements of law. This
4 creates problems for Guam’s landowners and their families (especially our
5 manåmko’) who need to sell or refinance their property, and it creates issues for
6 buyers who are ready to enter into transactions.

7 *I Liheslaturan Guåhan* further finds that the current GLUC process with
8 public hearings and planning council mandates for zoning variance applications
9 create unnecessarily delays with time-sensitive transactions, especially considering
10 the residential nature of these buildings. These delays are particularly burdensome
11 where deadlines, financing timelines, or escrow closing conditions require certainty.

12 *I Liheslaturan Guåhan* further finds that recognizing these residential
13 nonconforming buildings, many of which have been occupied for decades, will have
14 the effect of expanding housing stock on our island. Given the rapid and substantial
15 increase in construction costs over the last five years, leaving most of our residents
16 unable to build new houses, this will have the effect of increasing the supply of
17 housing stock and provide relief to our manåmko’ and their families.

18 *I Liheslaturan Guåhan* further finds that creating a commercial-mixed zone
19 designation that allows both commercial and residential structures on the same lot
20 without the burdening landowner get a zone variance will help easing housing
21 shortages, reduce the need for new infrastructure and preserve or delay the
22 development raw land such as forest lands.

23 It is therefore the intent of *I Liheslaturan Guåhan* to clarify, confirm, and
24 grandfather multifamily apartment buildings built on commercially zoned land, such
25 that no variance or conditional use permit shall be required for the continued use,
26 financing, sale, or transfer of such properties, while preserving the application and
27 enforcement of other applicable laws and regulations, and to allow variances in

1 setbacks, parking requirements and other nonconformances for multi-family,
2 duplexes and single family buildings built on commercially zoned lots that would
3 otherwise be deemed nonconforming. The purpose of this Act is to confirm the
4 legality of such buildings as conforming uses and structures without further
5 applications to the GLUC; to eliminate unnecessary discretionary approvals; to
6 clarify that no additional variances or approvals are required for continued use, sale,
7 or transfer; and to remove parking, setback and other nonconformances consistent
8 with this legalization.

9 It is further the intent of *I Liheslaturan Guåhan* to create a new Commercial-
10 mixed zone designation so that, going forward, landowners will not be burdened by
11 the rigors of having to seek a zone change or variance to build residential buildings
12 on commercial zoned lots.

13 **Section 3.** A new § 61527 is *added* to Subarticle 3, Article 5, Chapter 61
14 Title 21, Guam Code Annotated to read as follows:

15 **“§ 61527. Legalization of Certain Multi-Family Buildings Built on**
16 **Commercial Lots and Legalization of setbacks and parking for Multi-Family**
17 **and other residential Dwellings.**

18 **(a) Definitions. For purposes of this Section:**

19 (1) ‘Commercial lot’ means any lot that, as of the date of
20 construction of the subject building or at a later time such that the
21 subject lot is currently zoned commercial, was zoned or designated for
22 commercial use under this Zoning Law.

23 (2) ‘Multi-family building’ means a building containing three (3)
24 or more separate dwelling units within a single structure, whether
25 attached or stacked, designed for residential occupancy, and includes
26 any accessory buildings built on the same lot.

1 **(b) Legalization of Multi-family Buildings to Conform Use and**
2 **Structure; and Legalization of Duplexes and Single-Family Dwellings to**
3 **Conform Structure.**

4 (1) Any multi-family building located on a commercial lot that
5 was constructed on or before December 31, 2025, is hereby declared a
6 lawful and conforming use and a lawful and conforming structure for
7 all purposes under this Zoning Law, irrespective of any prior
8 inconsistency with use, density, intensity, dimensional (including but
9 not limited to setbacks), design, or other provisions applicable to the
10 underlying commercial zone or multi-family requirements.

11 (2) Any duplex or single family building located on a commercial
12 lot that was constructed on or before December 31, 2000, is hereby
13 declared a lawful and conforming structure for all purposes under this
14 Zoning Law, irrespective of any prior inconsistency with use, density,
15 intensity, dimensional (including but not limited to setbacks), design,
16 or other provisions that would have been applicable under the “A”,
17 “R1” or “R2” zoning designations.

18 (3) The lawful and conforming status conferred by this Section
19 shall attach to the land and improvements and shall run with the land.

20 **(c) No GLUC or Discretionary Approval Required.**

21 (1) Notwithstanding any provision of law to the contrary, no
22 approval, permit, variance, conditional use authorization, zone change,
23 special exception, site plan approval, or other discretionary action by
24 the Guam Land Use Commission (GLUC) or any other land use or
25 zoning authority shall be required to establish, continue, maintain,
26 occupy, lease, sell, convey, finance, refinance, or otherwise transfer any
27 multi-family building, duplex or single family dwelling and associated

1 residential use legalized under subsection (b), Legalization of Multi-
2 family Buildings; Conforming Status; and Legalization of Duplexes
3 and Single Family Dwellings.

4 (2) Any pending GLUC or other discretionary proceeding
5 relating solely to the legality of the multi-family residential use or the
6 multi-family, duplex or single-family structure on a commercial lot
7 constructed on or before December 31, 2025, shall be deemed satisfied
8 and rendered moot by operation of this Section, and no further action
9 shall be required to confirm conformity.

10 **(d) Parking and Setbacks on Commercially zoned lots Deemed**
11 **Satisfied for Multi-family, duplexes, and single-family dwellings; No**
12 **Additional Requirements.**

13 (1) Parking, loading, and bicycle parking requirements otherwise
14 applicable under this Zoning Law shall not apply to multi-family
15 buildings and associated uses legalized under subsection (b),
16 Legalization of Multi-family Buildings; Conforming Status; and
17 Legalization of Duplexes and Single-Family Dwellings, and any
18 existing parking supply shall be deemed sufficient for all zoning and
19 land use purposes.

20 (2) Front, side, rear, yard, buffer, height plane, and any other
21 setback or yard requirements otherwise applicable under this Zoning
22 Law shall not apply to multi-family buildings and associated uses
23 legalized under subsection (b), duplexes, and single-family dwellings,
24 and any existing building placement, encroachments, yards, or
25 separations as constructed are deemed compliant for all zoning and land
26 use purposes.

1 (3) No additional parking, setback, yard, or related dimensional
2 approvals, variances, waivers, or nonconforming determinations shall
3 be required to lawfully continue, occupy, lease, sell, convey, finance,
4 mortgage, refinance, or transfer such buildings, dwellings, or dwelling
5 units as described in this Section.

6 **(e) Continued Use; Alterations; Replacement.**

7 (1) The multi-family residential use and structure legalized under
8 subsection (b), Legalization of Multi-family Buildings; Conforming
9 Status; and Legalization of Duplexes and Single-Family Dwellings, as
10 well as for duplexes and single-family dwellings may be continued
11 indefinitely without further approvals or variances.

12 (2) Ordinary repairs, maintenance, interior renovations, and
13 alterations that do not increase building height, building footprint, or
14 dwelling unit count may be performed as of right, subject only to
15 ministerial permits otherwise required for similarly situated
16 conforming buildings.

17 (3) Voluntary alterations that would increase building height,
18 building footprint, or dwelling unit count shall be processed under the
19 standards applicable to conforming multi-family, duplex or single
20 family uses in the most analogous multi-family or otherwise applicable
21 zoning district as of the date of application; provided, however, that the
22 conforming status of the existing building and use shall not be
23 diminished or conditioned upon securing discretionary approvals for
24 such alterations.

25 (4) In the event of damage or destruction, the building may be
26 repaired or rebuilt to the same floor area, height, footprint, and number
27 of dwelling units as existed immediately prior to such damage or

1 destruction as of right and without discretionary approvals and may be
2 reoccupied upon issuance of ministerial life-safety clearances
3 customarily required for conforming structures.

4 **(f) Subdivision; Condominium; Transfer.**

5 (1) The legalization and conforming status conferred by this
6 Section applies to each dwelling unit within a multi-family building and
7 to any form of ownership, including fee simple, condominium,
8 cooperative, tenancy in common, or other lawful common interest
9 structure.

10 (2) No additional zoning approvals, variances, certificates of
11 legal nonconformity, or determinations shall be required as a condition
12 of map approval, recordation, sale, lease, financing, refinancing,
13 changing or restructuring of building ownership interests, or transfer of
14 the building or any interest therein.

15 **(g) Conflicts; Construction.** This Section controls in the event of any
16 conflict with any other provision of this Zoning Law, any overlay district,
17 specific plan, design guideline, or similar regulation to the extent such other
18 provision would prohibit, restrict, or condition the legalization or conforming
19 status provided herein.

20 **(h) Administrative Implementation.**

21 (1) Within ninety (90) days of the effective date of this Act, the
22 Department of Land Management shall issue administrative guidance
23 and update any zoning maps, records, or systems to reflect the
24 conforming status of buildings covered by this Section.

25 (2) Upon request of an owner or lender, the Department of Land
26 Management shall issue a ministerial letter of zoning compliance

1 confirming the building’s conforming status under this Section within
2 fifteen (15) business days.”

3
4 **Section 4.** A § 61201(a) of Chapter 61; Title 21, Guam Code Annotated is
5 *amended* to read as follows:

6 “(a) In order to carry out the purposes and provisions of this Chapter,
7 areas within Guam are hereby divided into eight zones, known as:

- 8 (1) A Agricultural Zone.
- 9 (2) R1 One-Family Dwelling Zone.
- 10 (3) R2 Multiple Dwelling Zone.
- 11 (4) P Automobile Parking Zone.
- 12 (5) C Commercial Zone.
- 13 (6) M1 Light Industrial Zone.
- 14 (7) M2 Industrial Zone.
- 15 (8) LC Limited Commercial Zone.
- 16 (9) CM Commercial-Mixed Zone”

17 **Section 5.** A new § 61314 is *added* to Chapter 61 Title 21, Guam Code
18 Annotated to read as follows:

19 “§ 61314. “CM” Commercial-Mixed Zone.

20 (a) Use Permitted

- 21 (1) The uses permitted by § 61306(a) of this Chapter and
- 22 (2) The uses permitted by § 61307(a) of this Chapter.

23 (b) Conditional Use Permitted

- 24 (1) The conditional uses permitted by § 61306(b) of this Chapter
- 25 and
- 26 (2) The conditional uses permitted by § 61307(b) of this
- 27 Chapter.”