

*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
26-38 (COR)	Christopher M. Dueñas V. Anthony Ada Jesse A. Lujan Tina Rose Muna Barnes Frank Blas Jr. Vincent A. Borja Shelly Vargas Calvo Sabrina Salas Matanane William A. Parkinson Joe S. San Agustin	AN ACT TO STRENGTHEN HOUSING OPTIONS BY ADDING A NEW SUBARTICLE 3 TO ARTICLE 1 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ADUs) IN RESIDENTIAL ZONES.	1/14/25 4:31 p.m.						

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

Bill No. 26-38 (COR)

Introduced by:

Christopher M. Dueñas  
V. Anthony Ada  
Jesse A. Lujan  
Tina Rose Muna Barnes  
Frank Blas Jr.  
Vincent A. Borja  
Shelly Vargas Calvo  
Sabrina Salas Matanane  
William A. Parkinson  
Joe S. San Agustin

AN ACT TO STRENGTHEN HOUSING OPTIONS BY ADDING A  
NEW SUBARTICLE 3 TO ARTICLE 1 OF CHAPTER 61, TITLE 21,  
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE  
CONSTRUCTION OF ACCESSORY DWELLING UNITS (ADUs) IN  
RESIDENTIAL ZONES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new Subarticle 3 is added to Article 1, Chapter 61, Title  
3 21, Guam Code Annotated, to read as follows:

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“SUBARTICLE 3

ACCESSORY DWELLING UNITS

§ 61140. Purpose.

1        The purpose of this Subarticle is to allow homeowners to construct  
2 residential accessory dwelling units on the same lot as a single-family home  
3 located in residential (R1), (R2) and (A) zones to encourage, accommodate and  
4 regulate the construction of accessory dwelling units, increase the number of  
5 affordable rental units and alleviate the housing shortage on Guam, and to establish  
6 land use standards for ADUs—also referred to as second units, in-law units, casitas,  
7 or ohana dwelling units. Allowing the construction of ADUs permits adult relatives  
8 to enjoy independent living separate from the occupants of the main home. It is  
9 intended to be an affordable alternative to assisted living and other senior home  
10 businesses that are not yet available on a scale to meet the demands of Guam’s  
11 aging population.

12        **§ 61141. Accessory Dwelling Units.**

13        (a) Accessory Dwelling Units (ADU) are secondary studio or bedroom  
14 dwelling units that include a separate entrance, kitchen, and bathroom  
15 facilities, detached from or attached to the primary single-family home on  
16 the zoning lot. For attached ADUs, the entrance may be shared with the  
17 primary single-family home.

18        (b) Accessory dwelling units may be allowed on a lot as a conditional use  
19 in an R1 or A zone or a permitted use in an R2 zone, subject to the following  
20 conditions:

21            (1) The maximum size of an accessory dwelling unit shall be 400 sq.  
22 ft. for lots between 3,500 and 4,999 sq. ft., up to 800 sq. ft. for lots between  
23 5000 and 9,999 sq. ft., up to 1,200 sq. ft for lots between 10,000 and  
24 14,999 sq. ft., and up to 1,600 sq. ft for lots of 15,000 sq. ft. or more.

25            (2) Shall comply with the Yard and Area Regulations as provided in  
26 21 GCA Chapter 61 Article 5, except as otherwise provided in § 61142.

1           (3) Accessory dwelling units are not permitted:

2           (A) On lots with a lot area of less than 3,500 sq. ft; or

3           (B) On lots that have more than one (1) dwelling unit,  
4           including but not necessarily limited to, more than one one-  
5           family dwelling, bed and breakfasts, duplexes, short-term  
6           vacation rental units; and any other permitted or conditional  
7           use structure in an A, R1 or R2 zone, provided that each lot  
8           shall be limited to one (1) attached and one (1) detached  
9           ADU; or

10          (C) On lots without access; or

11          (D) On lots where existing septic tank sizes are not adequate  
12          for the additional footprint.

13          (4) The property owner or owners or persons who are related by  
14          blood, marriage, or adoption to the property owners, or designated  
15          authorized representative shall occupy the primary dwelling unit or the  
16          accessory dwelling unit; except in unforeseen hardship circumstances  
17          including, but not limited to, active military deployment or serious  
18          illness, that prevent the continued occupancy of the primary dwelling unit  
19          or the accessory dwelling unit, subject to written confirmation by the  
20          Director of the Department of Land Management. For purposes of this  
21          section, "designated authorized representative(s)" means the person or  
22          persons designated by the property owner or owners to the Department  
23          of Land Management, who are responsible for managing the property;

24          (5) One off-street parking space per accessory dwelling unit must be  
25          provided.

1           (6) The accessory dwelling unit may only be used for long-term  
2 rental or otherwise occupied for periods of at least six months, and cannot  
3 be used as a bed and breakfast or short-term vacation rental.

4           (7) The owner or owners of the lot shall record covenants running  
5 with the land with the Department of Land Management stating that:

6                   (A) Neither the owner or owners, nor their heirs,  
7 successors or assigns of the owner or owners will submit the lot  
8 or any portion thereof to a condominium property regime to  
9 separate the ownership of its primary dwelling unit; and

10                   (B) The deed restrictions lapse upon removal of the  
11 accessory dwelling unit, and all of the foregoing covenants are  
12 binding upon any and all heirs, successors and assigns of the  
13 owner or owners. The covenant must be recorded on a form  
14 approved by or provided by the Director of the Department of  
15 Land Management and may contain such terms as the Director  
16 deems necessary to ensure its enforceability. The failure of an  
17 owner or of an owner's heir, successor or assign to abide by such  
18 a covenant will be deemed a violation and will be grounds for  
19 enforcement by the Director pursuant.

20           (8) All other provisions in Guam Law applicable to the construction  
21 and occupancy of structures in A, R1, and R2 zones shall apply, including  
22 but not limited to setback requirements, water, wastewater and power  
23 requirements, except as otherwise explicitly provided in § 61142.

24           (9) All rentals of an accessory dwelling unit, or of the primary  
25 dwelling unit if the property owner or owners, or persons who are related  
26 by blood, marriage or adoption to the property owner or owners, or  
27 designated authorized representative(s) who choose to receive rent for

1 the primary dwelling unit and occupy the accessory dwelling unit, must  
2 be evidenced by a written rental agreement signed by the owner and the  
3 tenant for a lease period of at least six months: provided that after the  
4 initial lease period is concluded, the owner may allow the same tenant to  
5 continue renting the accessory dwelling unit on a consecutive month-to-  
6 month basis.

7 (10) At the time of application for a construction permit, the applicant  
8 shall first obtain written confirmation from the responsible agencies,  
9 including Guam Waterworks Authority, Guam Environmental Protection  
10 Agency and the Department of Public Works, that wastewater treatment  
11 and disposal, water supply, and access roadways are adequate to  
12 accommodate the accessory dwelling unit.

13 (11) An accessory dwelling unit may be created by building a new  
14 structure detached from the primary dwelling unit or through conversion  
15 of a legally established structure that is either attached to or detached  
16 from the primary dwelling unit subject to meeting all pertaining zoning  
17 requirements, except as otherwise explicitly provided in § 61142.

18 (12) The owner of a structure constructed without a building permit  
19 prior to the effective date of this Article, who wants to convert that  
20 structure to an accessory dwelling unit shall obtain an after-the-fact  
21 building permit. In addition to fulfilling the base requirements of the  
22 after-the-fact permit, any adjustments to the structure must conform to  
23 the accessory dwelling unit regulations enumerated in this section and  
24 any additional adopted policies and rules.

25 (13) The Department of Land Management and the Department of  
26 Public Works must be notified upon removal of an accessory dwelling  
27 unit.

1           (14) If an accessory dwelling unit is advertised as a bed and breakfast  
2 or short-term vacation rental, the existence of such advertisement will be  
3 prima facie evidence of the following:

4           (A)     That the owner of the advertised unit disseminated or  
5 directed the dissemination of the advertisement in that form and  
6 manner: and

7           (B)     That a bed and breakfast or short-term vacation rental, as  
8 applicable, is being operated at the location advertised.

9           (C)     The burden of proof is on the owner to establish otherwise  
10 with respect to the advertisement and that the subject property  
11 either is not being used as a bed and breakfast or short-term  
12 vacation rental, or that it is being used legally for such purpose.

13           (15) A permit application and all approvals required for an ADU unit  
14 shall be considered and approved ministerially without discretionary  
15 review. The permitting or reviewing agency shall either approve or deny  
16 the application for an ADU within sixty (60) days from the date the  
17 agency receives a completed application if there is an existing single-  
18 family dwelling on the lot. If the permit application for an ADU is  
19 submitted with a permit application to create a new single-family  
20 dwelling on the lot, the permitting or reviewing agency may delay  
21 approving or denying the permit application for the ADU unit until the  
22 permitting agency approves or denies the permit application to create the  
23 new single-family dwelling, but the application for the ADU shall be  
24 considered without discretionary review. If the applicant requests a  
25 delay, the 60-day time period shall be tolled for the period of the delay.  
26 If the agency has not approved or denied the completed application  
27 within 60 days, the application shall be deemed approved. The

1 permitting agency may charge a fee to reimburse it for costs incurred to  
2 implement this paragraph, including the costs of adopting or amending  
3 any regulation that provides for the creation of an ADU. If the permitting  
4 or reviewing agency denies an application for an ADU pursuant to this  
5 subparagraph, the permitting or reviewing agency shall, within the 60  
6 day time period described in this subparagraph, return in writing a full  
7 set of comments to the applicant with a list of items that are defective or  
8 deficient and a description of how the application can be remedied by  
9 the applicant.

10 (16) The following public agencies are required to service lots with  
11 ADUs:

12 (A) Adequacy of sewage disposal system shall be secured in  
13 writing from the Guam Environmental Protection Agency  
14 (GEPA) and Guam Waterworks Authority (GWA).

15 (B) Adequacy of fire protection for all lots served by private streets  
16 shall be secured in writing from the Guam Fire Department.

17 (C) The lot must have direct access to a street that meets fire code  
18 requirements for fire apparatus access roads.

19 (17) Lease agreements executed under this Subarticle are subject to  
20 21 GCA Chapter 48, Guam Tenant and Rental Act of 2018, except as  
21 may conflict with this Subarticle.

22 (18) All provisions in Guam law relative to fair housing and taxes,  
23 including but not limited to income taxes, property taxes, gross receipts  
24 taxes, insurance, and rentals shall apply, except as may conflict with this  
25 Subarticle.

26 **§ 61142. Accessory Dwelling Units: Standards.**

27 An ADU shall:



1           (a) share utilities with the main house, or utilities may be billed separately,  
2 by separate meter; provided, that the ADU complies with the standards set by the  
3 agencies responsible for utilities;

4           (b) be covered under the same homeowner’s insurance policy as the main  
5 home or separately, at the option of the homeowner;

6           (c) not be sold separate and apart from the primary single-family home;

7           (d) be subject to the setback requirements for the subject lot;

8           (e) comply with any wastewater or environmental impact requirements in  
9 public laws, Guam Administrative Rules and Regulations, Guam law, and federal  
10 law; and

11           (f) maintain minimum front yard requirements required in 21 GCA Chapter  
12 61 § 61501 for an ADU located in a front yard or on the front one-half (1/2) acre of  
13 a lot.

14           **§ 61143. Common or Separate Utilities Options.**

15           An ADU may, at the option of the homeowner, share electrical, plumbing,  
16 and data networking and telecommunications assets with the main home. Such  
17 sharing is subject to The Building Code of Chapter 67, Title 21, Guam Code  
18 Annotated.

19           **§ 61144. Rental of Accessory Dwelling Unit.**

20           An ADU situated on a A, R1 or R2 zoned lot that complies with all  
21 applicable codes in Guam is deemed eligible for rental subject to the provisions of  
22 this Subarticle.

23           **§ 61145. Reporting Requirements to the Municipality.**

24           Upon completion of an ADU, the head of household *shall* inform the mayor  
25 of the affected municipality. This is to facilitate better governance through safety,  
26 community planning through village population data tracking, zoning compliance,  
27 etc.”

1           **Section 2. A new subsection is hereby added to § 61103 of Chapter 61,**  
2 **Title 21, Guam Code Annotated is hereby amended to read:**

3           “( ) An Accessory Dwelling Unit (ADU) is a secondary studio or bedroom  
4 dwelling unit that includes a separate kitchen, and bathroom facilities, detached from  
5 or attached to the primary single-family home on the zoning lot.

6           **Section 3. § 61304(a)(4) of Chapter 61, Title 21, Guam Code Annotated is**  
7 **hereby amended to read:**

8           “(4) Uses customarily accessory to any of the above uses including accessory  
9 dwelling units, home occupations, and private auto mobile parking areas as well as  
10 accessory buildings and structures such as private garages, warehouses, barns,  
11 corrals or other similar structures.”

12           **Section 4. § 61305(a)(4) of Chapter 61, Title 21, Guam Code Annotated is**  
13 **hereby amended to read:**

14           “(4) Use customarily accessory to any of the above uses, including accessory  
15 dwelling units, home occupations and private parking areas with accessory buildings  
16 and structures.”

17           **Section 5. § 61306(a) of Chapter 61, Title 21, Guam Code Annotated is**  
18 **hereby amended to read:**

19           “(a) Use Permitted.

20                 (1) One-family dwellings.

21                 (2) Duplexes.

22                 (3) Multi-family dwellings.

23                 (4) Hotels, private groups, and institutions.

24                 (5) Bed and breakfasts.

25                 (6) Accessory uses and structures for the above.

26                 (7) Accessory dwelling units.”