

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN

2026 (SECOND) Regular Session

VOTING RECORD

Bill No. 305-38 (COR) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 16, 2026					
NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Vice Speaker V. Anthony Ada		✓				
Senator Chris Barnett	✓					
Speaker Frank F. Blas, Jr.		III ✓				
Senator Vincent A.V. Borja		III ✓				
Senator Shelly V. Calvo	✓					
Senator Christopher M. Dueñas	✓					
Senator Eulogio Shawn Gumataotao		✓				
Senator Jesse A. Lujan	✓					
Senator Tina Rose Muña-Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Sabrina Salas Matanane		III ✓				
Senator Joe S. San Agustin	✓					
Senator Telo T. Taitague	✓					
Senator Therese M. Terlaje	✓					

TOTAL

10

5

Yea

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:

RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

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

Bill No. 305-38 (COR)

As amended by the Committee on Land, Environment,
Housing, Agriculture, Parks and Infrastructure.

*

Introduced by:

Joe S. San Agustin
V. Anthony Ada
Tina Rose Muna-Barnes

AN ACT TO *ADD* A NEW § 75A122(d) AND A NEW § 75A124(d) BOTH OF ARTICLE 1, CHAPTER 75A, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FINANCING-DRIVEN EXTENSIONS OF COMMERCIAL GROUND LEASE TERMS FOR NEW AND EXISTING COMMERCIAL LEASES AND LICENSES, AND FOR ALL TYPES OF FINANCING AND ALL UNDERWRITING REQUIREMENTS, INCLUDING BUT NOT LIMITED TO FEDERALLY-ASSISTED OR FEDERALLY-INSURED FINANCING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that federally-assisted and federally-insured financing programs, including programs administered by the U.S. Department of Housing and Urban Development (HUD), commonly require ground lease terms that extend beyond the maturity date of the mortgage in order to protect the lender's security interest and preserve the long-term viability and marketability of the mortgaged project.

I Liheslaturan Guåhan further finds that, unlike fee simple ownership, a ground lease may be subject to termination or forfeiture; accordingly, a longer lease

1 term is used in underwriting to reduce the risk that termination of the ground lease
2 could extinguish or materially impair a lender's lien, thereby threatening the
3 financing, continued operation, and transferability of the project.

4 *I Liheslaturan Guåhan* further finds that financing sources for CLTC
5 commercial projects may include private lending, bond financing, federally-
6 supported financing, and infrastructure-related financing secured through the U.S.
7 Department of Agriculture's Rural Utilities Service (RUS), including the
8 Substantially Underserved Trust Area (SUTA) Initiative.

9 *I Liheslaturan Guåhan* further finds that Bill No. 176-38 (COR), now enacted
10 into law as 5 GCA § 5128, establishes a general mechanism for certain tenants in
11 good standing to obtain additional commercial lease time on government property;
12 however, CLTC commercial leases and commercial licenses remain governed by the
13 more specific provisions of Chapter 75A of Title 21, Guam Code Annotated, and
14 projects requiring financing-driven extensions still require targeted statutory
15 authority addressing underwriting requirements, commercial licenses, and terms tied
16 to mortgage maturity dates or other federal program requirements.

17 *I Liheslaturan Guåhan* further finds that eligibility for financing-driven lease
18 and license term extensions should apply to both newly issued commercial leases
19 and commercial licenses, and to existing commercial leases and commercial licenses
20 that are amended, extended, renewed, refinanced, or otherwise modified to meet
21 applicable financing and underwriting requirements, in order to ensure continuity of
22 operations and access to financing for ongoing and future projects.

23 CLTC commercial lease and commercial license projects to access all
24 types of financing, including without limitation private lending, bond
25 financing, federally-supported financing, and financing secured through RUS,
26 including the SUTA Initiative, when such financing requires a longer ground
27 lease term, for both: (1) new commercial leases and commercial licenses; and

1 (2) existing commercial leases and commercial licenses that are amended,
2 extended, renewed, or refinanced, including where underwriting commonly
3 requires a term extending at least ten (10) years beyond the loan term;

4 Preserve legislative oversight by requiring that extensions beyond a
5 defined administrative threshold remain subject to approval by *I Liheslaturan*
6 *Guåhan*, consistent with existing law recognizing that longer terms require
7 legislative approval; provided that the “administrative threshold” under this
8 act shall be a lease or license term extending not less than ten (10) years
9 beyond the mortgage maturity date, as required by applicable financing terms
10 and all underwriting requirements, or such other period required by the
11 applicable federal program, and any term extending beyond that threshold
12 shall require approval by *I Liheslaturan Guåhan* by law;

13 Protect the public interest by requiring documentation of financing and
14 all underwriting necessity and maintaining lender-protection provisions
15 (including notice of default and opportunity to cure) that support long-term
16 stability of the project and continuity of operations; and

17 Provide an orderly process under which (1) the CLTC may approve
18 term extensions within its statutory authority; and (2) where Guam statutes
19 require legislative approval for lease or license terms beyond a specified
20 period, including any lease or license term extending beyond not less than ten
21 (10) years beyond the mortgage maturity date, or such other period required
22 by the applicable federal program, and all underwriting requirements, such
23 extended terms shall be submitted for approval by *I Liheslaturan Guåhan* by
24 law, so that extended terms are implemented through both the CLTC and *I*
25 *Liheslaturan Guåhan* in compliance with applicable statutes.

26 **Section 2.** A new § 75A122(d) is hereby *added* to Article 1 of Chapter 75A,
27 Title 21, Guam Code Annotated, to read:

1 “(d) Financing-Driven Term Extensions for all types of financing and
2 all underwriting requirements applicable to both new and existing commercial
3 leases and commercial licenses.

4 (1) Purpose. This Subsection establishes a structured process
5 for extending the term of a commercial lease or commercial license
6 (whether newly issued or already in effect and being amended) where
7 such extension is required as a condition of all underwriting
8 requirements, and for all types of financing (whether private, public,
9 federal, or otherwise), while preserving legislative approval
10 requirements for longer terms.

11 (2) Definitions. For purposes of this Subsection:

12 (A) “Financing” means any financing, credit facility,
13 loan, bond, credit-enhancement, guarantee, or other secured or
14 unsecured financing arrangement from any source, including
15 private lenders, bondholders, and federal or territorial programs,
16 and financing secured through the U.S. Department of
17 Agriculture’s Rural Utilities Service, including the Substantially
18 Underserved Trust Area Initiative.

19 (B) “Mortgage Maturity Date” means the stated
20 maturity date of the senior mortgage (or equivalent primary
21 secured loan) for the project.

22 (C) “Financing Term Requirement” means a
23 documented minimum remaining ground-lease term required by
24 the lender, insurer, guarantor, bond trustee or investor, or
25 financing source, including requirements that the lease extend
26 beyond the Mortgage Maturity Date; including compliance with
27 all underwriting requirements, and underwriting standards that

1 commonly require a lease term extending not less than ten (10)
2 years beyond the mortgage maturity date, or such other period
3 required by the applicable federal program.

4 (3) Financing Term Standard; CLTC Authority. Upon request
5 by a tenant and submission of required documentation, the Commission
6 shall have the authority to approve an amendment extending the term
7 of a commercial lease or commercial license such that the term equals
8 or exceeds the Financing Term Requirement, including compliance
9 with all underwriting requirements, and underwriting standards that
10 commonly require a lease term extending not less than ten (10) years
11 beyond the mortgage maturity date, or such other period required by
12 the applicable federal program.

13 (4) Administrative Extension Authority; Commission Action;
14 Statutory Compliance. Notwithstanding any other provision of law
15 limiting term, and upon request by a tenant and submission of required
16 documentation under this Subsection, the Commission may, by
17 resolution adopted at a duly noticed meeting and supported by written
18 findings, approve a financing-driven amendment to a commercial lease
19 or commercial license (whether newly issued or already in effect and
20 being amended) as necessary to satisfy all underwriting requirements
21 and to establish a term that extends up to not less than ten (10) years
22 beyond the mortgage maturity date, or such other period required by
23 the applicable federal program, provided that the Commission finds
24 that:

25 (A) the term approved is necessary to satisfy the
26 Financing Term Requirement and all underwriting requirements;
27 and

1 (B) the tenant has provided documentary evidence from
2 the lender and/or applicable federal program establishing the
3 Financing Term Requirement and all underwriting
4 Requirements; and

5 (C) the amendment is in the best interest of the Trust
6 and consistent with the purposes of this Chapter.

7 (D) Nothing in this paragraph (4) shall be construed to
8 authorize the commission to approve any lease or license term
9 that, under applicable Guam statutes, requires approval by *I*
10 *Liheslaturan Guåhan* by law; and any lease or license term
11 extending beyond not less than ten (10) years beyond the
12 mortgage maturity date, or such other period required by the
13 applicable federal program, and all underwriting requirements,
14 shall require approval by *I Liheslaturan Guåhan* by law; where
15 such approval is required, the commission's approval shall be
16 conditioned upon and subject to approval by *I Liheslaturan*
17 *Guåhan*.

18 (E) Notwithstanding any contrary provision contained
19 in any existing or pending commercial lease or commercial
20 license issued or under consideration by the CLTC, the
21 Commission shall have the authority to approve financing-
22 related amendments, subleases, collateral assignments, leasehold
23 accommodations, tax equity structures, ownership restructuring,
24 and other related modifications reasonably required by lenders,
25 bond financing, tax credit investors, federal financing programs,
26 infrastructure related financing, renewable energy financing
27 programs, and federal energy credit programs, provided that no

1 mortgage, lien, or other encumbrance shall be placed upon any
2 land owned or under the control of the CLTC and any security
3 interest shall be limited solely to project assets, improvements,
4 equipment, revenues, and personal property associated with the
5 financed project.

6 (5) Legislative Approval Required Beyond Administrative
7 Threshold. Any extension of term beyond the Commission's authority
8 in Paragraph (4) shall require approval by *I Liheslaturan Guåhan* by
9 law. Nothing in this Subsection shall be construed to eliminate or
10 weaken existing requirements that longer terms must be approved by *I*
11 *Liheslaturan Guåhan*. The CLTC shall implement extended terms only
12 in a manner consistent with applicable statutes requiring legislative
13 approval for lease or license terms beyond a specified period, and where
14 such approval is required, the extended term shall be subject to approval
15 by *I Liheslaturan Guåhan* by law. In addition, any commercial lease or
16 commercial license term extending beyond not less than ten (10) years
17 beyond the mortgage maturity date, or beyond such other period
18 required by the applicable federal program, and any such extension
19 necessary to satisfy all underwriting requirements, shall require
20 approval by *I Liheslaturan Guåhan* by law.

21 (6) Required Lender-Protection Provisions. Any financing-
22 driven extension approved under this Subsection shall require that the
23 lease or license, as amended, include commercially reasonable lender-
24 protection provisions consistent with the enforcement and cure
25 framework required under this Chapter, including, at a minimum:

26 (A) written notice of default to any recognized
27 mortgagee or secured lender of record;

1 (B) a reasonable opportunity for such mortgagee or
2 lender to cure defaults or cause defaults to be cured; and

3 (C) such estoppels, consents, and non-disturbance terms
4 as are reasonably necessary to satisfy the Financing Term
5 Requirement; provided that nothing herein limits the
6 Commission's rights to enforce material defaults pursuant to this
7 Chapter and the terms of the lease or license, including notice
8 and cure provisions.

9 (7) Documentation. For purposes of this subsection, requests
10 may be submitted for new commercial leases/licenses or for
11 amendments to existing commercial leases/licenses. The tenant shall
12 submit, at a minimum:

13 (A) a lender letter or commitment describing the
14 Financing Term Requirement;

15 (B) the proposed financing term (e.g., 30-year, 35-year,
16 40-year) and the proposed lease/license term needed to meet the
17 Financing Term Requirement and all underwriting requirements;
18 and

19 (C) any additional lender or financing source
20 documentation, including any documentation required to satisfy
21 all underwriting requirements, reasonably required by the
22 Commission.

23 (8) Recovery of RUS and SUTA Funded Investments. Where
24 infrastructure, utility, site, or project-related investments supporting a
25 commercial lease or commercial license are financed through the U.S.
26 Department of Agriculture's Rural Utilities Service, including the
27 Substantially Underserved Trust Area Initiative, the Commission may,

1 in addition to any annual lease fee or license fee otherwise required by
2 law, recover from the lessee or licensee the full cost of such RUS- and
3 SUTA-funded investments, which cost shall be prorated over the life of
4 the duly executed lease or license agreement.

5 (9) Relationship to 5 GCA § 5128. Nothing in this Subsection
6 shall be construed to impair any extension authority otherwise available
7 under 5 GCA § 5128 for a tenant in good standing; provided, however,
8 that where a commercial lease or commercial license on CLTC land
9 requires a longer term or other amendment to satisfy a Financing Term
10 Requirement, this Subsection shall govern the financing-driven
11 extension.

12 (10) No Automatic Extension. Nothing in this Subsection shall
13 be construed to create an entitlement to an extension. The Commission
14 retains discretion to approve or deny a request based on the best
15 interests of the Trust and compliance with law.

16 (11) Any lease extension granted pursuant to this Section is
17 limited to the period reasonably required by the financing instrument
18 and applicable lender requirements.

19 (12) The *CHamoru* Land Trust Commission shall establish,
20 pursuant to the provisions of Chapter 9, 5 GCA, administrative
21 procedures and documentation standards to verify financing-related
22 requests for lease extensions.

23 (13) All lease extensions granted pursuant to this Section shall
24 be reported to the Speaker of *I Liheslaturan Guåhan* within thirty (30)
25 days following the Commission's approval."

26 **Section 3.** A new § 75A124(d) is hereby *added* to Article 1 of Chapter 75A,
27 Title 21, Guam Code Annotated, to read:

1 “(d) RUS/SUTA Financing; Board Approval; Cash-Flow Review;
2 Funds Availability.

3 (1) No loan, financing agreement, financial assistance
4 agreement, or other obligation secured through or associated with the
5 U.S. Department of Agriculture’s Rural Utilities Service, including the
6 Substantially Underserved Trust Area (SUTA) Initiative, that requires
7 the Commission to make debt-service payments, repayments, matching
8 contributions, reserve contributions, reimbursements, or to pledge,
9 restrict, or otherwise commit CLTC funds or revenues, shall be entered
10 into, accepted, assumed, executed, or materially amended unless first
11 approved by resolution of the Commission at a duly noticed meeting.

12 (2) Before the Commission acts on such financing, the
13 Administrative Director shall provide the Commission a written cash-
14 flow impact statement identifying, at a minimum: the principal amount
15 and term; projected annual debt service or repayment; the source of
16 repayment; any required matching funds or reserves; any revenues to
17 be pledged, restricted, or committed; and the projected effect on the
18 applicable CLTC fund or funds. The statement shall identify the
19 lawfully available funds proposed to support the CLTC obligation.

20 (3) Any commitment of CLTC funds under an agreement
21 described in this Subsection shall be strictly limited to and subject to
22 the availability of lawfully available and unencumbered funds
23 authorized for that purpose. Nothing in this Subsection shall be
24 construed to authorize an unfunded obligation, a pledge of the full faith
25 and credit of Guam, or the expenditure or pledge of funds restricted by
26 law for another purpose.

1 (4) This Subsection shall apply to RUS/SUTA financing
2 agreements entered into or materially amended after the effective date
3 of this Act and shall not be construed to impair the obligations of a
4 financing agreement lawfully executed before the effective date of this
5 Act.”

6 **Section 4. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or inorganic, such invalidity shall not
8 affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.

11 **Section 5. Effective Date.** This Act shall be effective upon enactment.