

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN

2025 (FIRST) Regular Session

VOTING RECORD

Bill No. 57-38 (COR) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 31, 2025				
NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Vice Speaker V. Anthony Ada	✓				
Senator Chris Barnett		✓			
Speaker Frank F. Blas, Jr.	✓				
Senator Vincent A.V. Borja	✓				
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	✓				
Senator Joe S. San Agustin	✓				
Senator Telo T. Taitague		✓			
Senator Therese M. Terlaje		✓			

TOTAL

11

4

Yea

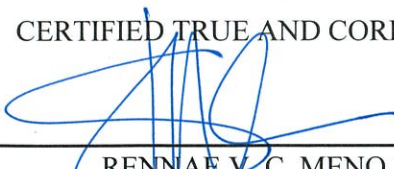
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

Bill No. 57-38 (COR)

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

*

Introduced by:

Christopher M. Dueñas
V. Anthony Ada
Jesse A. Lujan
Tina Rose Muna Barnes
Frank F. Blas, Jr.
Vincent A.V. Borja
Shelly V. Calvo
Eulogio S. Gumataotao
Sabrina Salas Matanane
William A. Parkinson
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AN ACT TO *ADD* A NEW SUBARTICLE 3 AND A NEW § 61103(mm) OF ARTICLE 1; AND *AMEND* §§ 61304(a)(4), 61305(a)(4), AND 61306(a) OF ARTICLE 3, ALL OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ADUs) IN RESIDENTIAL ZONES TO STRENGTHEN HOUSING OPTIONS ON GUAM.

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

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

4 **“SUBARTICLE 3**

5 **ACCESSORY DWELLING UNITS**

6 § 61140. Purpose.

- 1 § 61141. Accessory Dwelling Units.
- 2 § 61142. Accessory Dwelling Units: Standards.
- 3 § 61143. Common or Separate Utilities Options.
- 4 § 61144. Rental of Accessory Dwelling Unit.
- 5 § 61145. Reporting Requirements to the Municipality.

6 **§ 61140. Purpose.**

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

17 **§ 61141. Accessory Dwelling Units.**

18 (a) Accessory Dwelling Units (ADUs) are secondary studio or
19 bedroom dwelling units that include a separate entrance, kitchen, and
20 bathroom facilities, detached from or attached to the primary single-family
21 home on the zoning lot. For attached ADUs, the entrance may be shared with
22 the primary single-family home. Nothing in this Section shall be construed to
23 exempt ADUs from compliance with existing regulations of the Section 8
24 program.

25 (b) Accessory dwelling units may be allowed as a permitted use in
26 an R1, A, or R2 zone, subject to the following conditions:

1 (1) The maximum size of each accessory dwelling unit shall
2 be four hundred square feet (400 sq. ft.) for lots between three thousand
3 five hundred (3,500) and four thousand nine hundred ninety-nine
4 square feet (4,999 sq. ft.), and up to eight hundred square feet (800 sq.
5 ft.) for lots between five thousand (5,000) and nine thousand nine
6 hundred ninety-nine square feet (9,999 sq. ft.) or more.

7 (2) Shall comply with the Yard and Area Regulations as
8 provided in 21 GCA, Chapter 61, Article 5, except as otherwise
9 provided in § 61142 of this Subarticle.

10 (3) Accessory dwelling units are not permitted:

11 (A) on lots with a lot area of less than three thousand
12 five hundred square feet (3,500 sq. ft.); or

13 (B) on lots that have more than one (1) dwelling unit,
14 including, but not necessarily limited to, more than one (1)
15 single-family dwelling, bed and breakfasts, duplexes, short-term
16 vacation rental units; and any other permitted or conditional use
17 structure in an A, R1 or R2 zone; or

18 (C) on lots without access; or

19 (D) on lots where existing Type 2 septic tank and
20 leaching field sewage disposal systems are not adequate for the
21 additional occupancy or cannot be upgraded to adequately serve
22 the occupancy increase because of an ADU.

23 (4) The property owner or owners or persons who are related
24 by blood, marriage, or adoption to the property owners, or designated
25 authorized representative, shall occupy the primary dwelling unit or the
26 accessory dwelling unit; except in unforeseen hardship circumstances
27 including, but not limited to, active military deployment or serious

1 illness, which prevent the continued occupancy of the primary dwelling
2 unit or the accessory dwelling unit. For purposes of this Section,
3 "designated authorized representative(s)" means the person or persons
4 designated by the property owner or owners to the Department of Land
5 Management, who are responsible for managing the property;

6 (5) One (1) off-street parking space per accessory dwelling
7 unit must be provided.

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

11 (7) The owner or owners of the lot shall record deeds running
12 with the land with the Department of Land Management stating that:

13 (A) neither the owner or owners, nor their heirs,
14 successors or assigns of the owner or owners will submit the lot
15 or any portion thereof to a condominium property regime to
16 separate the ownership of its primary dwelling unit; and

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

1 (8) All other provisions in Guam law applicable to the
2 construction and occupancy of structures in A, R1, and R2 zones shall
3 apply, including, but not limited to, setback requirements, water,
4 wastewater and power requirements, except as otherwise explicitly
5 provided in § 61142 of this Subarticle.

6 (9) All rentals of an accessory dwelling unit, or of the primary
7 dwelling unit if the property owner or owners, or persons who are
8 related by blood, marriage or adoption to the property owner or owners,
9 or designated authorized representative(s) who choose to receive rent
10 for the primary dwelling unit and occupy the accessory dwelling unit,
11 must be evidenced by a written rental agreement signed by the owner
12 and the tenant for a lease period of at least six (6) months, provided,
13 that after the initial lease period is concluded, the owner may allow the
14 same tenant to continue renting the accessory dwelling unit on a
15 consecutive month-to-month basis. All provisions in Guam law relative
16 to business licensing requirements for rentals of property shall still
17 apply.

18 (10) At the time of application for a building permit, the
19 applicant shall first obtain written confirmation from the responsible
20 agencies, including the Guam Waterworks Authority, the Guam
21 Environmental Protection Agency, and the Department of Public
22 Works, that wastewater treatment and disposal, water supply, and
23 access roadways are adequate to accommodate the accessory dwelling
24 unit.

25 (11) An accessory dwelling unit may be created by building a
26 new structure detached from the primary dwelling unit or through
27 conversion of a legally established structure that is either attached to or

1 detached from the primary dwelling unit subject to meeting all
2 pertaining zoning requirements, except as otherwise explicitly provided
3 in § 61142 of this Subarticle.

4 (12) The owner of a structure constructed without a building
5 permit prior to the effective date of this Subarticle who wants to convert
6 that structure to an accessory dwelling unit shall obtain an after-the-fact
7 building permit. In addition to fulfilling the base requirements of the
8 after-the-fact building permit, any adjustments to the structure must
9 conform to the accessory dwelling unit regulations enumerated in this
10 Section and any additional adopted policies and rules.

11 (13) The Department of Land Management and the Department
12 of Public Works must be notified upon removal of an accessory
13 dwelling unit and appropriate procedures and regulations for
14 demolition permits shall still apply.

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

18 (A) that the owner of the advertised unit disseminated
19 or directed the dissemination of the advertisement in that form
20 and manner; and

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

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

1 (15) A building permit and all approvals required for an ADU
2 unit shall be considered and approved ministerially without
3 discretionary review. The permitting or reviewing agency shall either
4 approve or deny the application for an ADU within sixty (60) days from
5 the date the agency receives a completed application if there is an
6 existing single-family dwelling on the lot. If the permit application for
7 an ADU is submitted with a permit application to create a new single-
8 family dwelling on the lot, the permitting or reviewing agency may
9 delay approving or denying the permit application for the ADU unit
10 until the permitting agency approves or denies the permit application to
11 create the new single-family dwelling, but the application for the ADU
12 shall be considered without discretionary review. If the applicant
13 requests a delay, the sixty (60)-day time period shall be tolled for the
14 period of the delay. If the agency has not approved or denied the
15 completed application within sixty (60) days, the application shall be
16 deemed approved. The permitting agency may charge a fee to
17 reimburse it for costs incurred to implement this Subsection, including
18 the costs of adopting or amending any regulation that provides for the
19 creation of an ADU. If the permitting or reviewing agency denies an
20 application for an ADU pursuant to this Subsection, the permitting or
21 reviewing agency shall, within the sixty (60) day time period described
22 in this Subsection, return in writing a full set of comments to the
23 applicant with a list of items that are defective or deficient and a
24 description of how the application can be remedied by the applicant.

25 (16) The following public agencies are required to service lots
26 with ADUs:

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

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

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

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

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

16 (19) Lots zoned in an R1 zone shall be limited to one (1)
17 detached or one (1) attached ADU. Lots zoned in an A or R2 zone shall
18 be limited to one (1) detached ADU or one (1) attached ADU.

19 (20) Where an ADU is to be created as an attached or detached
20 unit on a lot located within the Groundwater Protection Zone and within
21 two hundred (200) feet of a sewer main, the ADU shall be permitted
22 only if the primary residential unit and the ADU are both connected to
23 sewer. Where an ADU is to be created on any other properties island
24 wide within fifty (50) feet of a sewer main, the ADU will be permitted
25 only if the primary residential unit and the ADU are both connected to
26 sewer.

1 (21) Where a maximum of one (1) ADU is to be created as an
2 attached or detached unit on a lot located within the Groundwater
3 Protection Zone, the lot must be a minimum of nineteen thousand two
4 hundred square feet (19,200 sq. ft.) in size, and both the primary and
5 ADU unit shall be served by a Type 4 sewage treatment/disposal
6 system.

7 **§ 61142. Accessory Dwelling Units: Standards.**

8 An ADU shall:

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

12 (b) be covered under the same homeowner's insurance policy
13 as the main home or separately, at the option of the homeowner;

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

16 (d) be subject to the following setback requirements:

17 (1) a minimum side and/or rear yard setback of four (4)
18 feet;

19 (2) if an ADU involves conversion of an existing
20 structure detached from the primary dwelling and which
21 conforms to the requirements of § 61141(b)(1), the minimum
22 side and rear yard setback shall be a minimum of four (4) feet;

23 (e) comply with any wastewater or environmental impact
24 requirements in public laws, Guam Administrative Rules and
25 Regulations, Guam law, and federal law; and

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

4 **§ 61143. Common or Separate Utilities Options.**

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

9 **§ 61144. Rental of Accessory Dwelling Unit.**

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

13 **§ 61145. Reporting Requirements to the Municipality.**

14 Upon completion of an ADU, the head of household shall inform the
15 Mayor of the affected municipality. This is to facilitate better governance
16 through safety, community planning through village population data tracking,
17 zoning compliance, etc.”

18 **Section 2.** A new Subsection (mm) is hereby *added* to § 61103 of Article 1,
19 Chapter 61, Title 21, Guam Code Annotated, to read:

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

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

26 “(4) Uses customarily accessory to any of the above uses, including
27 accessory dwelling units, home occupations, and private auto mobile parking

1 areas, as well as accessory buildings and structures such as private garages,
2 warehouses, barns, corrals or other similar structures.”

3 **Section 4.** § 61305(a)(4) of Article 3, Chapter 61, Title 21, Guam Code
4 Annotated, is hereby *amended* to read:

5 “(4) Uses customarily accessory to any of the above uses, including
6 accessory dwelling units, home occupations and private parking areas with
7 accessory buildings and structures.”

8 **Section 5.** § 61306(a) of Article 3, Chapter 61, Title 21, Guam Code
9 Annotated, is hereby *amended* to read:

10 “(a) Use Permitted.

11 (1) One-family dwellings.

12 (2) Duplexes.

13 (3) Multi-family dwellings.

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

15 (5) Bed and breakfasts.

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

17 (7) Accessory dwelling units.”