

CHAPTER 3
GUAM HOUSING AND URBAN RENEWAL AUTHORITY
ASTUMBO SUBDIVISION PROJECT

NOTE: Rule-making authority cited for Guam Housing and Urban Renewal Authority, 12 GCA §5104 and 21 GCA §17108.

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§3101. Title. These rules be known as the Astumbo Subdivision Rules and Regulations.

§3102. Authority. These rules and regulations are promulgated pursuant to the provisions of 12 GCA §5411.

§3103. Purpose. The purpose of these rules and regulations is to provide uniform procedures regulating the disposition of government land in the Astumbo Subdivision as defined in Article 4, Chapter 5, 12 GCA.

§3104. Definitions. For the purpose of these rules and regulations, the following general definitions shall apply:

(a) *Authority* means the Guam Housing and Urban Renewal Authority.

(b) *Board* means the Board of Commissioners of the Guam Housing and Urban Renewal Authority.

(c) *Rules and Regulations* means the Astumbo Subdivision Rules and Regulations.

(d) *Executive Director* means the chief executive officer of the Guam Housing and Urban Renewal Authority.

(e) *Manager* means the Manager of the Community Development Division.

(f) *Family* means two (2) or more persons related by blood or marriage living together as a household, the head of which is a U.S. citizen or permanent resident.

(g) *Single person* means an adult who is unmarried, widowed, divorced or is living separately from his spouse in accordance with a decree of separate maintenance entered by a court of competent jurisdiction.

§3105. Qualifications. An applicant must be a bona-fide resident of Guam, of legal age, and must fall within one (1) of the preference categories of Section VI below.

§3106. Preferences. Selection of purchasers to Astumbo Subdivision lots shall be in accordance with the following preferences:

(a) First preference shall be given to:

(1) those families who were, on August 25, 1978, residing within the subdivision area under a Land Management Land Use Permit and continue to reside there, or

(2) to families who reside under a Land Management Land Use Permit or Department of Agriculture Land Use Permit on government land which has been designated as a water conservation area as indicated on the Bureau of Planning Land and Water Natural Resources Map who are without fee title to any real property, in or out of the territory, and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority.

(b) Second Preference shall be given to those families or heads of household, as defined by the U.S. Internal revenue Code, who are, pursuant to a Land Management Land Use Permit, residing on government land designated as a low density area on the Bureau of Planning Land and Natural Resources Map, are without fee title to any real property in or

out of the territory, and whose income does exceed the limits established for a low-income family or a head of a household, as defined by the U.S. Internal Revenue Code, residing in low rent housing projects operated by the Authority.

(c) Third Preference shall be given to the other eligible families residing on government land under a Land Management Land Use Permit who are without fee title to any real property in or out of the territory, and whose income does not exceed the limits established for a low-income family or a head of a household, as defined by the U.S. Internal Revenue Code, residing in low rent housing projects operated by the Authority.

(d) Fourth Preference shall be given to tenants of low-rent housing programs operated by the Guam Housing Corporation or the Authority who are without fee title to any real property in or out of the territory, and whose income does not exceed the limits established for a low-income family or a head of household, as defined by the U.S. Internal Revenue Code, residing in low rent housing projects operated by the Authority.

§3107. Applications. (a) **Form.** All applicants shall complete and submit application forms prescribed by the Authority. Except for First Preference A applicants, the Authority shall require a sworn statement as to such applicant's ownership of land in Guam or elsewhere.

(b) **Period.** The Board shall, by Resolution, designate the period during which applications shall be accepted. The application period shall be published in a newspaper of general circulation, two (2) times prior to the designated period.

§3108. Application Evaluation. The Community Development Division shall evaluate each application and submit each application determined eligible to the Board for review and approval.

§3109. Purchase Requirements. (a) The purchase price of the lot is Two Thousand Five Hundred Dollars (\$2,500).

(b) The minimum down payment is One Thousand Five Hundred Dollars (\$1,500) of the purchase price.

(c) The balance of \$1,000 may be amortized for a maximum term of twenty-four (24) months at an interest rate of 8%. The unpaid balance may be paid in full any time without prepayment penalty.

(d) Buyer may immediately take possession of the lot and shall pay all real estate taxes and assessments thereon upon conveyance of title to the lot. Conveyance of title to lot may be made after installation of sewer line to lot.

(e) Any payment default must be cured within three (3) months from the due date of payment. Failure to cure default will terminate contract and all payments will be retained as liquidated damages.

(f) Lot must be used for residential purchases only.

(g) A residential building must be constructed in accordance with the Government of Guam Building Code requirements.

(h) Title to lot remains with Authority until satisfaction of contract terms and conditions.

(i) Upon satisfaction of Item (8) above, the Authority shall convey title to buyer by a Grant Deed reserving for itself:

(1) Easements of record for sewage, drainage, or utilities in perpetuity;

(2) Adjoining streets and alleyways;

(3) Water and mineral rights in the premises.

(j) The Contract of Sale becomes binding upon signature of the Executive Director.

(k) Each deed shall be subject to a right of reverter to the Authority if (i) such statement on income or non-ownership of land in Guam or elsewhere was false or (ii) the grantee sells or leases to a third party any of the property after the date of execution of the deed. The grantees must personally occupy the property conveyed and not lease it to others. The property may not be conveyed by the grantee(s) to a third party, except that a mortgage to a bona-fide lending institution to secure funds to construct a resident on the property, shall not be a

violation of such rules even if mortgage is foreclosed.

(l) Within thirty (30) days of execution of contract of sale, the applicant shall tender the down payment required. If the applicant falls or refuses to make the down payment or subsequent payments in accordance with the promissory note, all actions pursuant to these rules and regulations shall be of no effect and the application shall be determined to have been disapproved without prejudice.

§3110. Status Report. The Manager shall submit a quarterly report to the Executive Director regarding the status of the program, and shall further submit a summary report when the last subdivision lot is sold.

§3111. Record Keeping/Record Management. The Manager shall keep on file all contracts and other relevant data relative to each buyer.

§3112. Accounting. The Comptroller of the Authority shall keep and maintain accounts for all revenues received from the sales of all Astumbo Subdivision lots.

§3113. Contract Default. Land reverted to the Authority shall be made available to other qualified applicants under 12 GCA Chapter 5, Article 4.

§3114. Administration. (a) The Manager shall expeditiously proceed to execute the processing of the applications as follows:

(1) The award of lots to eligible applicants shall be made to those families who were on August 25, 1978 residing within the subdivision area under a Land Management use Permit and continue to reside there. Selection of lots by First Preference A applications shall be in the immediate vacant adjacent area where application is residing at time of selection.

(2) Families who reside in water conservation area under First Preference B, and subsequent eligible applications under Second, Third, and Fourth Preferences set forth in Section VI shall be chosen by lottery within the respective preference.

(3) No applicant shall be awarded more than one (1) lot in the subdivision.

(b) **Place.** Applications shall be received at the Main Office of Guam Housing and Urban Renewal Authority during designated times.

§3115. Contract for Sale. Upon the approval of an application by the Board and the purchaser having tendered the required payments, the Authority shall issue a contract of sale agreement to the purchaser pursuant to the governing provisions of the subdivision.

§3116. Grand Deed. Upon satisfaction of the terms and conditions of the contract of sale, the Authority shall convey to the purchaser title to the property by Grand Deed.

§3117. Instrument of Conveyance. The Authority in any instrument of conveyance to the purchaser shall provide such purchaser shall be without the power to sell, lease or otherwise transfer the real property. The Authority may provide, in any such instrument of conveyance, that such real property shall revert to or revert in the Authority, upon a breach or violation of any condition, covenant, restriction, undertaking or other requirements relating to the use of the property or otherwise without relieving any purchaser and successors or assigns of any obligation assumed by such purchaser and without liability on the part of the Authority for any claim arising from such reverting or reversion.

§3118. Relocation Assistance. Relocation assistance under 12 GCA §5401. shall be limited to families or single persons residing within the Astumbo Subdivision under a Land Management Land Use Permit who are displaced by the construction of the subdivision.

(a) Any displaced person eligible for relocation assistance may receive up to \$5,000 to cover relocation costs, inclusive of expense for relocation or removal of the displacee's dwelling unit.
