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CHAPTER 17
RELOCATION ASSISTANCE ACT

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§ 17101. Declaration of Policy.

The purpose of this Chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by government of Guam land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. The policy shall be uniform as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) government reimbursement for local relocation payments under government assisted programs.

SOURCE: GC § 13979 enacted by P.L. 11-160.

§ 17102. Definitions.

As used in this Chapter:

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(a) *Agency* means any department, agency or instrumentality of the government.

(b) *Person* means any individual, partnership, corporation, or association.

(c) *Displaced Person* means any person who, on or after the effective date of this Chapter, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as a result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by an agency; and solely for the purposes of § 17103(a) and (b) and § 17106 of this Chapter, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(d) *Nonprofit Organization* means a nonprofit organization as defined in §501 of the U.S. Internal Revenue Code.

(e) *Business* means any lawful activity, excepting a farm operation, conducted primarily:

(1) for the purchase, sale, lease and rental of personal and real property, and for manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) for the sale of services to the public;

(3) by a nonprofit organization; or

(4) solely for the purposes of § 17103(a) of this Chapter, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(f) *Farm Operation* means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities, in sufficient quantity to be capable of contributing materially to the operator's support.

SOURCE: GC § 13979.1 enacted by P.L. 11-160.

§ 17103. Moving and Related Expenses.

(a) If any agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this Chapter, for:

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency;

(3) actual reasonable expenses in searching for a replacement business or farm.

(4) actual reasonable expenses necessary to reestablish a displaced farm, non-profit organization, or small business at its new site, in accordance with criteria to be established by the agency, but not to exceed Ten Thousand Dollars.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance determined according to a schedule established by the agency.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by Subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than One Thousand Dollars (\$1,000) nor more than Twenty Thousand Dollars (\$20,000). In the case of a business, no payment shall be made under this subsection unless the agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the agency, which is engaged in the same or similar business. For purposes of this subsection, the term *average annual net earnings* means one-half (1/2) of any net earnings of the business or farm operation before income taxes during the two (2) taxable years immediately preceding the taxable year in which the business

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or farm operation moves from the real property acquired for such project, or during such other period as the agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection.

SOURCE: GC § 13979.2 enacted by P.L. 11-160; amended by P.L. 20-101:1..

§ 17104. Replacement Housing for Homeowners.

(a) In addition to payments otherwise authorized by this Chapter, the agency shall make an additional payment not in excess of Twenty-two Thousand Five Hundred Dollars (\$22,500) to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred and eighty (180) days prior to the initiation of negotiations for the acquisition of the property. The additional payment shall include the following elements:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be determined by regulations issued pursuant to § 17108 of this Chapter;

(2) The amount, if any, which will compensate the displaced person for any increased interest costs and other debt service costs which the person is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred and eighty (180) days prior to the initiation of negotiations for the acquisition of the dwelling. The amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to § 17108 of this Chapter; and

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(3) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

SOURCE: GC § 13979.3 enacted by P.L. 11-160; amended by P.L. 20-101:2..

§ 17105. Replacement Housing for Tenants and Certain Others.

In addition to amounts otherwise authorized by this Chapter, an agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under § 17104, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety (90) days prior to the initiation of negotiations for acquisition of such dwelling. The payment shall be either:

(a) the amount necessary to enable the displaced person to lease or rent for a period of not to exceed four (4) years, a decent, safe, and sanitary dwelling of standards adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed Five Thousand Two Hundred Fifty Dollars (\$5,250), or

(b) the amount necessary to enable the person to make a down payment, including incidental expenses described in § 17104(a)(3), on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed Five Thousand Two Hundred Fifty Dollars (\$5,250), except that in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least ninety (90) days but not more than one hundred eighty (180) days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payments shall not exceed the payment such person would otherwise have received under § 17104(a) of this Chapter had the person owned and occupied the displacement dwelling one

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hundred eighty (180) days immediately prior to the initiation of such negotiations.

SOURCE: § 13979.4 enacted by P.L. 11-160; amended by P.L. 20-101:3.

§ 17106. Relocation Assistance Advisory Programs.

(a) Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this Chapter, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed in Subsection (b) of this section. If the agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer the person relocation advisory services under the program.

(b) Each relocation assistance program required by Subsection (a) shall include such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs of displaced persons, business concerns and nonprofit organizations for relocation assistance; (2) to assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms; (3) to supply information concerning programs of the federal government and the government of Guam offering assistance to displaced persons and business concerns; (4) to assist in minimizing hardships to displaced persons in adjusting to relocation; and (5) to secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

SOURCE: GC § 13979.5 enacted by P.L. 11-160.

§ 17107. Assurance of Availability of Standard Housing.

Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this Chapter, the agency shall assure that, within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings equal in number to the number of and available to displaced persons who require

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dwellings and reasonably accessible to their places of employment; (except that regulations issued pursuant to § 17108 of this Chapter may prescribe situations when these assurances may be waived.)

SOURCE: GC § 13979.6 enacted by P.L. 11-160.

§ 17108. Authority of Agencies.

(a) An agency, in accordance with the Administrative Adjudication Act, shall adopt rules and regulations necessary to assure that:

(1) the payments and assistance authorized by this Chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) a displaced person who makes proper application for a payment authorized by this Chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) any person aggrieved by a determination as to eligibility for a payment authorized by this Chapter or the amount of a payment, may have his application reviewed by the agency.

(b) The agency may prescribe other regulations and procedures, consistent with the provisions of this Chapter.

SOURCE: GC § 13979.7 enacted by P.L. 11-160.

§ 17109. Administration.

In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the agency shall carry out its functions and duties under this Chapter through Guam Housing and Urban Renewal Authority which has an established organization for conducting relocation assistance programs.

SOURCE: GC § 13979.8 enacted by P.L. 11-160.

§ 17110. Fund Availability.

Funds appropriated or otherwise available to any agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this Chapter as applied to that program or project.

SOURCE: GC § 13979.9 enacted by P.L. 11-160.

§ 17111. Displacement by Building Code Enforcement or Voluntary Rehabilitation.

A person who moves or discontinues his business or moves other personal property, or moves from his dwelling on or after the effective date of this Chapter as the direct result of building code enforcement activities, or a program of rehabilitation of buildings conducted pursuant to a governmental program, is deemed to be a displaced person for the purposes of this Chapter.

SOURCE: GC § 13979.10 enacted by P.L. 11-160.

§ 17112. Payments not to be Considered as Income or Resources.

No payment received by a displaced person under this Chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any territorial law or for the purposes of the territory's corporation tax law or other tax law. These payments shall not be considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

SOURCE: GC § 13979.11 enacted by P.L. 11-160.

§ 17113. Appeal Procedures.

Any person or business concern aggrieved by a final administrative determination pursuant to the Administrative Adjudication Law, concerning eligibility for relocation payments authorized by this Chapter may appeal that determination to the Superior Court of Guam.

SOURCE: GC § 13979.12 enacted by P.L. 11-160.

§ 17114. Miscellaneous Payments.

In addition to other payments authorized by the Relocation Assistance Act, the instrumentality or agency of the government of Guam involved may, as part of the cost of any program or project, reimburse the owner reasonable and necessary expenses incurred for:

(a) Recording fees, transfer taxes and other expenses incidental to conveying the real property;

(b) Penalty costs for prepayment of any mortgage then existing entered into in good faith encumbering the real property if the mortgage is on record or has been filed for record as provided by law; and

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(c) The pro rata portion of real property taxes paid which are allocable to the period subsequent to the date of vesting title in, or the effective date of possession of such real property by the said instrumentality or agency, whichever is earlier.

SOURCE: GC § 13979.13 enacted by P.L. 12-148.

§ 17115. Reimbursement for Expenses Where Condemnation does not result in Acquisition or is Abandoned.

A court having jurisdiction over a proceeding instituted by an instrumentality or agency of the government of Guam to acquire real property by condemnation shall, when required by federal law or by a federal grant contract governing the project or program, award the owner of any right, title or interest in the real property, a sum which will reimburse the owner for his reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings if:

(a) The final judgment in the proceeding is that the said instrumentality or agency cannot acquire the real property by condemnation; or

(b) The proceeding is abandoned by the said instrumentality or agency.

SOURCE: GC § 13979.14 enacted by P.L. 12-148.

§ 17116. Compensation for Expenses of Inverse Condemnation.

A court, rendering a judgment for the plaintiff in a proceeding awarding compensation for the actual physical taking of the real property by an instrumentality or agency of the government of Guam, or the instrumentality or agency thereof effecting a settlement of any such proceeding, shall, when required by federal law or by a federal grant contract governing the project or program, determine and award or allow to the plaintiff as a part of the judgment or settlement a sum which will reimburse the plaintiff for his reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the proceedings.

SOURCE: GC § 13979.15 enacted by P.L. 12-148.

§ 17117. Relocation Payments Not Less Than Payments under Federal Uniform Relocation Act.

Notwithstanding the provisions of § 17103, § 17104 and § 17105, whenever any agency is required to make relocation payments under this Chapter, such payments shall not be less than the amounts the agency would

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have been required to make under similar circumstances had the agency been subject to the Federal Uniform Relocation Act, as amended.

SOURCE: Added by P.L. 20-101:4.

§ 17118. Relocation Assistance: Conformity with Federal Requirements.

(a) When any department, agency or instrumentality of the government of Guam, or other political subdivision, or any other public or private entity subject to the provisions of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Public laws 91-646 and 100-17 (Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV), herein the *Federal Uniform Relocation Assistance Act of 1987*, undertakes any project which results in the acquisition of real property or in any person or persons being displaced from their homes, businesses, or farms, such territorial department, agency or instrumentality \, or any other political subdivision, or other public or private entity shall provide relocation assistance, and to make relocation payments to such displaced person and to do such other acts and follow such procedures and practices as may be necessary to comply with the provisions of the federal Relocation Assistance Act.

(b) Any payment made or to be made under the authority granted herein shall be for compensating or reimbursing the displaced person or owner of real property in accordance with the requirements of the federal Uniform Relocation Assistance Act and such payments shall not for any purpose be deemed or considered compensation for real property acquired or compensation for damages to remaining property.

(c) The Guam Housing and Urban Renewal Authority is authorized to issue such regulations and procedures as may be determined to be necessary or appropriate to carry out the federal Uniform Relocation Assistance Act. Any territorial agency required to comply with this Act shall carry out its functions and duties in accordance with the regulations and procedures issued by the Guam Housing and Urban Renewal Authority.

SOURCE: Added by P.L. 22-101:5.

