

CHAPTER 5

PUBLIC LANDS SUBDIVISION COMMITTEE

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NOTE: Rule-making authority cited for formulation regulations for the Public Lands Subdivision Committee by the Director of Land Management, 21 GCA Chapter 75.

Public Law 12-226 repealed Chapter VI, Leases and Sales of Title XIV of the Government Code, consisting of §§13500-13528. In its place it established the Chamorro Land Trust Commission. At the first meeting of said Commission, all powers and responsibilities of the Public Lands Subdivision Committee shall be transferred to it.

§5101. Title. The Title shall be known as *Government Subdivision Rules and Regulations*.

§5102. Authority. These Rules and Regulations are promulgated pursuant to the provisions of Public Law 11-44, Maimai, Sinajana Subdivision; Public Laws 11-91 and 9-235, Pigua, Merizo Subdivision; Public Law 10-195, Pagachao, Agat and As-Tumbo, Dededo Subdivision; and Public Law 11-127, Umatac Subdivision. (See 21 GCA §75116.)

§5103. Purpose. The purpose of these Rules and Regulations is to provide uniform procedure regulating the disposition of government land in subdivisions in compliance with applicable public laws.

§5104. Definitions. (a) For the purpose of these Rules and Regulations, certain terms are defined as follows:

- (1) *Department* - The Department of Land Management.
- (2) *Director* - The Director of Land Management.
- (3) *Committee* - Public Lands Subdivision Committee.
- (4) *Rules and Regulations* - Government Subdivisions Rules and Regulations.
- (5) *Application* - Government Subdivision Application.

(6) *Administrator* - Administrator, Land Management Programs.

(7) *Report* - evaluation priority report.

§5105. Qualifications. (a) Any person who is a bona fide resident of Guam, a U.S. citizen and of legal age.

(b) All business enterprises licensed to do business on Guam.

(c) No person, his or her spouse, or business enterprise shall qualify who has owned within the past ten (10) years in fee simple title a usable parcel of land larger than six thousand (6,000) square feet.

(d) Any person who has acquired an interest in government land under similar programs mentioned in 18 GAR §5102 shall not be qualified to acquire interests hereunder.

§5106. Committee. (a) **Name and Function.** There is hereby created a Public Lands Subdivision Committee. The Committee shall review and investigate all complaints relative to the program created in §5102 above. The Committee shall uniformly regulate the administration of these Rules and Regulations, and it shall expedite the implementation of public laws mentioned in §5102 above. The Committee shall hear, review and investigate all complaints relative to the programs applicable therein and submit its recommendations thereon to the Director.

(b) **Members.** The Committee shall be composed of three (3) members, only one (1) of whom shall be employed by the Department and appointed by the Director.

(c) **Tenure.** All members shall serve for two (2) year terms, unless sooner terminated by the Director.

(d) **Chairman.** The Chairman of the Committee shall be that member appointed by the Director. The Chairman shall preside in all Committee meetings.

(e) **Vice-Chairman.** The Vice-Chairman of the Committee shall be that member so designated by the Chairman. Upon the Chairman's absence or inability to act, the Vice-Chairman shall perform the duties of the Chairman during the period of such absence or inability.

(f) **Meetings:**

(1) **Regular.** Regular meetings of the Committee shall be on the first Wednesday of every month at 2:00 P.M. at the Department of Land Management.

(2) **Special.** Special meetings may be called by the Chairman or the Director at a place and time designated.

(3) All meetings shall be opened to the general public.

(4) The Chairman shall keep minutes of all its meetings.

§5107. Applications. (a) **Form.** All applicants shall complete and submit a Government Subdivision Application in the approved form.

(b) **Period.** The Administrator shall designate the period during which applications shall be accepted, provided, however, that said time designated shall be no less than ten (10) consecutive working days. The application period shall be published in a newspaper of general circulation at least three (3) times, two (2) of which shall be made prior to the designated period.

(c) **Place.** Applications shall be received at the Department of Land Management, Land Administration Division, during any working day unless otherwise announced by the Administrator.

(d) **Fee.** An application fee of Five Dollars (\$5.00) is charged for all applications. Applications filed after the application period shall be charged an additional Five Dollars (\$5.00) late application fee. No application shall be accepted after the division has submitted the Evaluation Priority Report to the Public Lands Subdivision Committee. Application fee is non-refundable.

(e) **Approval/Disapproval.** The Administrator upon receipt of an application shall either approve or disapprove the application and notify the applicant in writing not later than twenty- five (25) working days thereafter. The Administrator shall further identify the reason and/or reasons relative to the disapproval of application. Approval of application shall mean the validation and acceptance of information contained in the application.

§5108. Application - Evaluation. No later than twenty-five (25) working days after termination of the application period, all applications shall be evaluated as follows:

(a) **Land Administration Division.** The Division shall evaluate each application and assign a priority rating in

accordance with public laws applicable thereto. The Division shall submit a Priority Evaluation Report to the Committee during a regular meeting not later than forty (40) working days from the initial date of application evaluation.

(b) The Committee shall audit the Division's Preliminary Evaluation Report in accordance to priority system applicable thereto. The Committee may then adopt the Division's priority report with amendments but shall not delete any part thereof. If the Committee finds the report unacceptable, it shall return same to the Division. The Division shall have ten (10) working days for further evaluation and resubmission of the report. The Committee shall then adopt or acknowledge the report. Upon adoption thereof or acknowledgment, the Committee shall forward the report to the Administrator.

(c) The Administrator shall acknowledge receipt of the Committee's report and shall schedule a public hearing relative thereto:

(1) Notice of said public hearing shall be published in a newspaper of general circulation for three (3) consecutive days or weeks but shall be published not later than thirty (30) days prior to the public hearing. Individual notice shall also be distributed to all departments and agencies of the government of Guam.

(2) The public hearing shall be held at a time and place convenient and accessible to the public.

(3) The Committee members shall be present during the public hearing to assist the Administrator.

(4) The Administrator shall preside during the public hearing; in the absence of the Administrator, the Chairman of the Committee shall preside; in the absence of the Administrator and the Chairman, the Vice-Chairman shall preside.

(5) The Committee shall keep minutes of the public hearing. The minutes shall be an addendum to the Committee's report. The Administrator shall attest the validity of the minutes of the public hearing and shall forward both minutes and the report to the Director no

later than ten (10) calendar days after adjournment of the public hearing.

(d) **Director.** The Director shall officially acknowledge receipt of the Committee's report and shall review it. The Director shall not delineate, amend or in any way alter the report as submitted, but may recommend changes, as an addendum to the report.

(e) **Governor.** The Governor shall either approve the final report in its entirety, or he shall amend the same, and shall forward said report to the Director.

(f) **Director.** The Director shall acknowledge receipt of the final report and shall then proceed to:

(1) Immediately notify all applicants who were adversely affected by the Governor's adoption. Allow twenty (20) working days for affected applicants to officially respond to the notice:

(A) Subsequent to the above, the Director shall forward the report to the Administrator for implementation.

§5109. Administration. The Administrator upon receipt of the final report shall expeditiously proceed to execute the program subject to the following:

(a) The award of lots shall be in strict accordance with the final report as approved by the Governor.

(b) No applicant shall be awarded more than one (1) lot in any and all programs created by public laws contained in §5102 of these Rules and Regulations.

(c) Sale price of each lot shall be computed at three-fourths (3/4) the appraised market value or at break-even development cost, whichever is lower.

(d) **Contract Form.** The Administrator, with the concurrence of the Director, shall use whatever contract forms in his reasonable judgment is for the best interests of the Government and the buyer.

(e) **Status Reports.** The Administrator shall submit a quarterly status report to the Director regarding the status of the program and shall further submit a summary report when the last subdivision lot is sold.

(f) **Notice to Applicants.** The Administrator shall notify each applicant in writing of such action as approved by the Governor. Within thirty (30) days after an applicant receives such written notice of final approval of his application, he shall make or tender payment of the approved price of the land. If the applicant fails or refuses to make or tender payment, 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.

(g) **Recording.** The Administrator shall keep on file all contracts and other relevant data relative to each buyer.

(h) **Accounting.** The Administrator shall keep and maintain accounts for all revenues received from the disposition of all subdivision lots, including application and late application fees, and shall on a quarterly basis reconcile said record keeping with the Department of Administration.

(i) **Contract Default.** Land reverted to government of Guam shall be made available for other qualified applicants and not for other purposes not identified in the enabling public laws' intent. All contracts executed pursuant to these Rules and Regulations shall be executed in strict compliance and in accordance with such contract. Without additional notice by the Director of Land Management, it shall be the duty of the applicant to notify the Director of Land Management if he cannot meet the terms of the contract.

§5110. Repeal. The adoption of these Government Subdivision Rules and Regulations pursuant to the Administrative Adjudication Act, supersedes all previous rules and regulations.