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McV LAND USE ALERT

Autonomous Municipalities Act Amended to Conform it With Permitting Process Reform Act

Act 106-2012 amends Act 81 of August 30, 1991, known as the Autonomous Municipalities Act, to adapt it to the regulatory scheme of Act 161 of December 1, 2009, known as the Permitting Process Reform Act. It also amends the Permitting Process Reform Act to provide additional powers to "Authorized Professionals."

Among the most relevant aspects of Act 106 are the following:

- References to the defunct Regulation and Permits Administration and Construction and the Appeals Board on Constructions and Subdivisions are substituted throughout the Autonomous Municipalities Act with the corresponding terms "Permits Management Office" and "Permit and Land Use Review Board." The Office of the General Inspector of Permits is also included.
- Requires autonomous municipalities that have their own zoning regulations and/or that have entered into an agreement for delegation of land use powers with the Central Government to revise and modify their regulations within 90 days from approval of Act 106 regarding procedural aspects, modernization, and issuance of permitting decisions to conform them to the Permitting Process Reform Act. Once such period has expired, municipal regulations contrary to be Permitting Process Reform Act will be invalid.
- Confers to Level V autonomous municipalities the power to grant use variances and variances in intensity of construction as well as to issue permits for industrialized construction systems of sub-regional impact, signs and advertisements, subject to certain exceptions. On the other hand, projects of regional impact not included in a municipal zoning plan will still be evaluated by the Central Government.
- Confers to Level V municipalities the power to receive and process requests for determinations of environmental compliance via categorical exclusion before referring them to the Permits Management Office.
- Provides that applications that have been transferred to the Central Government shall be evaluated based on a Level V municipality's ordinance and its zoning regulations. The procedural aspects of the Central Government's regulations would apply to such applications.

- Requires the Director of the municipal zoning office to be a licensed planner and mandates the naming of an alternate member of the municipal permits committee.
- Allows Authorized Professionals to issue an array of ministerial permits in urban districts located in Level V municipalities, such as use permits for lots with an area of up to 400 square meters; demolition permits; construction permits for remodeling structures with an area of up to 15,000 square feet; certain general permits; construction permits for structures with an area of up to 2,200 square feet or in lots with an area of up to 400 square meters; and urbanization work permits via the exception procedure.
- Allows Level V municipalities to establish by ordinance the maximum number of Authorized Professionals that can practice in such municipality, as well as authorization requirements in addition to those set forth in the Permitting Process Reform Act and the supervisory mechanism for compliance.
- Provides for municipalities to enter into collaboration agreements with the Permits Management Office for the electronic filing and processing of permit applications.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the attorneys listed below, members of our Environmental, Energy and Land Use Practice:

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