

Construction and/or Urbanization Permit Requirements Waived for 120 Days

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PRACTICE AREAS

- Environmental Regulation
- Environmental, Energy & Land Use
- Land Use Regulation

An McV Environmental & Land Use Alert

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On October 5, 2017, and as a result of the passage of Hurricane Maria, the Puerto Rico Planning Board (“PRPB”) and the Permits Management Office (“OGPe”, by its Spanish acronym) issued Administrative Order No. 2017-07 (“Order”) establishing a 120-day period (ending on February 2, 2018) during which any reconstruction, replacement or repair project of public and private infrastructure and properties is exempted from obtaining construction and urbanization permits from OGPe and Autonomous Municipalities with Permitting Offices.

However, prior to commencing the reconstruction, repair or replacement project, the proponent is required to obtain:

1. A categorical exclusion determination pursuant to the Permits Process Reform Act, Act 161-2009, and the P.R. Environmental Public Policy Act. The Environmental Quality Board Resolution No. R-11-7 provides a list of reconstruction, repair, and replacement projects for which a categorical exclusion determination may be granted. The categorical exclusion determination issued by OGPe shall be sufficient to demonstrate compliance with the Order during construction.
2. Construction drawings duly certified and sealed by a licensed engineer or architect in Puerto Rico, who will also certify that the project is in compliance with applicable building codes. The Order exempts these projects from the payment of filing fees.
3. Retain the services of a project inspector who shall prepare inspection reports pursuant to Act 135-1967. The designated inspector must submit to OGPe or the Municipal Permits Office a final certification attesting that the reconstruction, repair or replacement works were performed in compliance with the construction drawings, and environmental health and fire prevention requirements and codes.

The Order excludes and prohibits any addition or change in the existing footprint of the property, its density or dimensions, unless a formal permit is issued. Substantial improvements to existing properties, which cost is equal to or exceeds fifty percent (50%) of the properties’ appraised value, shall be

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permitted in coastal areas and flood zones provided that the project complies with Special Flood Hazard Regulation No. 13 of the PRPB.

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