

**GOVERNMENT OF PUERTO RICO
PLANNING BOARD
SAN JUAN, PUERTO RICO**

NOTICE OF PROPOSAL AND REQUEST FOR PUBLIC COMMENTS

REGARDING

ADOPTION OF THE JOINT REGULATION FOR THE EVALUATION AND ISSUANCE OF PERMITS RELATED TO THE DEVELOPMENT, LAND USE AND BUSINESS OPERATIONS

For information of the general public and in accordance with the provisions of Article 15.1 of Act No. 161-2009, as amended, known as the *Puerto Rico Permit Process Reform Act*; Act No. 38-2017, known as the *Uniform Administrative Procedures Act of the Government of Puerto Rico*; and Act No. 75-1975, known as the *Planning Board Enabling Act*, as amended, the Puerto Rico Planning Board intends to adopt the **Joint Regulation for the Evaluation and Issuance of Permits Related to the Development, Land Use and Business Operation**.

In compliance with the regulatory process requirements, public participation will be guaranteed, in accordance with the provisions of Act No. 161-2009 and Act No. 38-2017. A platform will be provided for the general public and for small and medium-sized businesses, through the Planning Board's website, for the purpose of submitting comments or proposals to the Draft of the proposed Joint Regulation for a period greater than the 30 regulatory days commencing as of the date of publication of this notice.

Likewise, in compliance with all the security measures required by the state of emergency declared by the Government of Puerto Rico due to the COVID-19 pandemic, public hearings will be held in person and by remote technological means, ensuring at all times access and effective participation by the public.

The information regarding the process of public hearings and the calendar specifying the day, hour and place of the upcoming hearings, will be disclosed in a second public notice to be issued by the Planning Board.

THE PROPOSED REGULATION:

The Planning Board, with the collaboration of the Permit Management Office (OGPe) and other Concerned Government Entities, namely: General Services Administration; Aqueducts and Sewers Authority; Highway and Transportation Authority; Electric Power Authority; Port Authority; Gaming Commission of the Government of Puerto Rico; Department of Agriculture; Department of Consumer Affairs; Department of Economic Development and Commerce; Industrial Development Company; Tourism Company; Department of Education; Department of Treasury; Department of Family Affairs; Department of Housing; Sports and Recreation Department; Department of Environment & Natural Resources; Health Department; Department of Public Safety, particularly: Police Bureau and Fire Department; Department of Transportation and Public Works; Puerto Rican Culture Institute; Public Service Regulatory Board, particularly: Energy Bureau, Telecommunications Bureau and the Transportation and Other Public Services Bureau; and the State Historic Preservation Office, propose:

1. The adoption of the Joint Regulation for the Evaluation and Issuance of Permits Related to the Development, Land Use and Business Operations, to establish and apply: (1) A uniform adjudication system; (2) Uniform processes for the evaluation and issuance of final determinations, permits, and recommendations related to construction works and land use; (3) Green Design Guides for the training of Authorized Professionals and any other person in Puerto Rico who is interested in being certified under them; (4) A procedure for audits and complaints to be followed by the PRPB, the Concerned Government Entities, and the Autonomous Municipalities with Hierarchy I to III, as applicable; and other procedures or administrative remedies; (5) The public policy for the uniformity of the zoning districts in the municipalities' territorial ordinance process under the *Municipal Code of Puerto Rico*, Act No. 107-2020, as amended, as required by Act No. 19-2017 and the return to the zoning nomenclature for zoning districts contained in the 2010 Joint Regulation with some modifications; (6) The creation of new districts that serve commercial and tourist activities while encouraging mixed uses; (7) The adoption of guidelines for the establishment of overlaid districts based on the urban form using the current version of the Planning Codes based on "Form-Base Code" and the principles of the "Smart Code" published by the "Center for Applied Transect Studies"; (8) The incorporation of NAICS codes (North American Industry Classification System) to classify commercial uses so that they can be standardized with the Department of Treasury; (9) The use of the permit platform known as the Single Business Portal for all procedures under the Joint Regulation; (10) The terms of effectiveness of the special exceptions and public land transactions, including those in force by virtue of Act No. 142-2012; (11); The procedures in order for the OGPe, the Authorized

Professionals and Authorized Inspectors to issue final determinations, permits, licenses, certifications, including fire prevention and environmental health; (12) The procedures in order for Autonomous Municipalities with Hierarchy I to III to issue final determinations and permits; (13) The procedures in order for the OGPe, the Adjudication Board or the Permit Committees of the Autonomous Municipalities with Hierarchy I to III (as applicable) to issue final determinations for variances in use, construction, and special exceptions, including those related to public works and those of regional or supra-regional impact; (14) The procedures for the Planning Board to issue final determinations for direct zoning adjustments for land plots and public land transactions; (15) The provisions applicable to establishments for medicinal use of cannabis; (16) The procedures, terms of effectiveness and modalities of single permits; (17) The provisions applicable to the development of suburbs and subdivisions; (18) The provisions for the process related to the designation of historic sites, historic zones and foundational centers; areas of tourist interest; school zones; natural reserves; and agricultural reserves, among others; and (19) The building and construction parameters for residences, gas stations, signs and advertisements, power generation systems for distribution with renewable energy resources.

2. The following will be published concurrently with the Joint Regulation Draft (i) the Initial Administrative Flexibility Analysis, which includes a study of the impact of the proposed regulation on small businesses, as required by the *Administrative and Regulatory Flexibility Act for Small Businesses*, Act No. 454-2000, as amended; (ii) the draft of the Executive Summary required under section 2.5(b) of Act No. 38-2017; and (iii) a thematic summary of the content of each Volume included in the Joint Regulation Draft.
3. Repeal the Joint Regulation for the Evaluation and Issuance of Permits Related to the Development, Use of Land and Business Operations, in force since January 2, 2021.
4. Repeal the Planning Board's Resolutions whose provisions have been incorporated into the draft of the proposed Joint Regulation and are listed in Section 1.6.10.2 – Resolutions, of Volume I.
5. Any other matter that Act No. 161-2009 has referred to be addressed through regulations and specifically those concerning the OGPe.

AVAILABILITY OF THE DOCUMENTS:

The digital version of the new Joint Regulation Draft and the other documents identified in item 2 will be available for public comments from **October 28, 2022** in our website: www.jp.pr.gov; and the printed version at the Office of the Secretary of the Planning Board (16th floor) located in the Roberto Sánchez Vilella Government Center (formerly Minillas), North Building, José De Diego Avenue, corner of Expreso Román Baldorioty de Castro, Stop 22 in Santurce, by prior appointment, from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m. To coordinate an appointment, you may call 787-723-6200 or email comentariosjp@jp.pr.gov. Additionally, a digital copy will be sent to the Central Office of the Permit Management Office located at Ave. F.D. Roosevelt #385, Industrial Development Building, Floor 2 in Hato Rey and the OGPe Regional Offices located in: Aguadilla, Arecibo, Humacao, and Ponce. Further, in the Permit Offices of those Autonomous Municipalities with a Covenant of Delegation and Transferences of Powers, namely: Aguadilla, Aibonito, Barranquitas, Bayamón, Cabo Rojo, Caguas, Carolina, Cayey, Cidra, Coamo, Comerío, Fajardo, Guaynabo, Humacao, Ponce, Salinas, San Juan and Villalba.

SUBMITTING PUBLIC COMMENTS:

As provided by Act No. 38-2017, *supra*, a minimum period of forty-five (45) days is granted to submit your comments in writing, beginning as of the date of publication of this notice. Comments may be submitted through a digital tool available through the website: <http://jp.pr.gov/>; or personally, at the Office of the Planning Board Secretariat, located on the 16th floor of the Roberto Sánchez Vilella Government Center (formerly Minillas), North building, José De Diego Avenue, corner of Expreso Román Baldorioty de Castro, Stop 22 in Santurce, during business hours from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m. Also, by mail to the address: P.O. Box 41119, San Juan, Puerto Rico, 00940-1119. In addition, comments may be sent to the Planning Board by email at comentariosjp@jp.pr.gov. The Planning Board will acknowledge receipt of these comments submitted electronically within the next two (2) business days from the date of receipt, in accordance with the provisions of Section 2.1 of Act No. 38-2017.


GEORGINA GONZALEZ OLLER
Secretary


JULIO LASSUS RUIZ
President