

“Puerto Rico Planning Board Organic Act”

Act No. 75 of June 24, 1975, as amended

(Contains amendments incorporated by:

Act No. 83 of June 21, 1977
Act No. 49 of July 13, 1978
Act No. 36 of August 17, 1990
Act No. 114 of December 9, 1993
Act No. 100 of August 24, 1994
Act No. 123 of August 9, 1995
Act No. 8 of February 15, 1996
Act No. 91 of June 20, 1998
Act No. 26 of April 30, 2001
Act No. 129 of September 12, 2001
Act No. 101 of August 26, 2005
Act No. 203 of September 27, 2006
Act No. 294 of December 26, 2006
Act No. 68 of July 13, 2007
Act No. 213 of August 9, 2008
Act No. 147 of November 19, 2009)

(Amendments non-incorporated:
Act No. 181 of December 1, 2010)

To create the Puerto Rico Planning Board, to define its purposes, powers, organization; to define the interaction of the other government bodies with the Board; to impose penalties, including administrative fines and to provide means to enforce this act; to repeal certain acts; and to appropriate funds.

STATEMENT OF MOTIVES

The Puerto Rican society has suffered substantial changes during the last two decades, undergoing a rapid change from an agricultural society to a predominantly industrial society. On the other hand the intricacy of the government structures and processes every day becomes more evident. However, the structures and mechanisms established for the planning of Puerto Rico in 1942 have not undergone substantial changes, for which it is necessary to make the proper adjustments to adapt them to the present needs of the Puerto Rico of 1975 and of the future.

It is indispensable to create a dynamic planning structure that can tackle the problems of a society and a government every time more complex, an open system which confronts innumerable pressures stemming from its reduced scale and shortage of resources.

In order to tackle the problems characteristic of the Puerto Rico of today and of the next decades, this New organic Act of the Planning Board is promulgated with the primal purpose of strengthening those functions of said Board related with the orientation, coordination and integration of the public policy on the integral development of the country, the researching for, the informing and counseling to, the Governor as well as the Legislature, the municipalities and the government agencies.

In keeping with the above purpose, there is assigned to the Rules and Permits Administration, a newly created agency, whose operational functions at present are performed by the Board, particularly the implementation of the Planning Rules and other related activities.

The main functions of the Planning Board and the instruments conferred thereon are meant to enable this body to coordinate and integrate the efforts of the different government sectors so as to accomplish an integral and well-balanced development of our society.

Be it enacted by the Legislature of Puerto Rico:

TITLE I. — CREATION OF THE PUERTO RICO PLANNING BOARD.

Section 1. — Short Title. (23 L.P.R.A § 62)

This Act shall be known as "Puerto Rico Planning Board Organic Act".

Section 2. — Creation. (23 L.P.R.A § 62a)

The Puerto Rico Planning Board is hereby created, attached to the Governor's Office.

Section 3. — Definitions. (23 L.P.R.A § 62b)

For purposes of this Act, the following terms and phrases shall have the meaning stated below, except where a different meaning clearly appears from the text:

- (a) Administration. — The Regulations and Permits Administration.
- (b) Urban area. — Is synonymous with "urban zone" as heretofore customarily used in the legislation of Puerto Rico, except that the boundaries of such area shall be fixed by the "Planning Board".
- (c) Building. — Includes any kind of structure.
- (d) Amendment. — Includes any modification or change in any statute, ordinance, regulation, map, plat or drawing.
- (e) Repeal. — Implies setting aside any of the preceding documents.
- (f) Operational phase. — That part of the function of reviewing projects which includes, among others, applying and seeing to the enforcement of the laws and regulations

promulgated for the use, development and subdivision of land as well as for the construction of buildings and structures.

(g) Official and body. — Shall include the Government of the Commonwealth of Puerto Rico or any of its parts, offices, bureaus, departments, commissions, dependencies, government instrumentalities or corporations or municipalities, their agents, officers or employees.

(h) Governor. — The Governor of Puerto Rico.

(i) Board. — Means the Puerto Rico Planning Board as a collegiate body, inclusively when, pursuant to the provisions of this Act, it functions divided into Parts.

(j) Planning Act. — The Puerto Rico Planning Board Organic Act, this Act.

(k) Subdivision. — Is the division or subdivision of a lot, tract or parcel of land into two or more parts for sale, transfer, assignment, lease, donation, usufruct, use, census, trust, division of inheritance or community, or for any other transaction; the constitution of a community of property on a lot, tract or parcel of land where specific lots are assigned to the joint owners; as well as for the construction of one or more buildings; and includes also a development, as heretofore used in the legislation of Puerto Rico as well as a mere segregation.

(l) Simple subdivision. — Is that subdivision on which all development works are already constructed, or where said works are very simple and the subdivision does not exceed ten (10) lots, taking into consideration for the computation of the ten (10) lots the subdivision of the tracts originally formed as well as the subdivisions of the remainder of the original tract.

(m) Member. — Means an associate or alternate member of the Board.

(n) Works. — Buildings and structures, including the improvements and works carried out on the land to facilitate or complement the construction thereof as well as the improvements and installations necessary for the use, segregation, subdivision or development of lands.

(o) Government body. — Any department, bureau, office, instrumentality, public corporation, municipality, intermunicipal body, municipal consortium or political subdivision of the Government of the Commonwealth of Puerto Rico.

(p) Person. — Any natural or artificial, public or private person and any group thereof.

(q) Regulation. — Includes restriction and prohibition.

(r) Planning Regulation. — The regulations approved or promulgated by the "Puerto Rico Planning Board" pursuant to the authority conferred thereon by this Act or any other act.

(s) Treasury of Puerto Rico. — The Treasury of the Government of Puerto Rico.

(t) Lands. — Includes land as well as water, the space over same or the land underneath.

(u) Development. — Any segregation, division or subdivision of a tract of land which, because of the works to be carried out for the formation of lots, is not comprised within the term "simple subdivision", as defined in this section, and it shall further include the development of any tract of land for the construction of any building or buildings of eleven (11) or more dwellings.

(v) Central Region. — This Region shall be composed of the rural and urban zones of the Municipalities of Adjuntas, Aibonito, Aguas Buenas, Barranquitas, Ciales, Comerío, Cidra, Corozal, Florida, Jayuya, Lares, Las Marías, Maricao, Morovis, Naranjito, Orocovis, San Sebastián, Utuado and Villalba.

(w) Information. — Means any data, document, feature, report, statistic or similar material that the Board deems necessary to comply with the purposes of this Act, whether required through forms and/or questionnaires or other means that the Board designs for such purposes.

Section 4. — General purposes. (23 L.P.R.A § 62)

The powers granted in this Act shall be exercised for the general purpose of guiding the integral development of Puerto Rico in a coordinate, adequate, economic manner which, according to the present and future social needs and human environmental, physical and economic resources, will best promote the health, safety, order, coexistence, prosperity, defense, culture, economic stability and general welfare of the present and future inhabitants and such efficiency, economy and social welfare in the process of development, in the distribution of population, in the use of the land and other natural resources, and in the public improvements as may tend to create conditions favorable for the society to develop integrally.

TITLE II. — COMPOSITION AND OPERATION

Section 5. — Composition. (23 L.P.R.A § 62)

The Board shall be composed of seven (7) associate members, who shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico.

The Governor of Puerto Rico may appoint up to three (3) alternate members so they can be part of a chamber when the President so determines; to substitute the associates in case of vacancies, sickness, regular and unpaid leave, vacations, temporary absences or disability, of any of them; to carry out the functions or assignments deemed necessary by the President in order to achieve the purposes of this Act; or to carry out any other functions assigned by him/her or by any other law.

Said alternate members shall be entitled for [sic] per diems, to an allowance equal to the minimum per diem established for the members of the Legislature for each day that they perform their functions as active members of the Board; Provided, That when the appointment is of an official or employee of the Government of the Commonwealth of Puerto Rico, he/she shall not receive any per diems whatsoever.

All alternate or associate members of the Board shall be knowledgeable, capable persons, and experienced in areas related to the purposes of this Act. Furthermore, at least one (1) of the associate members shall have training and experience in the area of planning and hold a professional planners license.

Section 6. — Duties of the members. (23 L.P.R.A § 62)

The associate members of the Board shall perform work on a full-time basis; Provided, however, That when the technical services or collaboration of any of them is required by any department, board, commission, instrumentality or any other state or federal body, the Governor may authorize that such technical service or collaboration be rendered, granting, when needed, a license with or without pay, to the associate member who shall render said technical services or collaboration, but, license with pay to an associate member shall not exceed six (6) months and only one extension of three (3) additional months shall be granted in any calendar year. Each member shall hold office for the duration of the quadrennium in

which they were appointed, or until a successor takes office. During the term of his/her appointment he/she can only be dismissed for just cause.

Section 7. — Chairman and Vice-Chairman. (23 L.P.R.A § 62)

The Governor shall designate as Chairman a member of the Board, who shall hold office at his will. The Chairman in turn may designate one of the associate members of the Board as Vice-Chairman thereof, who, in case of temporary absence of the Chairman, vacancy of the chairmanship, or when the Chairman so determines, shall act as Acting Chairman until such time as the Chairman returns to his office or the vacancy is filled.

In case vacancies or temporary absences occur simultaneously in both offices, the other associate member of the Board shall act as Acting Chairman.

Section 7. — Meetings and bylaws. (23 L.P.R.A § 62)

The Chairman shall have discretion to assign working areas in the administrative phase of the agency to one or more members.

The Board shall sit in full or, at the discretion of the Chairman, divided into Parts, for which the Chairman may designate the alternate member to serve in one of them. Said Parts may function and adjudicate matters independently of each other. The Chairman may, also, when he deems it may result in the most efficient utilization of the resources of the Board, assign separate functions to each one of the Parts; Provided, however, That the Chairman may not assign to said Parts the functions enumerated in Section 11, subsections (1), (2), (3), (4), (5), (6), (11), (12), (13), (15), (16), (17), (18), (19), (21), (23), (24), (26), (27) and (28).

This assignment of working areas may be altered or set aside by the Chairman when, in his opinion, any factor or factors of public interest or of operational efficiency so warrant.

The Chairman at his discretion, or upon request of any of the members composing a Part, may transfer any matter from a Part to the Board in full. The Chairman may, at his discretion, sit in one of the Parts in the consideration of any matter.

The Board shall adopt bylaws for its operation. Said bylaws shall also provide whatever may be necessary to insure the participation of the Regulations and Permits Administrator, with voice but not vote, in such meetings of the Board as the latter may determine.

Section 9. — Quorum. (23 L.P.R.A § 62)

The majority of members of [the] Board or assembly shall constitute quorum for a session of the Board or assembly. Should there be an impasse in an assembly, the President may be a part thereof or designate an associate or alternate member to be a part thereof, to solve the impasse.

Section 10. — Resolutions and minutes. (23 L.P.R.A § 62)

All resolutions of the Board shall be adopted pursuant to the provisions of Sections 8 and 9 of this Act, by a majority vote and the vote of each member shall be entered on the minutes

of the Board, which shall be public records available for inspection at reasonable hours by any interested citizen.

**TITLE III. — GENERAL FUNCTIONS AND POWERS OF THE BOARD AND DUTIES
AND POWERS OF THE CHAIRMAN**

Section 11. — General functions and powers. (23 L.P.R.A § 62j)

The Board shall have the following functions and powers:

- (1) To adopt standards and regulations for its general operation.
- (2) To sue and appear before all the courts of justice, boards, commissions and other bodies of a similar nature, represented by its own counsel or by any private attorney whom it may retain for such purpose in order to achieve compliance with this Act. The Chairman of the Board may request the Secretary of Justice to appoint attorneys of the public interest as special prosecutors to handle proceedings for violations of the laws and regulations, administered by the Board or of orders issued by it.
- (3) To prepare, adopt and recommend to the Governor and the Legislature the Integral Development Plan, as defined in Section 13 of this is Act.
- (4) To adopt and approve the regulations authorized herein, the Zoning Regulations, the Subdivision Regulations and any others that may be necessary to achieve the purposes of this Act; to adopt and approve the regulations any other act may authorize it to promulgate for any special purpose; and to approve the regulations which, pursuant to the Regulations and Permits Administration Organic Act or any other act, should be adopted by the Regulations and Permits Administration.
- (5) To adopt and approve the zoning maps and amendments thereto according to the procedure established herein.
- (6) To adopt, within the scope and purposes of this Act, and upon authorization of the Governor, any emergency regulation, amendment to existing regulation in cases of emergency, or provisional order, when it determines that there exists imminent danger to health, safety, order, coexistence, prosperity, defense, culture, economic stability, natural resources and general welfare. It shall include in said regulation, amendment to existing regulation or provisional order the reasons that make its promulgation necessary; Provided, That the same shall take effect once it is adopted and only while the situation that gave rise to its promulgation exists or for a period of time not exceeding ninety (90) days.

Within fifteen (15) days subsequent to the approval of the regulation, amendment to existing regulation or provisional order thus adopted, the Board shall commence to hold the public hearing for the consideration of said regulation, amendment to existing regulation or order, after giving notice to the public with at least five (5) days in advance of the hearing, of the date and place thereof, in one of the newspapers of general circulation in Puerto Rico. Failure to begin holding the public hearing within the term herein established shall render the regulation, amendment to existing regulation or provisional order promulgated without any effect or validity whatsoever.

The Governor may at any time set aside the regulation, amendment to existing regulation or provisional order so adopted.

Whenever it is sought that the effectiveness of the regulation be extended for more than ninety (90) days, or that it be in force permanently, the procedure established in Sections 27, 28 and 30 of this Act for its adoption shall be complied with.

(7) To dispense with compliance with one or several of the regulation requirements in order to obtain the maximum utilization of the land and in pursuit of the objective to put into practice the compact urban development; or in cases in which a use, not permitted but compatible with the essential character of the district, the application of the regulation requirements may result in the unreasonable prohibition or restriction of the enjoyment of a holding or property and it is shown, to its satisfaction, that said dispensation will mitigate a prejudice clearly provable, and it may impose such conditions as the case may warrant for the benefit or protection of the public interest.

(8) To issue provisional orders prohibiting the urbanization or development of lands or the construction of structures or installations in violation of this Act and its regulations.

(9) To issue orders to do or not to do and to cease and desist for the taking of preventive or control measures which in its opinion are necessary to achieve the purposes of this Act and its regulations. The natural or artificial person against whom an order is issued under subsections (8) and (9) of this section may request an administrative hearing to set forth the reasons for the Board to consider to revoke, modify or otherwise uphold said order. The resolution, order or decision of the Board may only be reviewed by the Court of First Instance, San Juan Part, or the Part whose jurisdiction comprises the place where the project is located, and the same shall remain in full force and effect until the court decides otherwise.

(10) To impose administrative fines of not less than one hundred dollars (\$100) nor of more than five thousand dollars (\$5,000), pursuant to the procedure that may be established by regulations adopted under the provisions of Sections 27, 28 and 30 of this Act, on any person who fails to comply with any regulation or order of the Board, adopted on the basis of the functions and powers assigned to it by this or any other acts. Furthermore, according to the regulations promulgated to those effects, the Board may impose as an additional penalty attendance to courses or workshops previously prepared, organized or approved by the latter related to the integrated development of the Commonwealth of Puerto Rico, taking into consideration the prevailing environmental needs so that the people and the natural resources may fairly share in the process for the distribution of land.

(11) To prepare, adopt and recommend to the Governor a Four-Year Investment Plan, as defined herein.

(12) To submit to the Governor and to the Legislature simultaneously, an annual economic report, as defined herein.

(13) To prepare and adopt land-use plans pursuant to the provisions of this Act.

(14) To make rulings on the use of lands within the territorial boundaries of the Commonwealth of Puerto Rico, subject to the norms and requirements established herein or in any other applicable law for such cases.

(15) To adopt expressions on Public Policy that propitiate implementing the Integral Development Plan of Puerto Rico whenever it deems it necessary, to recommend them to the Governor for approval. The Chairman shall implement the diffusing mechanism he may consider most effective to furnish the community with the necessary information on the official work of the Board.

(16) To approve the operating budget of the agency that may be submitted to it by the Chairman for each fiscal year, together with the work plan and the priorities which served as a basis for said budgetary recommendations, including the resources necessary for each member of the Board to be in a position to comply with the duties incumbent upon him pursuant to the provisions of this Act.

(17) To organize regional offices in accordance with its needs.

(18) To delegate to any of its officers, employees, bureaus and regional offices the duties and responsibilities which, according to the Planning Regulations, or by law, are reserved for the Board, except such duties or responsibilities which by their nature cannot be delegated to the Parts. Such delegation may be effected through adoption by the Board of a resolution or rule.

(19) To delegate to the Regulations and Permits Administration such duties and responsibilities as by law or pursuant to the Planning Regulations are reserved for the Board, in the following cases:

(a) Cases or determinations involving any of the following conditions:

(i) That require action in the "operational phase", as defined herein;

(ii) that the structuring or decision to be adopted does not require the establishing of a general policy or a definition of public policy because these have already been established or adopted by the Board;

(iii) that the Board determines, in light of the function of said Administration, that the cases may be decided or the determination may be adopted with greater speed or efficiency by the Administration;

(iv) that the delegation of said cases to the Administration does not cause undue hindrance to said agency in performing the functions imposed by law, and

(v) that the Board has not reserved exclusive jurisdiction to manage said cases and the same are related to unzoned areas.

In these cases, the decisions that may be made by the Administration shall not establish a general policy or define the public policy, which responsibility lies within the exclusive jurisdiction of the Board.

(b) The adoption of amendments to the zoning maps in areas previously zoned and the consideration and determination of location and public projects consultations, except in those cases where the Board decides to delegate such functions to the local or regional planning commissions or other bodies.

Every delegation by the Board to the Administration pursuant to the provisions herein shall require a resolution adopted by the Board stating the guidelines, facts and conditions and any other necessary information so that the action delegated be sufficiently precise, and it shall not take effect until approved by the Governor or the officer whom he may delegate, except as otherwise provided herein. The delegations made by the Board under this subsection, including those governing appellate proceedings, shall be governed by the provisions of law and regulations that would have been applicable thereto if the Board had made the corresponding determination or decision and, likewise, by those which govern said Administration insofar as compatible.

The determinations adopted by the Administration on the basis of the delegations authorized herein shall be consistent with the policies, norms and regulations adopted by the Board.

(20) To study, at its own initiative or at the request of any officer of any government body or of any person, any planning problem, if it deems it convenient or necessary, or when the public interest so requires.

(21) To submit simultaneously an annual report of its activities to the Governor and the Legislature.

(22) To exercise the other powers and comply with all the responsibilities that this Act or any other act confers on it and to take the necessary steps to achieve their purposes.

(23) To create any commission, committee, office, subdivision or other analogous body which it deems convenient or necessary to achieve the purposes of this Act.

(24) To establish the information requirements of public-policy formulating process and to develop and adopt guidelines and norms aimed at meeting such requirements. To require all necessary information for complying with the purposes of this Act.

(25) To examine and see to it that the determinations of general policy and regulations of the government bodies conform to the regulations, plans and policies established by the Board.

(26) To encourage and coordinate the basic surveys and research on the development of the country to be carried out by the public bodies, as well as to formulate the general priorities to finance this type of research.

(27) The Board shall appoint a Citizens Advisory Council representing to the upmost the different sectors of the Puerto Rican society, in order to provide, among others, advice on the process of formulating, adopting and evaluating policies, plans and development programs.

(28) To adopt an official seal, of which official notice shall be taken by all government bodies of the Commonwealth Government of Puerto Rico, for the proper authentication of its order, resolutions or agreements, and certified copies of its orders, resolutions, decisions or agreements issued by the Secretary of the Board, under the seal thereof, shall be considered, like the original, evidence of their content.

(29) Require that any government body or private entity furnish any information or statistical data it deems necessary for a better planning of the economic, physical, environmental and social development of Puerto Rico as well as to conduct analysis and scientific research on the aspects of the Puerto Rican economy and society and to disclose information on said aspects. The information or the data thus furnished shall be used solely for the purposes for which they were requested and shall not be used for any other purposes without the previous written authorization of the person who furnished the same.

Section 12. — Duties and powers of Chairman. (23 L.P.R.A § 62k)

The Chairman of the Board shall have, among other duties assigned by law, the following duties and powers:

(1) He shall preside over the meetings of the Board in full and of any part in which he sits; he may sit in any of the parts to settle an impasse that may arise while deciding any matter before it; may sit in a part in the decision of any other matter, and shall implement the decisions adopted by the Board or its parts.

(2) He shall be the Executive Director of the organization and, as such, shall conduct and supervise any technical and administrative activity thereof and may appoint an Assistant Executive Director and delegate to him the administrative functions provided in this

subsection and assign to him such duties as he may deem advisable or necessary; Provided, That none of the members may be appointed to said office, except the Vice-Chairman.

(3) He shall create the internal organization necessary to perform the functions entrusted to the Board for the purposes of this Act.

(4) He may delegate to the personnel under his direction the discharge of such technical, administrative and ministerial functions necessary to carry out, in the most efficient manner possible, the duties assigned to him by this Act or other existing laws.

(5) He shall appoint the officers and employees of the Planning Board and said personnel shall be comprised within the Competitive Service pursuant to Act No. 345 of May 12, 1947, as amended, known as the Personnel Act.

He may contract for the services of highly specialized persons, including professional and consulting services, whenever necessary, on the ground that he cannot obtain this personnel under the regular proceedings of the Personnel Office of the Commonwealth of Puerto Rico, without competitive bidding.

(6) To obtain services, by contract, of technical, professional or highly specialized personnel, or of any other kind, that may be necessary for the programs of the Board, or of other government bodies, outside their regular workday, without subjection to Section 177 of the Political Code [3 L.P.R.A. § 551] and upon authorization of the appointing authority of the government body where said personnel render service regularly.

The Chairman shall take steps with the Personnel Office of the Commonwealth of Puerto Rico, with the Employment Service of the Government of Puerto Rico and/or any other employment service, leaving written notice of the efforts made to procure the necessary personnel for the programs of the Board and the impossibility of obtaining the personnel outside the government agencies.

(7) He may accept and direct to expend gifts and donations to undertake special surveys pursuant to this Act and may use whatever aid may be placed at his disposal by other public and private agencies.

(8) To act, upon designation by the Governor, as the officer who shall be in charge of administering any federal program which, by its nature, purpose and scope, is related to the functions entrusted to the Board by this Act. In this capacity he may enter into and process the covenants or agreements necessary to carry out the pertinent programs and take the proper steps within the scope of his functions and of the Commonwealth laws. The Secretary of the Treasury is hereby authorized to advance to the Board the amount of the reimbursements to be made by the United States Government, in the proportion provided by law, upon presentation of the documents accrediting the approval of each project by the corresponding authorities of said Government.

(9) To enter into agreements with any government body of the Commonwealth or the United States of America Governments, as well as with any natural or juridical person, for the purpose of obtaining or providing professional or other services and securing or providing facilities to carry out the purposes of this Act. Among other conditions, the agreements shall specify the services and facilities to be obtained or furnished and the reimbursement or payment for said services or facilities, or if the services shall be rendered free of cost. The reimbursements or payments received on account of the services or facilities furnished shall be covered into a special fund created in subsection (10) of this section in behalf of the

Board, and the same may be used by the Board for reinvestment in any service, product, material, equipment or personnel that may be necessary.

(10) To charge the corresponding fees for copies of publications, documents or studies owned by the Board, offered simultaneously in at least (3) three of the following communications media, to wit, paper, CD-ROM, or on-line access, or copies of documents filed in the records of the Board. He/she is also authorized to contract for the publishing, sale and distribution of opinions, studies and documents prepared by the Board and that may be of interest for the citizens; Provided, That such publication, sale and distribution shall be made simultaneously in at least three (3) communications media, to wit, paper, CD-ROM, or on-line access. Notwithstanding the above, the Board shall not charge the members of the Legislature, the Office of the Governor and the Office of the Chief Justice of the Supreme Court of Puerto Rico, for said fees. Said publications may be given on consignment, in which case, the commission agreed upon between the Board and the consignee may be added to the cost of publication. If there are any intermediaries in the process of printing, promotion, marketing or distribution of said documents, they may participate in the net profits at the percentage agreed upon by the parties. To such effects, the Board may open any special accounts it deems necessary to classify the income, according to its source and purpose. When there are intermediaries who participate in the production, promotion, marketing, distribution of the Board's products, among others, they may participate in the net profits of said sales at the percentage agreed upon by the parties to such effects. The moneys obtained from such sources shall be covered into a special fund in behalf of the Planning Board. Said proceeds may be used by the Board to defray, among others, any costs needed for the production, printing, reproduction and distribution of publications, documents or studies owned by the agency. Said proceeds may also be used to defray other non-recurrent expenses inherent to the duties of the Board, but not for payment of the agency's payroll. Prior to using the resources deposited in the special fund, the Chairperson shall submit annually, for approval by the Office of Management and Budget, a budget of expenses chargeable to said funds. Any remaining funds that as of June 30 of each fiscal have not been used and obligated for the purposes of this Act, shall be retained in the Board to be used in subsequent fiscal years. The Chairperson of the Board shall not use the resources in this special fund in substitution of the appropriations from the General Fund of the Commonwealth of Puerto Rico. The resources covered into this special fund shall be accounted for in the books of the Secretary of the Treasury and kept separate from any other funds received by the Board from other sources, regardless of any specific financial year, in order to facilitate its identification and use. However, the Chairperson may distribute copies of said publications, documents or studies, free of charge or at a reduced cost, to government organizations, universities and public and private schools, at their request, as well as to any person, if in the judgment of the Board such distribution is necessary to foster the development of its programs; promote public understanding of the Integral Development Plan, the other important programs, plans or studies, and of the planning problems in Puerto Rico, or to promote the other objectives of this Act. The Board shall establish, in the regulations adopted thereunder, the guidelines and conditions that shall govern the free or low-cost distribution of such publications, documents and studies. Special consideration shall be given to those petitions for publications filed before the Board by professors, students and other persons devoted to education and/or research.

(11) To charge applicants the corresponding fees for transactions, equipment and materials used for evaluation, consideration of questions on location, petitions for amendments to the Zoning Maps, petitions for amendments to Flood-Prone Zone Maps, and others, and for due notice of agreements with respect to the same. The Board shall adopt by regulations to such effects, the guidelines and conditions that shall rule the collection of said fees. The Board shall [not] charge the corresponding fees in the case of resolutions approved by the Planning Board and for which their consideration has been requested to the Board. The nature of the action requested, its complexity and whether hearings are required, shall be considered, among other factors, to determine the fees to be charged. The Board may, totally or partially, dispense with the fees authorized to be collected under this subsection and shall establish in the regulations, the guidelines and conditions that shall govern such dispensing, pursuant to the procedure provided in Act No. 170 of August 12, 1988, as amended [3 L.P.R.A. §§ 2101 et seq.]; Provided, That in the case of private citizens or nonprofit organizations that allegedly do not have the financial resources for the payment of the abovementioned services, the Board shall establish in its regulations the evidence that shall be presented to obtain exemption from any payment. The proceeds obtained from said activities shall be covered into the special fund created in subsection (10) of this section, and shall be used by the Board to defray, among other items, the contracting of professional services, purchase of equipment and materials, and everything else that has the purpose of improving and expediting the procedures followed for the evaluation, consideration and notice of the matters brought before the Board.

(12) To charge any government body, or private person or entity for services rendered through the use of the Board's Information System, with the exception of members of the Legislature, the Office of the Governor and the Office of the Chief Justice of the Supreme Court of Puerto Rico. The Board shall establish the rates and/or fees to be charged, taking into consideration, among other factors, the number of users, the medium that was used, the scope of the service rendered and the nature, specification, level of complexity and importance of the information. The Board may dispense with the total or partial payment of the fees authorized to be charged under this subsection. Said fees shall be adjusted from time to time in order to keep up with the changes that may alter the cost of integrating the information to the Information System and for its adoption and amendments, as well as for the rules that shall govern such dispensing, according to the procedure established in Act No. 170 of August 12, 1988, as amended [3 L.P.R.A. §§ 2101 et seq.]. The revenues from said activities shall be covered into the special fund designated for such purpose, as established in subsection (10) of this section, so that the same may be reinvested in the preparation of the base map, for rendering other related services, replacement and acquisition of machinery and equipment, equipment maintenance, contracting of professional and consulting services, and other matters inherent to the implementation of the Information System.

The Planning Board may also charge for any other service rendered. In order to establish the rates and fees to be charged, the same criteria [should be] used to charge for the services related to the Information System. In the first instance, the proceeds shall be used for issues related to the implementation of the service in question; Provided, That if not needed by the unit generating the proceeds, it may be used by another unit in need of funds. The use and disposition of said funds shall be done as established in subsection (10) of this section with respect to the special fund created therein.

TITLE IV. — SPECIAL FUNCTIONS AND POWERS OF THE BOARD

Section 13. — Puerto Rico Integral Development Plan. (23 L.P.R.A § 62I)

The Planning Board shall prepare and adopt an Integral Development Plan which shall set forth the policies and strategies for the Integral Development of Puerto Rico. The Integral Development Plan, which shall be revised periodically, shall guide the government bodies in the drafting of their plans, programs and projects. The Integral Development Plan, or any part thereof, shall take effect immediately after being adopted by the Board and approved by the Governor. A copy of this Plan, or any part thereof thus approved, shall be submitted to the Legislature by the Governor immediately after its approval. The former shall have not less than 45 days for the date in which they are received at the Offices of the Secretaries of both Bodies, whether during a regular or a special session, in which to state their disagreement regarding any aspect of the Plan through a concurrent resolution approved to such effects. Said action shall stay the part thus objected to by the Legislature.

During the process of preparing and adopting the Integral Development Plan, the Board:

In the process of preparing and adopting the Integral Development Plan the Board:

- (1) Shall compile information, frame indices on the economy, the physical environment and the society; shall make surveys and analyses of these indices, in coordination with the pertinent government bodies; shall advise the executive and legislative branches and shall submit reports to the Governor and to the Legislature on the development of the country and its most critical and urgent social, economic, physical, and environmental and physical infrastructure problems, as well as on the results and consequences of the existing public policies.
- (2) Shall translate and articulate social values into goals and objectives. Shall formulate strategies of integral development including measures of action directed to accomplish the established objectives and goals in an efficient and effective manner. Furthermore, it shall recommend criteria and priorities to be used in the process of decision on the use of the country's available resources.
- (3) Shall advise, coordinate and assist the different government bodies and groups thereof formed in sectors in the preparation, adoption and implementation of their respective functional and sectorial plans and programs. In these tasks, it shall be the responsibility of the Board to make available to the different instrumentalities of the public sector, projections on the data and basic variables for planning, such as population, employment, resources and others; counsel them as to the methodology they should use in the preparation of their functional and sectorial plans and programs, as well as to the content of these plans and programs.
- (4) Shall advise, coordinate and assist the different government bodies or the entities which the Board may designate in the preparation, adoption and implementation of urban, and rural regional plans and programs. The different government bodies shall prepare these plans in conformity with the policies and strategies which the Board may adopt with relation to the geographical distribution of the population and of the economic activity as well as of the patterns of urbanization, rural development and physical infrastructure necessary to accomplish the desired geographical distributions of the population and of the economic activity.

(5) Shall encourage and establish systems of consultations and citizen participation in the entire process of preparing, adopting and implementing the policies and strategies of integral development of Puerto Rico. Every work or project to be performed by any person or entity shall be consistent with the Integral Development Plan of Puerto Rico.

The Board shall render an annual report to the Governor and to the Legislature on the progress of the preparation of the Integral Development Plan.

(6) Shall design and prepare an Integral Master Plan for the Socioeconomic Development of the Central Region of Puerto Rico in conjunction with the Department of Commerce, the Tourist Company, the Department of Agriculture, the Economic Development Administration and the Department of Natural and Environmental Resources, and in close consultation with the Commissioner of Municipal Affairs and the municipal governments of the region, which will outline the political, commercial and tourist strategies for the socioeconomic development of the Central Region, as defined in subsection (v) of Section 3 of this Act, using the same criteria and approval procedures that were used in preparing the Integral Development Plan for Puerto Rico. The Plan that is designed by virtue of this subsection, for which the University of Puerto Rico will be invited to offer its suggestions, shall be prepared using the Central Region as an essential part within the integral development of the Country.

Section 13-A. — Location verifications. (23 L.P.R.A § 62l-1)

All persons who request a location verification to build or develop works located within a radius of two hundred (200) meters from the territorial limits of any municipality shall notify each municipality located within said territorial limits, so that they may state their comments regarding the requested verification. Every municipality that is located within said radius shall have to state its comments with respect to the location verification within thirty (30) days, and shall remit a copy thereof to the proponent party and the other parties recognized in the procedures.

Section 14. — Land-Use plans. (23 L.P.R.A § 62m)

The Planning Board shall prepare and adopt Land-Use Plans and may adopt those prepared by the government bodies and/or entities it may designate. The Planning Board shall advise, coordinate and assist these bodies and entities in the preparation of the methodology to be used in the formulation of these Land-Use Plans so that in physical and environmental terms they be consistent with the Puerto Rico Development policies and strategies adopted by the Board in the Integral Development Plan. The Land-Use Plans, depending on whether they are regional, urban, rural, or municipal, or depending on their geographical scope, shall designate the distribution, location, extension and intensity of the land uses for urban, rural, agricultural, mining, or forestry purposes, for conservation and protection of natural resources, recreation, transportation and communications, power generation, and for residential, commercial, industrial, educational, public and institutional activities. There shall exist a close relationship between the designation of these land uses and the availability and programming of all the physical and social infrastructure, including the transportation and communication systems. The Land-Use Plans, as well as the availability and programming of

the physical and social infrastructure, shall be the basis for the preparation and revision of the zoning maps.

Every work or project to be performed by any person or entity shall be consistent with the recommendations of the Land-Use Plans, once they are adopted by the Planning Board and approved by the Governor. Copies of the Land-Use Plans shall be submitted to the Legislature by the Governor immediately upon approval. The Legislature shall have at least 45 days, reckoning from the date they are filed in the Office of the Secretary of each Legislative Body whether in regular or special session, during which it may state its disagreement with any element of the plans through a concurrent resolution to that effect. Said action shall stay the portion so objected to by the Legislature.

In order to guarantee the best use of the land in Puerto Rico and to insure the implementation of the Land-Use Plans, the Board shall prepare a land budget which shall consist of estimates of the quantity and location of the land demanded, by both the public and the private sector, as well as of a priority system and a set of criteria to be used in the process of deciding the quantity and location of the land to be devoted to specific uses during a period of time. Said period of time shall be determined by the Board, after surveys to that effect.

In the process of preparing this land budget, the Board shall promote the preparation of:

- (1) Continuous inventories of the lands and other natural resources of Puerto Rico as well as of their physical, geological and environmental characteristics and of the uses to which they are devoted; and
- (2) projections on the prices of land, and
- (3) surveys on the nature, quantity and compatibility of the land needed to meet the present and future social and economic needs of the Puerto Rican community.

The determination of the system of priorities in the use of the lands and of the preparation of the budget thereof shall take into consideration the developed, subdeveloped and unused areas as well as the facilities of existing and programmed physical and social infrastructure. All the government bodies shall furnish such precise information as the Board may request in connection with the preparation of the land budget so that the Board may comply with the provisions herein. The Board shall adopt the necessary measures to obtain the maximum use of the land where needed and that it be put to the maximum utilization.

Section 15. — Four-Year Investment Program. (23 L.P.R.A § 62n)

The Planning Board shall prepare and adopt a Four-Year Investment Program commencing with one for the fiscal years from 1976-77 to 1979-80, which shall be revised periodically. The Investment Program shall consist at least of the following elements:

- (1) A general outline of the social and economic goals and objectives of the Commonwealth Government which are expected to be achieved at the end of the four (4) years of the Program, as well as the principal programs and activities which the different government bodies shall carry out in order to achieve these goals and objectives in functional and sectorial terms.
- (2) A general outline of the rural and urban development patterns as well as the goals and objectives sought to be achieved during the four (4) years of the Program in order to improve and protect the environment and the ecological systems of the country and the

programs and activities, in physical and environmental terms, to be carried out in order to achieve these goals, as well as the interrelations of these physical and environmental programs with the functional and sectorial programs.

(3) Estimates and descriptions of the current expenditures and capital improvements that the government bodies may need to achieve the goals of four (4) years of the Program by sectors, functions and geographical regions.

All the government bodies shall submit to the Planning Board their respective functional and/or operational programs of four (4) years which the Board shall integrate upon preparing and adopting the Four-Year Investment Program. The Planning Board shall elaborate the norms and criteria which shall serve as a guideline to the agencies in the preparation of their respective functional and/or operational programs, as well as of other complementary programs and necessary information that the Board may require to formulate the Investment Program. Both the annual current expenses budget and the annual programs of capital improvements to be prepared by the Bureau of the Budget shall be framed within the objectives and priorities established in the Four-Year Investment Program, and no government body shall develop any work, project or investment not contemplated within the Program adopted by the Board unless said work, project or investment be authorized by the Governor.

The Bureau of the Budget, before submitting its recommendations to the Governor on the Annual Budget of Current Expenses and the Annual Program of Capital Improvements, shall submit them to the Planning Board to ascertain their conformity with the Four-Year Investment Program.

The Four-Year Investment Program shall also state the estimates on the amount, increase and amortization of the commonwealth public debt, including the debts of the public corporations as well as the total amount and the sources of the commonwealth revenues. The Program shall include information as to the receipts from federal or local sources, from public enterprises, or from pension and other sinking funds, in order to complete the picture of the financial condition of the country. Under such rules, regulations and orders which may be prescribed by the Board and approved by the Governor, the different agencies, departments, offices, public or quasi-public enterprises, municipalities and political subdivisions of Puerto Rico shall furnish to the Board, when the latter so requests (annually, on or before October 1) all the necessary information about the budget, bond issues, accelerated program of short-and long-term work, areas where more coordination and control between the agencies is needed and all the information that the Board may determine is necessary for the fulfilment of its functions; and recommendations required by said Board. The Board shall have access to, and the right to examine, any books, documents, papers or records of said bodies, to the extent the Board may deem it necessary, for the performance of its functions, and shall request the reports it may consider necessary and convenient. In the preparation of the Four-Year Investment Program the Board shall give due consideration to the recommendations and information thus furnished and to those submitted by other interested persons, and to that end, said Board shall hold public hearings. Once the process of these hearings is over the Board shall forward its recommendations to the Governor.

Section 16. — Regulations. (23 L.P.R.A § 62o)

The Board shall adopt, among others, the following regulations:

(1) *Zoning regulations.*

(a) To establish districts or zones, both in urban and rural areas, for the use and development of public and private lands and buildings for such purposes as industry, trade, transportation, residence, public or semipublic civic activities, sports and recreation, including all beaches and bathing resorts.

In those cases in which the site selection consultation is approved by the Puerto Rico Planning Board for the construction of a shopping center with a net sales area of over one hundred thousand (100,000) square feet, said approval shall be in effect for forty-eight (48) months from the date the notice of approval of the site selection consultation has been issued by the Puerto Rico Planning Board, within which term the shopping center must be under actual and effective construction. Actual and effective construction shall be understood to mean the beginning of the construction of a permanent structure on the land, that is to say, any work done beyond the stage of excavation, as defined in the Regulations for Adjudicative Procedures of the Planning Board, in effect on January 11, 2009. Once the aforementioned forty-eight (48)-month term has expired without such shopping center being under actual and effective construction, the corresponding approval shall be rendered ineffective. The Board shall not approve any application filed for extension of the term of effectiveness or reopening of a case regarding an approved site selection consultation. The expiration of the term of effectiveness of the approval of the site selection consultation for the construction of a shopping center shall not be an obstacle to the subsequent filing of an application as a new case before the Planning Board.

In those cases in which a resolution of the Board approving the site selection consultation for the construction of a shopping center is challenged before the courts, the time during which the case is before the court for its consideration shall not be computed as part of the effective term of the consultation, until the court issues a final and binding judgment confirming the resolution of approval of the Planning Board. Any time that may elapse due to delays in the [issuance] of the government permits or authorizations required to start the construction of the shopping center shall not be computed either, provided that such delays are not caused by the applicant.

The Regulations and Permits Administration shall not extend in any way whatsoever, the forty-eight (48)-month term of effectiveness of projects for shopping centers with a net sales area of over one hundred thousand (100,000) square feet.

(b) To establish and provide for the control of the development and the uses of public and private lands in rural areas to be devoted or preserved for farming and for natural areas; in areas to be devoted to industrial purposes or to uses incidental or related to them; and in areas to be devoted or preserved for other uses of social interest.

(c) To designate areas of rehabilitation and improvements.

(d) To facilitate the control of urban expansion or growth, for which it shall establish green belts, which shall be lands within the urban zones or surrounding urban areas, or to be developed, or along highways, as the Board may establish. The Board shall determine the extension of the aforesaid green belts and the uses to which they may be devoted, and

no other use may be given to them than that expressly indicated in the regulation. The areas thus established shall be considered as urban for the purposes of this Act.

(e) To provide for the construction of buildings, including the height and capacity thereof, and density of population.

(f) To provide for such business and advertisement signs as are not covered by the provisions of Act No. 427 of May 13, 1951.

(g) To specify the size of the lot and the proportion thereof on which to construct, providing for courts and other open spaces.

(h) To establish conditions and norms for dispensing with the regulation requirements, through concessions and direct authorizations.

(i) To provide for the development of hotels and related facilities.

(j) To provide for the development of parks and recreational facilities.

(k) To regulate the development and use of areas covered by special projects that implement the recommendations of the Integral Development Plan, the Four-Year Investment Program and the Land-Use Plans of Puerto Rico.

The Zoning Regulations, adopted as provided herein, shall apply within the territorial limits of the Commonwealth of Puerto Rico. The Board may adopt the corresponding zoning maps for all urban, suburban or rural areas of Puerto Rico, when it deems it advisable or necessary for the purposes of this Act.

(2) *Regulations on control of the use of beaches, bathing resorts and other bodies of water.* For the control of the development and use of beach areas, bathing resorts and other bodies of water for the protection of the public interest as well as to concessions which, for the use of beach portions may have been made for recreational purposes and tourist facilities in order to insure that private enterprises which enjoy such concessions will afford to the public adequate facilities so that the use of such beach portions by the public may be guaranteed and not hindered.

(3) *To govern the subdivision of lands in Puerto Rico.* This regulation may include provisions referring to the forms of proposed development and in conformance with the purposes thereof, adjacent lands, including trace and design of streets, light and power systems, water supply, telephone, the supply of all types of cable telecommunications and television services, sewerage, size and shape of lots, compulsory reserves of minimum areas devoted to schools, libraries or reading rooms, cultural centers, sports facilities, parks, areas for commercial use, churches, and any other area for public or private use needed for community development; as well as provisions needed to expedite the development of urbanizations which provide lots for low-cost housing, in which case the Board shall have the authority to ensure, in any legal way, that the price and other conditions set by the proponent for the sale of lots and for the authorized constructions be maintained. The corresponding officials and entities shall draft whatever detailed specifications and orders, inspections and certificates that are needed to enforce these regulations.

In adopting regulatory provisions and considering the subdivision of lands, the Board shall be guided by the convenience of avoiding subdivisions in areas that are not ready for such developments because they lack installations such as streets or roads with adequate capacity, water, electric power, telephone and sewer systems; because of the distance from other built-up areas to avoid isolated developments and encourage, on the contrary, compact developments; because of the agricultural importance or exceptional beauty of the lands,

their susceptibility to floods or other analogous social, economic, physical and environmental deficiencies. In the case of housing projects with a social interest and land plots for low income families, the Planning Board or the Regulations and Permits Administration shall have discretionary leeway to determine whether telephone installations should be considered as a requirement to grant the authorization. In the case of lands of exceptional beauty, the Board, or the body on which it delegates, shall see to it that they are not used with the purpose or result of obviating the existing regulatory provisions.

Section 17. — Special cases. (23 L.P.R.A § 62p)

In the case of any sector within whose limits authorization has been sought for a project that presents such special characteristics as to render impracticable the application of the regulations fixed for such zone and the approval of the project undesirable because of such factors as health, safety, order, public improvements, more adequate use of the lands, or conditions of aesthetics, or of environment or of exceptional beauty, the Board may, for the protection of the general welfare and taking into consideration said factors as well as the recommendations of the government bodies involved, deny authorization for such project. In the exercise of this power the Board, or the body which it delegates, shall take the necessary measures to prevent that it be used for the purpose or with the result of obviating the existing regulations in cases where really special circumstances are not present. In these cases the Planning Board shall hold a public hearing following the procedure provided in Section 27 of this Act before deciding on the project submitted. The Board shall deny said application while there exists unfavorable conditions to the project even though the project in question is comprised within those permitted for the area by the Planning Regulations in force.

The Board or the body which it delegates shall state in writing the grounds on which it denies authorization to a project. In said writing the Board or body which it has delegated shall state in detail the specific reasons that warrant the determination that the project does not comply with one or several of the factors established herein for the denial of projects.

Section 18. — Plans for Special Projects. (23 L.P.R.A § 62q)

For the purpose of effectuating the Integral Development Plan, the Four-Year Investment Program and the Land-Use Plans of Puerto Rico, or any part thereof, the Board may adopt, in such detail as may be appropriate, projects for neighborhood units; land and utility projects, redevelopment of blighted, decaying or unused areas; the development of industrial towns; sanitary districts; drainage districts; reclaimed-land districts; soil conservation districts; water supply districts; water power districts; irrigation districts; or other types or classes of districts for special purposes.

Section 19. — Counsel to Governor and the Legislature. (23 L.P.R.A § 62r)

The Planning Board shall periodically advise the Governor and the Legislature on the Integral Development of Puerto Rico. In this process the Board shall present a picture of the most important social, economic and physical developments that have taken place in the immediate past, as well as the emergent developments and opportunities, the most critical

and urgent problems and the results and consequences of the existing public policies and of their most strategic programs and projects. It shall further present the programs and projects that are not meeting the goals established by the policies and strategies of integral development of the Government and the main recommendations of the Board on necessary changes in the existing government policies and programs, as well as the initiation of the new programs and projects in order to achieve the goals set.

Section 20. — Economic Report. (23 L.P.R.A § 62s)

The Board shall prepare within the first months of each fiscal year an Economic Report to the Governor and the Legislature which document shall contain an economic analysis of the developments registered during the last fiscal year in the public or private sector of the economy and the manner in which those developments affect and are in turn affected by the government programs.

The Board shall periodically compile, analyze and publish the statistics on balance of payments, net income, gross product and general economic indexes of Puerto Rico. Copies of the economic reports and statistical surveys referred to herein shall be sent simultaneously to the Governor and to the Legislature.

Section 21. — Public improvements and roads. (23 L.P.R.A § 62t)

The Integral Development Plan, the Four-Year Investment Program and the Land-Use Plans and any other planning instrument or document prepared on the basis of this Act, shall be at the disposal of the Legislature and of each individual member thereof, of all federal officers and bodies, of all the Commonwealth officers and bodies, as well as of any private person in the exercise of their respective powers, rights and duties relative to matters contained therein. No improvement, acquisition, sale or change in the uses of lands or other properties of the Government of the Commonwealth of Puerto Rico or of any of its government bodies, or of any public utility, publicly owned, shall be authorized, aided or undertaken, either in whole or in part, by any executive officer or body of Puerto Rico, unless the proposed location, nature and extent thereof, are not in conflict with what is indicated in the Integral Development Plan, the Four-Year Investment Program and the Land-Use Plans of Puerto Rico. No public road shall be traced, projected, constructed or improved in Puerto Rico by any officer or body nor shall any officer or body furnish lighting service, waterworks or sewer connections, installation of telephone facilities or render any kind of public service on, to, or along any road which has not previously received the legal status of a public road under a law for the purpose, unless it is a road of those approved by this Act, or unless approved by the Board. In order that there may be a complete coordination in public works, the Board shall adopt, as it may deem advisable, the necessary standards to allow the best utilization of the resources. These standards shall specify the criteria that shall be used to determine which type of public works need not be submitted to the consideration of the Board or of the Regulations and Permits Administration for approval or disapproval; Provided, That in formulating said standards in connection with public works of the municipalities, the Board, using among other criteria the cost, their bulk or size and the impact of the work, shall determine what public works are to be exempted. From any

decision of the Board disapproving a public work project, pursuant to this section, appeal may be taken within the term of twenty (20) days to the Governor, who may amend, alter or reverse said decision. These provisions shall not apply to any public improvement or acquisition authorized, or otherwise undertaken, exclusively by the Government of the United States of America.

The prohibitions of this section shall not be applicable if the property has been acquired or contracted for, or the construction work has been commenced, at least thirty (30) days prior to the effective date of the pertinent regulations and is actually in progress on said date.

In those cases which shall be brought to the consideration of the Board pursuant to the standards adopted by it, no construction or site plans shall be made or caused to be made by any officer or government body of the Commonwealth of Puerto Rico without its preparation having been first authorized by the Board, upon filing of a consultation; Provided, That the Board may, by resolution, exclude from such consultation those plans which because of their nature it believes should not be submitted for its consideration.

Any matter submitted to the Board, under the provisions of this section and not disapproved within a period of sixty (60) days, shall be considered approved, unless the officer or body submitting it gives its consent to a further delay. These provisions shall not apply to preliminary surveys or consultations.

Section 22. — Preparation of Official Plots or Maps of Roads and Streets. (23 L.P.R.A § 62u)

The Board shall request the Department of Transportation and Public Works to prepare a plot or plots indicating the exact position of the traces of future roads and streets. Said plot or plots shall contain the traces for the precise establishment of the lines of new, extended or widened roads and streets of Puerto Rico. Before adopting or amending these plots or maps, the Department of Transportation and Public Works shall hold public hearings, after giving at least five (5) days' notice to the public of the time, place and nature thereof by publishing such notice in one of the newspapers of largest circulation in the community, as well as in any other manner which it deems appropriate. Once these plots or maps are approved by the Department of Transportation and Public Works, they shall have the force of law. For general convenience or information, the Board may likewise request of the Department of Transportation and Public Works an Official Road and Street Map of the Island. On the Official Road and Street Map there shall be shown:

- (a) All roads and streets existing and established by law as public roads or streets at the time of the adoption of said Official Map.
- (b) Position of all roads and streets shown on the plots of inscription recorded and approved by the Regulations and Permits Administration pursuant to the provisions of its organic act which shall be considered for the purpose of use and dedication as public ways.
- (c) The preparation or adoption of any such maps, or the adoption of an Official Road and Street Map shall not of itself determine the construction of any road or street, or the condemnation or acceptance of lands for such road or street purposes.

Section 23. — Citizen Participation and Initiative. (23 L.P.R.A § 62v)

(a) It is hereby declared that it is a public policy of the Commonwealth of Puerto Rico to promote the participation of the citizenry in the planning process of Puerto Rico.

(b) For the purposes of subsection (a) of this section the Board shall promote the public understanding of said process, by employing such means of information as it deems adequate. Likewise, the Board shall furnish to the citizens all such information necessary to place every citizen in a position of equality for his effective participation in the planning processes.

(c) In addition to the public hearing requirement imposed herein on the Board in certain cases, it shall be its duty to offer the maximum participation possible to the citizenry in the planning process. To this end the Board shall promote and encourage, among other mechanisms, Local and Regional Planning Commissions, appoint a Citizens Advisory Council, which may permit and propitiate a greater participation of the citizenry in said process.

(d) The Board shall have powers to act upon its own initiative or discretion, upon request of any officer, body or interested person. The Board shall, by regulation, indicate in what form and in compliance with what provision for prior notification it will accept proposals for consideration. The Board may exercise all or part of its powers in all or part of the Commonwealth of Puerto Rico as its jurisdiction is determined by the Constitution of the Commonwealth of Puerto Rico and the Puerto Rico Federal Relations Act.

Section 24. — Local planning. (23 L.P.R.A § 62w)

The Board is authorized to create a local planning commission for any municipality, by petition of its mayor, or on its own initiative, when the mayor concerned, upon being requested to do so, does not request it within forty-five (45) days of the requirement, composed of the number of members the Board may determine, who shall all be residents of said municipality. The commissioners shall be appointed and shall hold office in accordance with such regulations as may be adopted by the Board to that effect.

Any local planning commission thus created shall advise the Board and the Regulations and Permits Administration, when consulted by them, or on its own initiative, regarding any planning problems in its municipality. The commission shall advise the mayor of the municipality, when consulted by him, regarding any planning or municipal problems.

The local planning commission shall keep the mayor and the municipal legislature duly informed of all the recommendations it makes to the Board and/or the Regulations and Permits Administration.

The Board may create regional planning commissions to perform the functions which, by delegation, the Board may entrust to them. Upon creating a regional commission in a particular region, the Board shall determine whether, in view of the special conditions prevailing in said region, the regional commission should operate jointly with the local commissions in the jurisdictional area of the regional commission. If the Board finds that it is not necessary to keep the local commissions in the region or in any municipality included therein, it is authorized to take the necessary steps for the transfer of functions and of

everything else that may have to be transferred, upon consultation with the mayors of the municipalities affected.

The Board may delegate to the local and regional planning commissions planning functions such as the adoption of amendments to the zoning maps; Provided, That for such delegations it shall be necessary for the Board to adopt a resolution which shall set forth the guidelines, facts and conditions and any other necessary information, so that the action delegated shall be sufficiently precise and so that the determinations such delegations entail shall be consistent with the policies, standards and regulations established by the Board. Before effecting these delegations, the Board shall take into consideration, for the purpose of insuring the effective performance of these functions, the resources and technical capability of the commissions, the technical advice they may receive from the public bodies, and the geographical and physical characteristics or nature of the region or municipalities. The Board shall establish criteria or standards which will permit it to review these delegations.

The Board shall establish the necessary standards so there may be the closest possible connection and collaboration between the regional commissions, the municipal authorities and the Regulations and Permits Administration, as well as between the regional and the local commissions that may subsist or be created.

Section 25. — Coordination with Environmental Quality Board. (23 L.P.R.A § 62x)

In keeping with the purposes of the Organic Act of the Puerto Rico Planning Board, the public policies and plans that may be formulated by the Environmental Quality Board shall be submitted immediately after their preliminary approval to the Planning Board so as to determine their conformance with the integral-development policies and strategies the Planning Board may have adopted.

The results of this examination shall be reported to the Environmental Quality Board within a term of not more than thirty (30) days reckoning from the date of notice. If this term of thirty (30) days has not been extended in consideration of the complex nature of the matter under examination, or if the Planning Board has not made any pronouncement, it shall be deemed that they are in conformity with the integral-development policies and strategies of the Planning Board.

If no mutual agreement is reached between both agencies as to the proposals offered, the policies and plans preliminarily approved by the Environmental Quality Board shall be submitted, with the positions assumed by the latter and by the Planning Board, to the Governor. The Governor shall, if he deems it necessary, appoint a committee of three (3) persons to study the positions of both agencies. The Governor shall take the proper final action.

TITLE V. — PROCEDURES

Section 26. — Subpoenas. (23 L.P.R.A § 62y)

The Board shall have authority to compel the appearance of witnesses and the presentation of documents and of any other oral or documentary evidence; to administer oaths and attest to all official acts, and to issue subpoenas.

In the exercise of the duties and powers conferred on the Board by this Act, the latter may, for the purposes of the subpoenas, its investigations and general compliance with this Act, avail itself of the services of its officials and employees; of the justices of the peace, of the judges of the Court of First Instance and of the police force. The officials appointed by the Board to conduct investigations in connection with this Act are hereby expressly empowered to administer oaths during their investigations and in compliance with this Act; Provided, That said oaths shall not require the cancellation of internal revenue stamps.

Any person who refuses to appear upon being summoned in writing by the Board or by one of its members and does not present good cause for his failure to appear to testify on a fact of which he has or may have knowledge shall be guilty of a misdemeanor and, upon conviction, shall be punished by a competent court by a fine not less than twenty-five (25) nor more than two hundred dollars (\$200) or imprisonment for a term not to exceed thirty (30) days, or both penalties, in the discretion of the court.

Section 27. — Public hearings and Proceedings. (23 L.P.R.A § 62z)

Before adopting or amending, or proposing for adoption or amendment, any regulations, Zoning Maps, Integral Development Plan, Four-Year Investment Program and the Land-Use Plans, or any others, the Board shall hold public hearings, after due public notice at least fifteen (15) days in advance of the date, of the time, place and nature of said hearings, in one of the newspapers of general circulation in Puerto Rico. In addition, the Board may give notice of the hearings in any other manner it may deem necessary, and shall place at the disposal of the citizenry whatever information is available and pertinent to obtain their effective participation; Provided, That the bylaws need not follow this procedure of public hearings for their approval.

Those cases in which the Board must enter a resolution, order, decision or determination may be heard by the Board, by any of its parts or members, or by any Board delegate who shall be an official or employee of the Board, by following the procedure provided hereinbelow.

If the case is set to be heard by a member, officer or employee of the Board, his recommendation, together with a statement of the evidence and his findings of fact and issues of law, and any considerations pertinent to the issue before him, shall be filed with the Board for its decision. The Board is authorized, in such cases where it deems it convenient and desirable, to delegate the responsibility of holding public hearings to the local and the regional planning commissions, reserving the right to be represented at any such hearings by one of its members or by any other delegate designated by it, who shall have the responsibility of informing the persons present about the nature of said hearings. Once the hearing is concluded, and within the term stipulated to such effect by the Board, which shall never exceed fifteen (15) days, the local or regional planning commission, as the case may be, shall send its recommendations to the Board with a statement of the evidence and its findings of fact and issues of law, as well as any considerations it may deem pertinent to the issue presented at the public hearing for the decision of the Board.

Section 27-A. — Administrative fines. (23 L.P.R.A § 62z-1)

The Board may impose administrative fines on any public or private entity that fails to comply with an information requirement, as provided in Section 11, subsection (29), under the following terms: up to five thousand dollars (\$5,000) to public bodies and private entities whose gross sales or gross income is less or equal to one million dollars (\$1,000,000) annually; and fines up to ten thousand dollars (\$10,000) to private entities whose gross sales or gross income is greater than one million dollars (\$1,000,000) annually. Once the body or entity has paid the fine, it shall be granted a term of fifteen (15) days to comply with the requirements of the Board, if it fails to do so within said term, a new fine shall be imposed whose amount shall be twice the fine originally imposed. The income proceeding from the imposition of these fines shall be covered into a special account to be created in the Department of the Treasury in the name of the Planning Board and shall be destined to the development of the technologic infrastructure of said entity so that the information may be accessible to the citizenry and other interested sectors. Furthermore, the funds may be used for the publication of the reports of the Board and the distribution thereof.

Section 28. — Effectiveness of Regulations. (23 L.P.R.A § 63)

All regulations and amendments thereto adopted by the Board and approved by the Governor, except emergency regulations or amendments to existing regulations in cases of emergency, authorized by Section 11, clause (6) of this Act, shall take effect fifteen (15) days after their approval. Regulations so approved shall be filed promptly in the office of the Secretary of State and instead of their publication in full, the Board may give notice to the public that the regulations and amendments thereto have been approved by publishing, for the information of the interested persons, in one or more of the newspapers of general circulation in Puerto Rico a general description of the provisions that may affect or be of most interest to the public; Provided, That the Zoning Maps that the Board may approve and adopt shall form part and parcel of and take effect jointly with the Zoning Regulations already adopted by the Board; Provided, further, That the Zoning Maps adopted by the Board shall take effect, after signed by the Governor, fifteen (15) days following the date on which they were first posted to the public in the city halls of the municipalities affected; Provided, further, That the Board shall make public the adoption of the Zoning Maps, the posting thereof at the proper City Halls and the existence of said maps in the Office of the Secretary of the Board by publishing a notice for three (3) consecutive days in a newspaper of general circulation in Puerto Rico.

The amendments to the Zoning Maps which may be subsequently approved by the Board, adopted and signed by the Governor, shall not introduce fundamental changes to the existing map except for the purpose of implementing the recommendations of the Land-Use Plans and of the Integral Development Plan of Puerto Rico to the extent the latter have been approved. These amendments approved by the Board shall also be made known to the public by the procedure provided herein for the Zoning Maps; Provided, however, That in these cases the publication of the notice in the press shall be made only once in a newspaper of general circulation in Puerto Rico.

Once an amendment to a Zoning Map is approved by the Board, the Governor's approval and signature thereof shall not be necessary and it shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Puerto Rico, subject to the provisions of Section 31 of this Act.

Section 29. — Effectiveness of Land-Use Plans, Four-Year Investment Program, Plots and maps. (23 L.P.R.A § 63a)

The Land-Use Plans or any part thereof and the Four-Year Investment Program shall go into effect immediately after adopted by the Board and approved by the Governor.

The maps and plots, except zoning maps and their amendments, authorized herein, shall take effect fifteen (15) days after having been approved by the Board.

The provisions of this Section and Section 28 shall apply equally in the cases where the Board delegates any of the functions to the Regulations and Permits Administration mentioned therein.

Section 30. — Legislative action. (23 L.P.R.A § 63b)

The Governor of Puerto Rico shall transmit, pursuant to the terms established herein, the regulations and amendments thereto adopted by the Board to the Legislature of Puerto Rico, during the regular session in course or the one following their promulgation. Said regulations or amendments thereto may likewise be transmitted to the Legislature of Puerto Rico at the opening of or during special sessions. If the Legislature takes favorable action or does not act on any such regulations or amendments thereto, they shall remain in force, and if modified or disapproved by the Legislature, they shall take effect as they may have been modified or repealed, as the case may be.

Nothing contained in this Act shall bar the Legislature of Puerto Rico from requiring or ordering the Board to institute any action authorized by law; or from making itself additions or changes in the official maps indicating therein the traces of proposed new roads, extensions, widenings, reductions or variances.

Section 31. — Notice. (23 L.P.R.A § 63c)

The Board shall send to every officer or interested person, certified copies of all resolutions adopted by it concerning said officer or person. Whenever the Board deems it necessary, it may give notice to the officer or interested person by publishing a notice in a newspaper of general circulation in Puerto Rico.

Section 32. — Review. (23 L.P.R.A § 63d)

(a) Any party aggrieved by an action, decision or resolution of the Puerto Rico Planning Board in its adjudicatory function in connection with which a petition for reconsideration has been filed with the Planning Board within the first thirty (30) days of mailing of the notice of such action or decision has been denied by the latter, may file a petition for review before the Court of First Instance of Puerto Rico, San Juan Part, or the Part whose jurisdiction

comprises the place where the project is located, within the term of thirty (30) calendar days reckoning from the mailing date of the notice of denial of the petition for reconsideration.

The petition for review having been filed, if the writ is granted, it shall be the duty of the Puerto Rico Planning Board to remand the record of the case to the court within the fifteen (15) days following the issuance of the writ.

Review by the Court of First Instance shall be limited exclusively to issues of law.

(b) The actions, decisions or resolutions of the Planning Board in the exercise of its quasi-legislative functions, such as adoption and promulgation of regulations and zoning maps, or amendments thereto, shall be final; Provided, That in the cases in which the Board does not comply with the statutory requirements for the adoption and promulgation of or amendments to said regulations and maps, resort may be had to the Court of First Instance, San Juan Part, to challenge the proceedings had, within a term of thirty (30) calendar days reckoning from the publication of the same.

(c) Any party adversely affected by the actions, decisions or resolutions of the Administrator on consultations of location delegated to him by the Board under Section 11, clause (19), paragraph (b) of this At, shall file with him a petition for reconsideration to present new evidence and/or show that the actions or resolutions of the Administrator do not conform to the legal and regulatory provisions in force, within the first thirty (30) days after the mailing of notice of said action, decision or resolution, and if denied by the latter, said party may file a petition for review in the Court of First Instance, San Juan Part, or in any Part whose jurisdiction comprises the place where the project is located, in the discretion of the petitioner, by following the same procedure established in subsection (a) of this section for the review of actions, decisions and resolutions of the Planning Board in its adjudicatory function. The review before the Court of First Instance shall be limited exclusively to issues of law.

TITLE VI. — MISCELLANEOUS PROVISIONS

Section 33. — Succession. (23 L.P.R.A § 63e)

(a) The Puerto Rico Planning Board shall be the successor for all purposes of the Puerto Rico Planning Board created by Act No. 213 of May 12, 1942, as amended, pursuant to the provisions of this Act, and its members shall hold office until the terms for which they were appointed expire.

(b) There shall be transferred to the Planning Board, to be used for the ends and purposes of this Act, all the property or any interest therein; records, files and documents; funds already appropriated or to be made available in the future, including surpluses, assets and credits of any kind; obligations and contracts of any type; and licenses, permits and other authorizations; except those transferred to the Regulations and Permits Administration.

(c) The personnel transferred to the Board shall retain all the rights acquired at the time this act becomes effective, as well as the rights, privileges, obligations and status with respect to any existing pension, retirement or savings and loan fund system or systems with which they may be affiliated.

(d) All the orders, regulations, maps, plots, programs, plans, documents, norms, resolutions and rules adopted by the Planning Board created by Act No. 213 of May 12, 1942, which are compatible with this Act shall remain in force until they are amended or repealed.

(e) The Chairman of the Board is authorized to transfer to the Bureau of the Budget the records, property, personnel and budgetary appropriations necessary to formulate the Annual Capital Improvements Program which is hereby transferred.

Section 34. — Transfer of Functions. (23 L.P.R.A § 63f)

The transfer of functions from the Planning Board to the Regulations and Permits Administration shall be carried out pursuant to the provisions of the Regulations and Permits Administration Organic Act.

Section 35. — Delegation of functions. (23 L.P.R.A § 63g)

Pursuant to the provisions of Section 11, clause (19) of this Act, the Board may delegate to the Regulations and Permits Administration all such functions as it may determine on the adoption of amendments to the zoning maps in areas previously zoned, as well as the consideration and resolution of location and public projects consultations. The Board shall render annual reports to the Governor and to the Legislature on any delegations made under Section 11, clause (19) of this Act. The Board may establish criteria or norms which may permit it to revise periodically such norms and delegations. After such delegations have been made, the provisions of this Act relating to the matters delegated shall be applicable to the Regulations and Permits Administration. This section shall not limit any other delegations the Board may make pursuant to the provisions of this Act.

The provisions of this section shall not apply to delegations that the Board may make to the local and regional planning commissions, as well as to other bodies, in regard to the adoption of amendments to the zoning maps of previously zoned areas, among others, which shall be governed by the provisions of Section 24 of this Act.

Section 36. — Pending Cases, Transition. (23 L.P.R.A § 63h)

(a) Pending indictments for violations of the laws, or parts thereof, repealed or affected by this Act, committed prior to the effective date of this act, shall continue to be prosecuted under the act in force at the time the violation was committed.

(b) Any civil action filed in relation with the structuring of any of the laws, or parts thereof, repealed or affected by this Act and in prosecution prior to the effectiveness of this act, shall not be affected by any of the repeals or modifications produced by this Act.

(c) All administrative proceedings pending under the laws repealed or affected by this Act, on the effective date hereof, shall continue to be prosecuted until their final determination pursuant to the laws and regulations in force prior to the effective date of this act.

Section 37. — Orders, transition. (23 L.P.R.A § 63i)

All orders, determinations, master plans, land-use and transportation plans, main thoroughfare plans, official maps, regulations, rules, permits, licenses, authorizations, contracts and obligations which, under authority of law, have been issued, effected, executed, granted or enforced to implement the aforesaid functions transferred to the Board, or to any other government body, and which may be in force at the time the transfer becomes effective, shall remain in force insofar as they are compatible with this Act or any other act governing such transfer, as each case may be, until they are amended, substituted, modified or set aside, under authority of law and by competent authority.

TITLE VII. — FINAL PROVISIONS

Section 38. — Repeals. (23 L.P.R.A § 62 note)

Sections 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 7, 8, 9, 9.01, 11, 12, 13, 13.01, 14, 15, 16, 17, 18, 19, 20, 20A, 21, 22, 24A, 27, 28 and 36 of Act No. 213 of May 12, 1942, as amended; Act No. 349 of May 12, 1947, and Act No. 384 of April 22, 1946 are repealed.

Section 39. — Appropriation. (23 L.P.R.A § 63j)

The appropriation of funds for operating expenses of the Board shall be included in the annual budget submitted to the Legislature. If for any reason expense funds are not included in said annual budget, the appropriation for said year shall be the same as that of the immediately preceding year.

Section 40. — Incompatibility. (23 L.P.R.A § 62 note)

Every norm, order, provision, regulation or law incompatible with the purposes of this act is hereby repealed; Provided, That nothing provided herein shall be understood to amend, repeal or modify Act No. 130 of June 13, 1967 or Act No. 5 of April 23, 1973, as subsequently amended.

Section 41. — Saving Clause. (23 L.P.R.A § 62 note)

If any provision of this act or its application to any person or circumstance is declared void, its annulment shall not affect other provisions hereof which may remain in force without resorting to the provision annulled.

Section 42. — Effectiveness. (23 L.P.R.A § 62 note)

This act shall take effect on July 1, 1975. However, in consonance with Section 34 thereof the necessary steps shall be taken to commence from the date of its approval, the surveys, evaluations and actions necessary to implement the authorized transfers. Furthermore, all such steps may be taken as are necessary to accomplish an adequate transfer, pursuant to the

provisions of this act and in other laws related therewith. The programs and functions transferred shall continue to operate in the same form and manner until such transfers are made.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.