

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2018-048

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. RICARDO A. ROSSELLÓ NEVARES, TO AUTHORIZE AND DELEGATE AUTHORITY TO THE CENTRAL RECOVERY AND RECONSTRUCTION OFFICE OF PUERTO RICO (COR3) TO MANAGE AND IMPLEMENT PROGRAMS FOR PRIVATE PROPERTY DEBRIS REMOVAL (PPDR) AND PRIVATE PROPERTY DEMOLITIONS

WHEREAS: On September 19 and 20, 2017, hurricane María made its way through Puerto

Rico, becoming the most devastating atmospheric event in the last eighty (80) years, causing catastrophic damage to housing, commercial structures, local infrastructure and the economy.

WHEREAS: The Government of Puerto Rico is working to take all necessary measures to protect the life, safety, and health of the people of Puerto Rico.

WHEREAS: Hurricane María created widespread debris and structural damage across the entire Island of Puerto Rico, creating immediate threats to public health and safety, the threat of damage to property, and negatively impacting the ability of the Island and its municipalities to rapidly and effectively recover.

WHEREAS: A total of sixty-eight (68) municipalities have indicated that damages are of such severity and magnitude that they are requesting financial and technical assistance through the Government of Puerto Rico and the Federal Emergency Management Agency (hereafter referred to as "FEMA") to remove these threats, either by themselves or with the assistance of the Government of Puerto Rico's COR3.

WHEREAS: Over 15,000 private properties have been identified within the Puerto Rico municipalities that contain storm-related debris and/or damaged structures and which the Government of Puerto Rico and/or the municipalities believe that also present an immediate threat to health and safety that makes it in the public interest to address the same.

WHEREAS: Article 6.10 of Act No. 20-2017, as amended, known as the *Act for the Department of Public Safety of Puerto Rico*, confers upon the Governor of Puerto Rico the power, after having declared a state of emergency, to give effect to such measures as may be necessary during the period of the emergency to manage the emergency, to protect the safety, health and property of all residents of Puerto Rico.

WHEREAS: Article 6.11 of Act No. 20-2017, as amended, confers upon the Governor of Puerto Rico the power, after having declared a state of emergency, to order the removal of ruins and debris that may affect health or public safety, from public or private land or bodies of water in Puerto Rico.

WHEREAS: The COR3, pursuant to Executive Order No. EO-2017-65, as amended by Executive Order No. EO-2017-69, and Resolutions 2017-39 and 2017-41 of the Puerto Rico Public Private Partnerships Authority ("P3"), has the authority to identify and procure all state, federal and/or private resources available to the Government of Puerto Rico or any Governmental Entity to invest in the recovery of Puerto Rico and coordinate all efforts related to the recovery.

THEREFORE: I, RICARDO A. ROSSELLÓ NEVARES, Governor of Puerto Rico, by virtue of the inherent powers of my position and the authority vested in me by the Constitution and the Laws of Puerto Rico, hereby DECLARE and ORDER the following:

SECTION 1: The removal of immediate threats to public health and safety due to the widespread presence of debris on private property by all legal means available, including through participation in the FEMA Private Property Debris Removal (PPDR) and Demolition Programs.

SECTION 2: As a direct result of Hurricane María and the significant amount of debris it generated and structures rendered unsafe, public health and safety threat continues to exist and has existed since September 20, 2017, throughout the Island of Puerto Rico and wherever such debris and unsafe structures exists, it constitutes a public nuisance and must be abated.

SECTION 3: The removal of hurricane-related debris and demolition of unsafe structures is necessary and in the public interest to eliminate immediate threats to public health and safety by all legal means available, including through participation in the FEMA PPDR and Demolition Programs.

SECTION 4: The Governor of Puerto Rico delegates unto COR3 its authority, under Article 6.11 of Act 20-2017, as amended, to further the mandate under Section 1 of this Executive Order, and, in accordance Executive Order No. EO-2017-65, as amended by Executive Order No. EO-2017-69, and Resolutions 2017-39 and 2017-41 of the Puerto Rico Public Private Partnerships Authority (hereafter referred to as "P3"), to do the following in relation to removal of threats associated with the presence of ruins and debris on private property and the PPDR and Demolition Programs:

- a. Manage, direct, oversee and implement the PPDR and Demolition Programs on behalf of the Government of Puerto Rico and the incorporated municipalities who agree to participate in the Government's centrally-managed efforts in this regard;
- b. Apply to FEMA for the PPDR and Demolition programs, both for the Government's centrally-managed efforts and on behalf of incorporated municipalities who wish to implement PPDR and Demolition Programs on their own;

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- c. Provide necessary technical assistance to support the efforts of municipalities that choose to implement PPDR and Demolition Programs on their own;
 - d. Obtain, oversee and expend funds from the Government of Puerto Rico and other sources to implement the PPDR and Demolition Programs, including cost-share match for FEMA grant funding associated with the Government's centrally-managed efforts;
 - e. Engage and direct the Authority for the Finance of Infrastructure (hereafter referred to as "AFI") and other Puerto Rico Government agencies, departments, boards, commissions, bodies, bureaus, offices, municipal entities, public corporations or instrumentalities of the Executive Branch, Judicial Branch and Legislative Branch of the Commonwealth of Puerto Rico, as required, to obtain their support and expertise to further the goals of the PPDR and Demolition programs and support related activities and implementation efforts;
 - f. Obtain agreements from private property owners to enter onto private property for purposes of assessing properties and structures to determine the appropriateness of including them in the PPDR and Demolition programs;
 - g. Assess and evaluate buildings and properties, both individually and in groups, to determine the existence of an immediate threat to public health and safety, a threat to improved property, and/or a threat to economic recovery;
 - h. Obtain agreements from private property owners to demolish structures and remove debris from private property found to be eligible under the program rules, as appropriate;
 - a. Subject to Paragraph b of this Section 4(h), prior to removing debris or demolishing structures on private property, COR3 will satisfy all legal proceedings and receive the legal permission(s) necessary through the right of entry with the required indemnity clauses signed by the property owner or those with legal interest in the property; otherwise, municipalities shall use its legal process for condemnation or nuisance abatement.
 - b. There maybe be circumstances where, because of the urgency of the situation, the procedures of obtaining a right of entry or pursuing condemnation or nuisance abatement proceedings may be too time consuming. The COR3 will then act in conjunction with the Governor, the Department of Public Safety, municipalities, and relevant legal processes under the Government of Puerto Rico's police powers, to remove the debris in these private properties.

- i. In carrying out private property debris removal activities, including demolition, COR3 shall respect all law and regulations concerning historic preservation and environmental protection.
- j. Provide debris monitoring support and oversight to AFI and its contractors in the performance of their duties; and
- k. Seek and receive reimbursement from FEMA for associated work that is completed in the removal of eligible debris and demolition of eligible structures, and to assist self-administering municipalities with their reimbursement requests as appropriate.

SECTION 5: As required by section 407(b) of the Stafford Act (42 U.S.C. § 5173 (b)), the Government of Puerto Rico shall indemnify and hold harmless the Federal Government and its respective employees, agents, contractors and subcontractors from any claims arising from debris removal. The Government of Puerto Rico hereby acknowledges that in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Stafford Act.

SECTION 6: The Director of the Office of Management and Budget (hereafter referred to as "OMB") is instructed to carry out within the next thirty (30) calendar days all the budgetary actions necessary to allocate and transfer to the COR3 those funds necessary to cover expenses related to operation of PPDR and Demolition program activities, including funding to permit operations to occur until such time as FEMA reimbursement can be obtained, and funding to cover non-federal cost-share match requirements.

SECTION 7: DEFINITION OF THE TERM "AGENCY". For the purposes of this Executive Order, the term "agency" refers to any agency, instrumentality, office or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of their names.

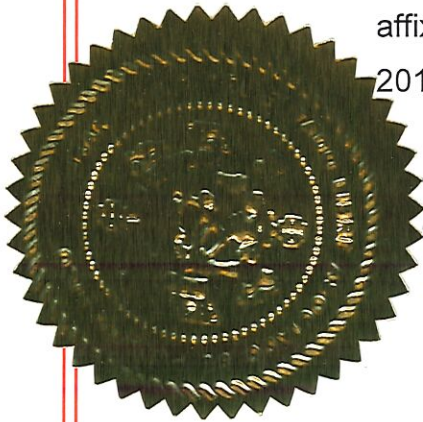
SECTION 8: ANNULMENT AND VALIDITY. This order shall prevail over any other Executive Order that may, in whole or in part, be inconsistent with this Executive Order, to the extent of such incompatibility. This Executive Order shall enter into force immediately and shall remain in force until it is amended or revoked by a subsequent executive order or by provision of law.

SECTION 9: SEVERABILITY. The provisions of this Executive Order are separate and independent of each other, and if any part, section, provision, or sentence of this Executive Order is declared unconstitutional, void, or invalid by a court of jurisdiction and venue, such decision shall not affect the validity of the remaining provisions, which shall remain in full force.

SECTION 10: NON-CREATION OF ENFORCEABLE RIGHTS: This Executive Order is not aimed at creating substantive or procedural rights enforceable before judicial, administrative or any other forum, in favor of third parties against the Government of Puerto Rico or its agencies, officers, employees or any other person.

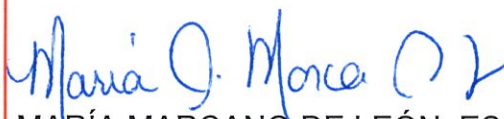
SECTION 11: PUBLICATION: This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the Government of Puerto Rico to be affixed, in San Juan, Puerto Rico, on this 13th day of November of 2018.




RICARDO ROSSELLO NEVARES
GOVERNOR

Enacted in accordance with the law, on this 13 day of November of 2018.


MARÍA MARCANO DE LEÓN, ESQ.
ACTING SECRETARY OF STATE