

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

Administrative Bulletin Number: OE-2020-019

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA VÁZQUEZ GARCED, TO AUTHORIZE AND DELEGATE TO THE CENTRAL RECOVERY AND RECONSTRUCTION OFFICE OF PUERTO RICO (COR3) THE AUTHORITY TO MANAGE AND IMPLEMENT PROGRAMS FOR DEBRIS REMOVAL AND DEMOLITIONS IN PRIVATE PROPERTIES POSING AN IMMINENT RISK TO THE LIVES AND SAFETY OF INDIVIDUALS AS A RESULT OF THE RECENT EARTHQUAKES AND ANY FUTURE DISASTERS.

WHEREAS: The Government of Puerto Rico has the constitutional responsibility for safeguarding the public order and protecting the life, safety and property of the citizens.

WHEREAS: During the past weeks, Puerto Rico has experienced strong seismic activity. The earthquake registered in the early hours of January 7, 2020, a 6.4 magnitude earthquake in the Richter scale (the "Earthquake"), and the continuous aftershocks have had a negative impact on several municipalities, including the municipalities of Guánica, Guayanilla, Peñuelas, Ponce, San Germán, Yauco, Adjuntas, Las Marías, Jayuya, Juana Díaz Lajas, Mayagüez, Sabana Grande and Utuado, where thousands of people are living in shelters.

WHEREAS: The Earthquake caused significant damage to properties and infrastructure, including, but not limited to highways, bridges, schools, housing and private properties. Public structures were destroyed, and homes have been declared uninhabitable and pose an immediate threat to life and public safety.

WHEREAS: The extent of the damages has created an emergency that threatens lives, public safety, basic public services, the economic activity and the social wellbeing of Puerto Rico.

WHEREAS: Fourteen (14) municipalities have reported that the damages sustained are so serious and extensive that they require the financial and technical assistance of the Government of Puerto Rico and the Federal Emergency Management Agency ("FEMA") to eliminate these threats,



whether on their own or assisted by the Government of Puerto Rico through COR3.

WHEREAS: More than 1,500 private properties containing debris generated by the Earthquake and/or damaged and unsafe structures have been identified in the different municipalities of the Island. Just as the debris caused by the passing of hurricanes Irma and María, the debris generated by the recent seismic activity pose an immediate threat to the lives and safety of citizens; therefore, it is of high public interest to address this matter.

WHEREAS: The Government of Puerto Rico is committed to achieving the immediate recovery of our island. Consequently, the Government is taking all the necessary steps to protect the life and safety of Puerto Ricans.

WHEREAS: Section 1.04 of Act 20-2017, as amended, provides that the Governor is the supreme authority with respect to the direction of the Department of Public Safety. In addition, section 1.03 of said Act provides that the Department of Public Safety shall discharge, among others, the following duties:

1. Protect the life and property of all citizens,
2. Operate as the first line of defense focused on crime prevention, addressing emergencies, and protecting the people,
3. Coordinate all government and private sector resources to provide all services required before, during, and after an emergency swiftly and effectively to protect the life and property of the people.

WHEREAS: Section 6.10 of Act 20-2017, as amended, confers on the Governor of Puerto Rico, upon declaring a state of emergency, the power to render effective the measures that are necessary, for the duration of the state of emergency, to manage the emergency in order to protect the safety, life and property of all the residents of Puerto Rico.

WHEREAS: Section 6.11 of Act 20-2017, as amended, confers on the Governor of Puerto Rico, upon declaring a state of emergency, the power to direct the removal of wreckage and



debris that are located on public or private lands or bodies of water and may affect the health or public safety.

WHEREAS: On January 7, 2020, the Governor of Puerto Rico signed Executive Order No. 2020-01, declaring a state of emergency as a result of the Earthquake and the continuous seismic activity experienced in Puerto Rico.

WHEREAS: On January 16, 2020, the President of the United States of America approved a declaration of major disaster, further amended through subsequent Federal Register Notices, that made public assistance through FEMA available to the municipalities of Adjuntas, Guánica, Guayanilla, Jayuya, Juana Diaz, Lajas, Las Marías, Mayaguez, Peñuelas, Ponce, Sábana Grande, San Germán, Utuado, and Yauco.

WHEREAS: Pursuant to Executive Order number OE-2017-65, amended by Executive Orders numbers OE-2017-69 and OE-2020-014, and Resolutions 2017-39 y 2017-41 issued by the Puerto Rico Public-Private Partnerships Authority ("P3A"), COR3 is authorized 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 the efforts related to the recovery.

WHEREAS: Pursuant to OE-2018-048 dated November 23, 2018, COR3 is authorized to secure the removal of immediate threats to life and public safety caused by the presence of debris in private property, generated by the passing of Hurricane María, and to use the legal means available, including through participation in the FEMA Private Property Debris Removal (PPDR) and Demolition programs.

WHEREFORE: I, WANDA VÁZQUEZ GARCED, Governor of Puerto Rico, by virtue of the powers vested in me by the Constitution and the laws of Puerto Rico, hereby decree and order the following:

SECTION 1: The extent of the damage and the continuous aftershocks of this Earthquake have created an emergency that threatens public safety, basic public services, the social wellbeing in Puerto Rico, and to cause even more damage.

SECTION 2: The significant amount of debris and the numerous structures that became unsafe due to structural damages

produced by the continuous seismic activity threaten the safety and lives of citizens and must be removed because they pose a continuous threat to public safety and the economic activity of Puerto Rico since December 28, 2020, particularly in the southern and southwestern areas of the island.

SECTION 3: Removing the debris generated by the earthquakes and demolishing unsafe structures is necessary, and it is of high interest to eliminate immediate threats to life and public safety by all the legal means available, including requesting approval and participation in the FEMA Private Property Debris Removal ("PPDR") program and any other demolition program available.

SECTION 4: The removal and demolition of immediate threats to life and public safety caused by the presence on private property of debris produced by the Earthquake and the continuous aftershocks, using the legal means available, including participation in the PPDR and Demolition programs, is hereby ordered.

SECTION 5: The authority delegated to COR3 under Section 4 of OE 2018-048 is extended and clarified in order that COR3 may do the following, in relation to the presence on private property of wreckage and debris produced by the Earthquake and the continuous aftershocks, as well as in the event of any other future disaster that, after the pertinent declaration of an emergency or disaster, requires implementing and executing the PPDR program and conducting demolitions:

- a. Manage, direct, supervise and implement the PPDR and the Demolition Program in the name of the Government of Puerto Rico and the municipalities that agree to participate in the efforts of the central Government;
- b. Request PPDR and Demolition Program funding, both for the efforts managed by the central Government and on behalf of the municipalities that wish to implement the above programs on their own;
- c. Provide the technical assistance necessary to support the efforts of the municipalities that choose to implement the PPDR and Demolition programs on their own;



- d. Obtain, supervise and disburse funds of the Government of Puerto Rico, and other sources, to implement the PPDR and Demolition programs, including total eligible cost-sharing, as applicable, with respect to funds granted by FEMA in connection with the Government's centralized efforts.
- e. Involve other agencies of the Government of Puerto Rico, departments, boards, commissions, bodies, offices, municipal entities, public corporations or instrumentalities of the Executive Branch, the Judicial Branch and the Legislative Branch of Puerto Rico, as required, and receive their support and knowledge in order to advance the objectives of PPDR and demolitions programs and the efforts to implement them.
- f. Enter into agreements with the owners of private properties and structures and thus access said properties and structures in order to determine whether it is appropriate to include them in the PPDR and demolition programs.
- g. Assess buildings and properties, both individually and in groups, to determine the existence of immediate threats to life and public safety, properties or to economic recovery.
- h. Enter into agreements with the owners of private properties to remove eligible debris and demolish eligible structures in the properties under the rules of the programs, as applicable;
 - 1. Subject to the provisions of paragraph 2 of this Section 5(h), before removing debris or demolishing structures in a private property, COR3 shall comply with all the legal requirements and obtain all the legal permits necessary through its right of entry, with the indemnity clauses signed by the property owner or those with a legal interest in it. Otherwise, the municipalities shall use their own eminent domain or nuisance abatement processes.
 - 2. There may be circumstances in which due to the urgency of the situation, the procedures to obtain the pertinent right of entry, assert eminent domain or



obtain a nuisance-abatement permit may not be expedient given the time it takes to complete them. COR3 shall act in mutual agreement with the Governor of Puerto Rico, the Department of Public Safety and the municipalities to carry out the legal procedures available under the police powers of the Government of Puerto Rico to remove debris from within private properties.

- i. It is clarified that in carrying out debris removal operations in a private property, including demolition processes, COR3 shall observe and comply with all historic preservation and environmental protection laws and regulations.
- j. Request and obtain reimbursements from FEMA for work done to eliminate eligible debris and demolish eligible structures, and assist the municipalities with their corresponding requests for reimbursement.

SECTION 6: Pursuant to Section 407(b) of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5173 (b)), the Government of Puerto Rico shall indemnify the Federal Government and its employees, agents, contractors and subcontractors against any claim arising from debris removal. The Government of Puerto Rico acknowledges that, pursuant to Section 305 of the Stafford Disaster Relief and Emergency Assistance 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 a discretionary function on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Stafford Disaster Relief and Emergency Assistance Act.

SECTION 7: The Director of the Puerto Rico Office of Management and Budget is ordered to carry out, within the next thirty (30) calendar days, all the budgetary actions necessary to assign and transfer to COR3 all the funds to cover the expenses associated with the operation of the activities of the PPDR and Demolition programs, including the financing to allow running the operations until a reimbursement can be



obtained from FEMA, as well as the financing to cover the total eligible cost-share, as applicable.

SECTION 8: DEFINITION OF THE TERM AGENCY. For purposes of this Executive Order, the term “agency” means any agency, instrumentality, office, or dependency of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of their name.

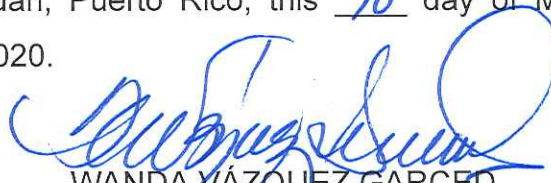
SECTION 9: NON-CREATION OF ENFORCEABLE RIGHTS. This Executive Order is not issued in order to create substantive or procedural rights enforceable before any judicial, administrative or other forum in favor of third parties against the Government of Puerto Rico, government agencies, instrumentalities, public corporations or any of their officers, employees or any other person.

SECTION 10: EFFECTIVENESS. This Executive Order shall take effect immediately.

SECTION 11: PUBLICATION. This Executive Order shall be immediately filed with the Department of State and published generally.



IN WITNESS WHEREOF, I issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be stamped hereunto in San Juan, Puerto Rico, this 10 day of March 2020.


WANDA VÁZQUEZ GARCED
GOVERNOR

Enacted pursuant to the Law, this 12 day of March 2020.


ELMER L. ROMÁN GONZÁLEZ
SECRETARY OF STATE