

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

Administrative Bulletin Number: OE-2021-024

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, FOR THE PURPOSES OF DECLARING AN INFRASTRUCTURE EMERGENCY IN PUERTO RICO DUE TO THE DAMAGES CAUSED BY HURRICANES IRMA AND MARÍA AND THE EARTHQUAKES OF 2020, AS WELL AS TO ACTIVATE THE PROVISIONS OF ACT NO. 76-2000, AS AMENDED.

WHEREAS: During the past few years, the lives of Puerto Ricans have been disrupted by Hurricanes Irma and María, as well as by the earthquakes that have affected our Island’s infrastructure. The damages and consequences suffered as a result of these natural disasters have created an emergency situation that threatens the well-being, health, and safety of all Puerto Ricans. Consequently, Puerto Rico’s infrastructure, housing, electrical system, storm sewer system, landfill systems, schools, roads, and hospitals have been affected, among others. Despite the need for action, the government’s response has been slow and insufficient. The delay in Puerto Rico’s recovery and reconstruction is inexcusable.

WHEREAS: The Island’s essential services infrastructure is highly vulnerable. A report published by the Puerto Rican Chapter of the American Society of Civil Engineers (ASCE) rated Puerto Rico’s general infrastructure condition for the year 2019 as (D-). The evaluation included the conditions of bridges, dams, roads, solid waste, and wastewater management, as well the drinking water, energy, and ports infrastructure.

WHEREAS: The recovery and reconstruction of Puerto Rico is the highest priority of this Government. The Island’s reconstruction will improve the quality of life of our citizens and will provide an opportunity to upgrade part of our critical infrastructure. At the same time, it will usher in a new era of economic development for the benefit of all Puerto Ricans, which is essential for Puerto Rico’s reconstruction and recovery.

WHEREAS: In order to achieve our Island’s reconstruction, we need to expedite access to and maximize the use of more than \$50,000 million in direct funds from the Federal Emergency Management Agency’s (FEMA) Public Assistance and Mitigation Program and the U.S. Department of Housing and Urban Development’s Community



I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

Development Block Grant for Disaster Recovery (CDBG-DR). Likewise, we need to ensure that the Puerto Rico Department of Economic Development and Commerce's Office for Permit Management ("OGPe," for its Spanish acronym) has the necessary tools to handle the expeditious processing of all the permits, endorsements, consultations, certifications, and recommendations necessary to address our current crisis.

WHEREAS: We must ensure that any federal and state funds intended for Puerto Rico's reconstruction and recovery are used effectively and efficiently, so that all Puerto Ricans affected by Hurricanes Irma and María, as well as those affected by the earthquakes of 2020, are finally able to receive the assistance they need.

WHEREAS: This Administration acknowledges the need for a prompt rehabilitation and reconstruction of all affected homes and communities, as well as the need to revitalize downtown areas; to enhance and strengthen the electric power, aqueduct, and reservoir systems; to build new hospital facilities, to rehabilitate public schools in order to bring them into compliance with the current construction codes included in the 2018 Puerto Rico Building Code, and to improve and rebuild the road infrastructure, among other needs.

WHEREAS: In order to achieve the this reconstruction and to promote a proper and efficient use of allocated funds, it is necessary that we expedite financing procedures and facilitate the prompt issuance of recommendations, consultations, and permits for the execution of critical and urgent infrastructure projects, in order to address the damages caused by the natural disasters.

WHEREAS: In reaching the above, it is extremely urgent that a state of emergency be declared regarding Puerto Rico's infrastructure and that all necessary mechanisms be quickly activated for the execution of works and critical reconstruction projects, as well as to ensure that the bureaucracy involved in the obtention of permits will not impinge on the Island's recovery and construction initiatives.

WHEREAS: Although the hurricanes struck in 2017 and the earthquakes shook the Island in early 2020, the delay in rebuilding efforts have made



it necessary for this administration to take concrete action and declare a state of emergency in Puerto Rico’s infrastructure.

WHEREAS: Act No. 76-2000, as amended, also known as the “Procedures in Emergency Situations or Events Act,” provides that, upon declaring a state of emergency, the Governor shall activate an expedited process for the execution of all works and projects necessary to address and solve critical situations involving the physical infrastructure for the provision of essential services to citizens, as well as any situations that may pose a risk to the lives, health, and safety of the population.

WHEREAS: Article 5.10 of Act No. 20-2017, as amended, known as the “Puerto Rico Public Safety Department Act,” empowers me, as Governor, upon declaring a state of emergency or disaster, to enact such measures as may be necessary, for the duration of the emergency, in order to protect the safety, health, and property of all the residents of Puerto Rico.

WHEREAS: Paragraph (b) of Article 5.10 of Act No. 20-2017, as amended, provides that, as Governor of Puerto Rico, I am authorized to issue, amend, and repeal any rules, as well as to issue, amend, and rescind any orders as I may see fit to rule during the state of emergency or disaster.

WHEREAS: Meanwhile, paragraph (c) of the aforementioned Article 5.10 of Act No. 20-2017 provides that, as Governor of Puerto Rico, I shall be able to put into effect any state regulations, orders, plans, or measures to address emergency or disaster situations, as well as to change said regulations, orders, plans, or measures as I may deem appropriate.

WHEREAS: The same paragraph (b) of Article 5.10 of Act No. 20-2017, as amended, provides that any regulations enacted or any orders issued during a state of emergency or disaster shall have the force of law throughout the duration of said state of emergency or disaster.

THEREFORE: I, PEDRO R. PIERLUISI, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby declare and order the following:



Section 1: **DECLARATION OF STATE OF EMERGENCY.** I hereby declare a state of emergency in the infrastructure of Puerto Rico due to the damages caused by Hurricanes Irma and María, as well as the earthquakes of 2020, which have not yet been fixed. Therefore, in accordance with Administrative Bulletin No. 2021-2011, any reconstruction and mitigation project that has been identified by the Reconstruction Council as a critical project shall be dealt with quickly and urgently, ensuring compliance with all applicable environmental rules. All critical projects shall have the highest priority for the Government of Puerto Rico and, consequently, shall have the support of all agencies in order to achieve a streamlined reconstruction process, therefore enabling the achievement of the proposed goals in the shortest time possible. Priority consideration shall be given to these projects, expediting the issuance of permits and in compliance with the rules of state and federal agencies. This task shall be aimed at guaranteeing the health, public safety, and well-being of all the citizens of Puerto Rico.

Section 2: **ACTIVATION OF AN EXPEDITED PROCESS.** Due to the declared emergency, I hereby order the use of the expedited process established under Act No. 76-2000, as amended, for the construction and reconstruction of critical projects, with particular focus on the following projects: the reconstruction of homes affected by Hurricanes Irma and María, as well as by the earthquakes of 2020; the revitalization of downtown areas; the reconstruction, upgrading, and resilience of the electrical and the aqueduct and sewer systems, including dams; the reconstruction of school buildings, construction of new hospital facilities; the reconstruction of the road, port, and airport infrastructure; and mitigation projects, as well as other critical projects, including the telecommunications infrastructure. To this end, all agencies affected by this Executive Order shall follow the expedited procedure provided under by Law No. 76-2000, as amended, in issuing all relevant permits, consultations, endorsements, comments, recommendations, and certifications for the aforementioned projects, among others.

Thus, I hereby release all agencies from compliance with all ordinary terms and processes.



Section 3:

ALTERNATE EXPEDITED PROCEDURES. Pursuant to the authority granted by Arts. 2 and 7 of Act No. 76-2000, as amended, the Puerto Rico Planning Board (“JP”, for its Spanish acronym) and the OGPe shall establish the necessary alternate expedited procedures, through the issuance of rules and administrative orders, if no such rules and orders exist, for the granting of the different permits, consultations, endorsements, comments, recommendations, and certifications required for the aforementioned projects. These alternate procedures shall include expedited terms similar to those established under Act No. 76-2000, as amended, and shall comply with all applicable environmental requirements.

Furthermore, in order to streamline the procedures described above, all licensed engineers, land surveyors, or architects are hereby authorized to issue certifications and permits that are ministerial in nature for critical projects. To this end, these professionals shall execute a self-certification process which will guarantee that the applicant meets all applicable requirements for an automatic construction certification. If it is determined that any of these professionals acted negligently, the Planning Board may impose an applicable fine of up to \$10,000 under the powers granted by Act No. 75 of June 24, 1975, as amended, and the “Joint Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use, and Business Operations,” Regulation No. 9233 of December 2, 2020 (hereinafter, “Joint Regulation”). In addition, they may be disqualified as Authorized Professionals, where applicable, and may be referred to the Planning Board, to the corresponding board before the Department of State, to the Puerto Rico Professional College of Engineers and Land Surveyors, to the Puerto Rico Professional College of Architects and Landscape Architects, and to the Department of Justice, as applicable, for the corresponding administrative or criminal procedures, including, without limitation, the violation of Arts. 211 and 215 of the Puerto Rico Penal Code, and Art. 6.14 of Act No. 20-2017, as amended. Notwithstanding the above, the OGPe or the concerned agencies may examine and monitor compliance with all applicable self-certification requirements, as established in the Joint Regulation, and may refer any permit that fails to comply with the established requirements to the Planning



Board, as well as imposing any applicable fines and penalties.

Section 4: **CREATION OF INTERAGENCY SUBCOMMITTEE.** An Interagency Subcommittee on Expedited Environmental Regulations (the “Subcommittee”) is hereby created, pursuant to the provisions of Article 4 of Act No. 76-2000, as amended, which shall be responsible for reviewing the environmental documents submitted for any project under this Executive Order. The Subcommittee shall be composed of:

- a) the OGPe’s Assistant Secretary, who shall act as Committee Chair;
- b) an Associate Member of the OGPe’s Adjudication Board, appointed as an environmental subject matter expert;
- c) a representative from the Department of Natural and Environmental Resources;
- d) a representative from the Puerto Rico Planning Board;
- e) a representative from the Puerto Rico Highways and Transportation Authority;
- f) a representative from the Puerto Rico Electric Power Authority, and
- g) a representative from the Puerto Rico Aqueduct and Sewer Authority.

Likewise, all applications for Environmental Review Recommendation, Environmental Assessment, and/or Environmental Impact Statement under Act No. 76-2000, as amended, shall be submitted to the OGPe.

Section 5: **INTERIM MEASURES.** The Secretary of the Department of Natural and Environmental Resources, the Secretary of the Department of Economic Development and Commerce, the OGPe Assistant Secretary, the President of the Puerto Rico Planning Board, and the director or secretary of any other concerned governmental agency, shall adopt interim measures and shall take any decisions that may be necessary to comply with this Executive Order.

Section 6: **PERMIT PROCESS REPORTING.** In order to ensure compliance with the objectives of this Order, the OGPe and any other concerned agency are hereby ordered and required to submit to the Governor and to the Office of the Governor’s Chief of Staff, within ten (10) days from the enactment of this Order, the alternate expedited process that they intend to establish for the issuance of the necessary permits,

endorsements, consultations, certifications, and recommendations to address our current crisis.

Furthermore, the OGPe and any other concerned agency are hereby ordered to issue a detailed Report on the implementation and performance of the alternate procedures required under this Executive Order for the issuance of the necessary permits, endorsements, consultations, certifications, and recommendations to address our current crisis. This report shall be submitted to the Governor and to the Office of the Governor’s Chief of Staff within forty-five (45) days from the date of enactment of this Order.

Section 7: **DEFINITION OF “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 its name.

Section 8: **NON-CREATION OF ENFORCEABLE RIGHTS**. This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

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: **PRIOR ORDERS SUPERSEDED**. This Executive Order repeals Executive Order OE-2021-010 and any other executive order that may, in whole or in part, be inconsistent with the provisions herein, to the extent of such inconsistency.

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

Section 12: **VALIDITY**. This Executive Order shall enter into force immediately and shall be valid for six (6) months from the date of its enactment, which may be extended in accordance with Act No. 76-2000.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 25th day of March of 2021.


PEDRO R. PIERLUISI
GOVERNOR

Enacted in accordance with the law on this 25th day of March of 2021.


LAWRENCE N. SEILHAMER RODRÍGUEZ
SECRETARY OF STATE