

GOVERNMENT OF PUERTO RICO  
PUERTO RICO PLANNING BOARD

June 11, 2024

**RESOLUTION JP-2024-004**  
**Second Amendment**

Federal Consistency Certification with the  
Puerto Rico Coastal Zone Management Program  
Community Development Block Grant – Disaster Recovery (CDBG-DR) and  
Community Development Block Grant – Mitigation (CDBG-MIT)

The United States (U.S.) Government, through Major Disaster Declarations (DR-4336 and DR-4339), declared Puerto Rico a disaster area after the devastation caused by Hurricanes Irma and María. Considering this event, the U.S. Congress approved Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Puerto Rico's unmet disaster recovery needs, and Mitigation (CDBG-MIT) funds for the Commonwealth's long-term planning and risk mitigation activities. Moreover, the Congress approved additional CDBG-DR funds for the Commonwealth in response to Major Disaster Declarations: DR-4336, DR-4339, DR-4473, and DR-4671.

The damage caused by high-speed winds, storm surges, earthquakes, flooding, and landslides attributed to major disasters, had devastating effects on Puerto Rico's coastal areas that need to be addressed in an expeditious manner. While many of the direct emergency needs have been met, disaster recovery and mitigation need of the Commonwealth are on-going and will continue into the near future.

Law Number 75 of June 24, 1975, as amended (Organic law of the Puerto Rico Planning Board) grants the Puerto Rico Planning Board (PRPB) the responsibility and powers to guide the comprehensive development of Puerto Rico, guaranteeing the general well-being of its current and future inhabitants.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq) establishes that federal agency activities including the award of Federal Assistance must be consistent to the maximum extent practicable with the enforceable policies of approved state management programs. The Puerto Rico Planning Board (PRPB) is the designated state agency to review and determine Federal Consistency with the Puerto Rico Coastal Zone Management Program (PRCZMP) according to established procedures at 15 CFR Part 930.

The Commonwealth of Puerto Rico is formally the Grantee for the CDBG-DR and CDBG-MIT funds. The Governor of Puerto Rico designated the Puerto Rico Department of Housing (PRDOH) as the grantee for the purposes of administering these funds and executing grant agreements with the U.S. Department of Housing and Urban Development (HUD), the federal oversight agency for the CDBG-DR and CDBG-MIT funding.

Taking into consideration the high volume of requests for federal assistance that has been generated as part of the recovery process following the disaster declarations and the current need to expedite this process, the PRPB proceeded to carry out a review of Federal Consistency with the PRCZMP for the following federal assistance programs:

- CDBG-DR eligible activities provided in Section 105(a) of the Housing and Community Development Act of 1974 (HCDA), and outlined in the applicable

Federal Register Notices, the CDBG-DR Action Plan and CDBG-DR Program Guidelines.

- CDBG-MIT eligible activities provided in Section 105(a) of the Housing and Community Development Act of 1974 (HCDA), and outlined in the applicable Federal Notices, the CDBG-MIT Action Plan and CDBG-MIT Program Guidelines.

After considering the information provided by PRDOH in relation to the eligible projects and activities to be awarded by the above-mentioned programs, the Puerto Rico Planning Board (PRPB) in their meeting held on July 24, 2024, agreed the following:

A. The following activities or projects to be financed under the CDBG-DR and CDBG-MIT programs have no significant impact on Puerto Coastal Resources and do not require Federal Consistency review:

1. Energy and water efficiency improvements for single-family homeowners, as well as small and medium-sized businesses, to enhance resilience. These improvements include the installation of renewable energy systems, such as photovoltaic modules, metering equipment, batteries, mounting and anchoring systems, and electrical accessories needed to create a functional system on existing structures. This also includes PV systems with battery backup for critical loads and water storage systems on roofs or previously impacted areas.
2. Provide support to entities throughout the Island to offer training in job skills related to the reconstruction and economic growth of Puerto Rico. Also, those skills that are necessary to situate the Island in the economy of the future.
3. Granting awards of up to \$150,000 for working capital and movable equipment for small businesses and micro-enterprises that suffered physical and/or financial losses due to the Hurricanes. Start-ups created after the Hurricanes are also eligible if they can show their creation was the result of a closure of a previous business of same owner(s), after damage caused by the Hurricanes.
4. Projects or activities that involve the rehabilitation or renovation of the interior of existing structures, including but not limited to single-family homes. This may encompass activities such as upgrading electrical and plumbing systems, repairing structural components, remodeling living spaces, and enhancing energy efficiency, all aimed at improving the functionality, safety, and sustainability of the property. Projects located within Historic Zones and Flood Zones are required to adhere to the provisions set forth in Sections E and F of this resolution, where applicable.
5. Projects or activities that are exempt from construction permits under Act 161-2009, as amended, known as the "Puerto Rico Permit Process Reform Act" and Rule 3.2.4 (Activities Exempt from Construction Permits) including Sections 3.2.4.1, 3.2.4.2 and 3.2.4.3 of the "Joint

Regulation for Evaluation and Expedition of Permits Related to Development, Land Use and Business Operation” (Regulation Number 9473).

- B. Federal assistance awarded under the CDBG-DR and CDBG-MIT programs for demolition of structures with the purpose of restoring green areas, beaches, water retention areas and habitat recovery is consistent with the PRCZMP.
- C. Federal assistance provided under the CDBG-DR and CDBG-MIT programs for projects involving demolition and reconstruction, or the construction of new structures, is consistent with the PRCZMP. This includes projects such as single-family homes, multi-family residential buildings, commercial structures, and other types of construction aimed at rebuilding provided the project fulfill the following requirements:
  - 1- The project must comply with land use regulations established under the Puerto Rico Land Use Plan, Territorial Plans and special plans that apply according to the location of the project.
  - 2- The structure to be constructed or reconstructed must comply with applicable regulations and parameters established in the “Joint Regulation for Evaluation and Expedition of Permits Related to Development, Land Use and Business Operation” (Regulation Number 9473).
  - 3- Each project must provide evidence of compliance with the PR Environmental Policy Law (Law number 416 of September 22, 2004) by providing a copy of the Environmental Compliance Determination emitted by Puerto Rico Permit Management Office (OGPe) or providing documentation of compliance with the National Environmental Policy Act (NEPA)<sup>1</sup>.
  - 4- Each project must provide evidence of compliance with Puerto Rico State Historic Preservation Office (PR SHPO) or the Institute of Puerto Rican Culture (ICP).
- D. The Federal assistance awarded under the CDBG-DR and CDBG-MIT programs for infrastructure (according to the definition established by PR state Joint Regulation Number 9473)<sup>2</sup> projects are consistent with the PRCZMP with the condition that the applicant evidence compliance with the PR Environmental Policy Law (Law number 416 of September 22, 2004) by providing a copy of the Environmental Compliance Determination emitted by the PR Permit Management Office (OGPe) or providing documentation of compliance with the National Environmental Policy Act (NEPA).

<sup>1</sup> As outlined in the Administrative Order: OGPe 2025-002, issued on March 12, 2025.

<sup>2</sup> The Regulation Number 9473 defines infrastructure as “a set of works and services that are considered fundamental and necessary for the establishment and operation of an activity, such as communication systems, aqueduct, sewerage, electricity, telephone installations, and health, education, and recreation facilities. It also includes elements such as sheds for public transportation and other elements of urban furniture”.

- E. Any project or activity to be financed with CDBG-DR or CDBG-MIT funds (including the permit-exempt activities mentioned in Sections A, C and D of this resolution), if located within a Historic Zones or impacts a Historic Site designated by the PR Planning Board, must have the endorsement of the Puerto Rican Culture Institute (PRCI) or the State Historic Preservation Office (PR SHPO) according to the OGPe Administrative Order number 2025-002, dated March 12, 2025.
- F. The structure to be built, repaired or rehabilitated must preferably be located outside the flood plain and flood risk zones according to the “FEMA Advisory Base Flood Elevation Map” (FEMA Advisory Maps) effective on April 13, 2018, or the most recent FEMA map that applies according to the location of the project. Notwithstanding, in established communities and towns that are located within the flood plain, structures located within a flood hazard zone must evidence compliance with the Special Flood Hazard Zone Regulations (Planning Regulation Number 13) by submitting the following documents in the application package:
1. Comply with the requirements of Substantial Damage according to the “*Guía Operacional para las Determinaciones de Daños y Mejoras Sustanciales en Puerto Rico*” (Operational Guide for Substantial Damage Determinations in Puerto Rico).
  2. Copy of the FEMA Elevation Certificate (form ff-206-fy22-152) completed and signed by an engineer or surveyor.
- G. The Office of Geology and Hydrogeology (OGH) of the Puerto Rico Planning Board will provide a conditioned certification letter which will allow the applicant to have access to the funds to finance the design and permitting phase. This applies to the projects that meet the requirements outlined Sections C, D, E and F prior to the construction phase. The Puerto Rico Planning Board in its meeting of November 20, 2024, determined that the applicant must fulfill the mentioned requirements **180 days from receipt of the OGH Conditioned Certification letter**. If the applicant needs additional time to fulfill the required documents, it must be justified and requested referring to the assigned case number through [comentariosjp.pr.gov](http://comentariosjp.pr.gov).
- H. For projects that meet all the requirements, the OGH will issue the Federal Consistency Certification directly, without the need for review by the Planning Board. Projects that fulfill applicable regulations and parameters established in the “Joint Regulation for Evaluation and Expedition of Permits Related to Development, Land Use and Business Operation” (Regulation Number 9473), PR Environmental Policy Law (Law number 416 of September 22, 2004) along with those specified in Sections E and F of this resolution, will not be required to obtain a conditional certification letter from OGH in order to proceed with the design, permitting, and construction phases.
- I. Furthermore, The PR Planning Board on February 1, 2023, issued Resolution JP-339 that covers Federal Emergency Management Agency’s (FEMA) Public Assistance Program (PA) and Hazard Mitigation Grant Program (HMGP). Therefore, federal assistance awarded through the “Infrastructure Coordination Program” to match the non-federal items that are required for projects under PA and

HMGP programs are covered by Resolution JP-339 and will not require to be submitted to the PRPB for federal consistency review.

- J. Hence, Projects for the reconstruction, repair, or rehabilitation of structures for water-dependent uses (piers, boat ramps etc.) are not covered under this Resolution and must be filed at the US Army Corps of Engineers through Regulatory Request System (RRS).

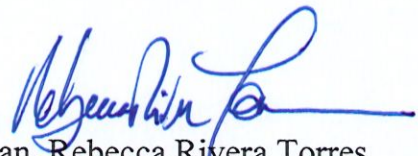
This General Federal Consistency Certification will be in effect for five (5) years from the notification date of this resolution. The Certification at reference will be renewed or amended if necessary to extend its validity or address other matters. The implementation of this resolution will be prospective as of the entry into force of this resolution.

**The following parties shall be notified:** Secretary, Puerto Rico Department of Housing (PRDOH); Director, Permits & Environmental Compliance Division (PRDOH); US Department of Housing, Office of Environmental & Energy; Director, Puerto Rico Coastal Zone Management Program, DNER.


**ADOPTED** in San Juan, Puerto Rico on June 11, 2025.

**Amended** today, June 11, 2025.

  
Lcdo. Hector Morales Martinez  
President

  
Plan. Rebecca Rivera Torres  
Alternate Member

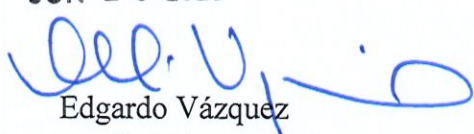
SE INHIBE  
Lcdo. Luis Lamboy Torres  
Alternante Member

  
Plan. Emanuel Gomez  
Alternate Member

**Certify:** That this Resolution is a copy of the agreement adopted by Puerto Rico Planning Board in its meeting of, **June 11, 2025**. I expedite and notify this copy to the parties under my sign and official stamp of the Puerto Rico Planning Board stamp, for general use and knowledge.

In San Juan, Puerto Rico, today,

JUN 25 2025

  
Edgardo Vázquez  
Secretary