

Tables to assist with Analysis

1. Analysis of Entities with decision-making abilities in new Permit System¹

Types of land use /environmental permit under consideration	Nature of the permit (Ministerial or Discretionary)	Final Determinations or Permits Made by					
		Authorized Professional (AP)	Autonomous Municipality (AM) I-V	OGPe	PRPB	EQB	DNER
Use permits	Ministerial	Issues permits in Municipalities that have not reached Category I-V or for municipalities authorizing APs	Permits are issued in municipalities that lack authorization for APs	Issues permits in Municipalities not Category I-V or for municipalities not authorizing APs	None	None	None
Demolition permits	Ministerial or discretionary (depends if lead and/or asbestos are present)	Issues ministerial permits in Municipalities not Category I-V or for municipalities authorizing APs	Ministerial permits are issued in municipalities that lack authorization for APs. Discretionary permits are issued if AM I-V has been authorized by PRPB to do so.	Issues ministerial and discretionary permits in Municipalities not Category I-V or for municipalities not authorizing APs	None	Issues permits in cases where lead and/or asbestos are present	None
Construction permits (for structures, urbanization works, etc.)	Ministerial or discretionary	Issues ministerial permits in Municipalities not Category I-V or for municipalities authorizing APs	Ministerial permits are issued in municipalities that lack authorization for APs. Discretionary permits are issued if AM I-V has been authorized by PRPB to do so.	Issues ministerial and discretionary permits in Municipalities not Category I-V or for municipalities not authorizing APs	None	None	None
Environmental consolidated permits	Ministerial	Issues permits in Municipalities not	Issues permits for territory within the	Issues permits in Municipalities not	None	Issues permits in cases where lead	None

¹ This analysis is based on the provisions of Law 161 of 2009, as amended, as well as the draft amended version of the JPR currently under revision by the PRPB.

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		Authorized Professional (AP)	Autonomous Municipality (AM) I-V	OGPe	PRPB	EQB	DNER
(General consolidated permits)		Category I-V or for municipalities authorizing APs	Municipality	Category I-V or for municipalities not authorizing APs		and/or asbestos are present	
Remodeling permits	Ministerial	Issues permits in Municipalities not Category I-V or for municipalities authorizing APs	Permits are issued in municipalities that lack authorization for APs	Issues permits in Municipalities not Category I-V or for municipalities not authorizing APs	None	None	None
Subdivision permits	Ministerial	Urbanization by way of exception are the only types subdivision permits APs can issue.	Permits are issued in municipalities that lack authorization for APs	Issues permits in Municipalities not Category I-V or for municipalities not authorizing APs	None	None	None
Land and Location consultations	Discretionary	None	None	None	Applications are reviewed for all proposed projects	None	None
Rezoning	Discretionary	None	Issues permits for territory within the Municipality	None	Applications are reviewed for all proposed projects	None	None
Variations (use, etc.)	Discretionary	None	Issues variations for territory within the Municipality	Variance applications are reviewed through the OGPe Director for proposed projects	None	None	None
Waivers	Ministerial or discretionary	The only waivers granted are for Categorical Exclusions	In discretionary cases	The Executive Director grants waivers in discretionary cases and Permit Managers grant Categorical Exclusions when submitted to them	Waivers may be granted in discretionary cases	None	None
Green Permits	Ministerial	Issues Prequalifying Certifications for	Issues Prequalifying Certifications for	Permit Managers and Director of	None	None	None

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		Authorized Professional (AP)	Autonomous Municipality (AM) I-V	OGPe	PRPB	EQB	DNER
		Green Permits, but not final determination	Green Permits, but not final determination	Environmental Compliance Assessment have final determination			
PyMES	Ministerial	None	Issues permits for territory within the Municipality	Final determination by Health and Safety and Constructability Managers in OGPe	None	None	None
Categorical Exclusions	Ministerial	Issues permits according to related EQB regulations	Issues permits according to related EQB regulations	Issues permits according to related EQB regulations	None	None	None
EAs / FONSI's	Discretionary	None	Submits report to the Executive Director of OGPe for review and final determination of environmental compliance	Reviewed by Environmental Compliance Division, and final determination by the Executive Director	None	None	None
EIS	Discretionary	None	Submits report to the Executive Director of OGPe for review and final determination of environmental compliance	Reviewed by Environmental Compliance Division, and final determination by the Executive Director	None	None	None
MTZ concessions	Discretionary	None	None	None	None	None	Reviews and has final determination for compliant projects
Cutting, Pruning, Replanting and Sowing	Ministerial	None	None	Reviews and has final determination for development and construction	None	None	Reviews and has final determination in cases not related to development and construction

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		Authorized Professional (AP)	Autonomous Municipality (AM) I-V	OGPe	PRPB	EQB	DNER
				related projects			projects
Extraction of earth crust material	Ministerial	None	None	Reviews and has final determination	None	None	None

2. Analysis of Commonwealth review/affirmation or denial of final determinations/permits decisions under Act 161/JPR

Final Determinations or Permits made by:	Administrative Review (OIGPe)	Judicial review by Courts (Court of 1 st Instance, Court of Appeals, or Supreme Court)
Authorized Professional (AP) determinations	<ul style="list-style-type: none"> ▪ An agency, dependency or instrumentality of the Government of Puerto Rico representing the public interest or a private person (whether natural or juridical) with or without proprietary interest, or neighbor, owner or tenant of an adjacent property, whose personal interest is adversely or substantially affected from AP issued ministerial permits, may file a complaint alleging a violation of a law or regulation before the OGPe. OGPe must have investigated the claim in fifteen (15) calendar days since its submittal. <i>[Puerto Rico Act No. 151, 2013, Article 53]</i> ▪ In cases in which there is serious, imminent, and immediate danger to the health or safety of persons or the environment the Concerned Government Entities and the OGPe may issue provisional cease and desist orders without the previous intervention or authorization of the Director of OGPe, following the criteria to be established by regulation. <i>[Puerto Rico Act No. 151, 2013, Article 55]</i> ▪ Within 20 days of a final AP decision, adversely affected parties can appeal to OGPe, which can hold a public hearing at its initiative or by request. All aspects of the AP decision are reviewable, and decisions are to be upheld if based upon substantial evidence in the record. If irreparable harm would be caused by the project, OGPe can issue a cease and desist order. One request for OGPe to reconsider its decision can be made (within 20 days), and reconsideration is completed within 15 days. <i>[Puerto Rico Act No. 151, 2013, Article 55, and the "Uniform Administrative Procedures Act", Puerto Rico Act No. 170, 1988, as amended]</i> 	<ul style="list-style-type: none"> ▪ If, after conducting the corresponding investigation in the first fifteen (15) days, OGPe finds non-compliance, it may request the revocation of the permit or a stay of the construction work or use allegedly not authorized by OGPe, the AP or the AM I-V granted hierarchy, and shall resort to the Court of First Instance to request a court order to such effect. If OGPe fails to take action within the term of fifteen (15) calendar days, the complainant may resort to the Court of First Instance to request the above-mentioned remedies. <i>[Puerto Rico Act No. 151, 2013, Article 54]</i> ▪ The Court of First Instance shall hold a hearing within ten (10) calendar days following the filing of the recourse and prior to granting the remedies requested, and shall pronounce sentence within twenty (20) calendar days as of the filing of the complaint. In the event that for any reason the Court issues a court order granting the remedies requested without issuing due notice to the parties and/or having previously held a hearing, the court order shall not be valid nor shall have any effect or be enforceable until the petitioner posts a bond sufficient to cover any damages that it may cause to the complainee, if at the end of the judicial process, the cause for action initiated by him/her is not in order. <i>[Puerto Rico Act No. 151, 2013, Article 54]</i> ▪ Adversely affected parties can appeal OGPe decisions to the Court of Appeals within 30 days. The Court of Appeals decides whether to hear the appeal. Only conclusions of law are reviewable. Decisions are upheld if based upon substantial evidence in the record. Once the decision has been rendered, the adversely affected party can appeal to

Final Determinations or Permits made by:	Administrative Review (OIGPe)	Judicial review by Courts (Court of 1 st Instance, Court of Appeals, or Supreme Court)
		the Supreme Court within 30 days of the decision [<i>Puerto Rico Act No. 151, 2013, Article 50, and the “Uniform Administrative Procedures Act”, Puerto Rico Act No. 170, 1988, as amended</i>]
Autonomous Municipalities I-V determinations	<ul style="list-style-type: none"> ▪ An agency, dependency or instrumentality of the Government of Puerto Rico representing the public interest or a private person (whether natural or juridical) with or without proprietary interest, or neighbor, owner or tenant of an adjacent property, whose personal interest is adversely or substantially affected, may file a complaint alleging a violation of a law or regulation before the Municipality. In the event that such property is located in more than one Municipality, the complaint shall be filed before the Municipality that has granted the permit. [<i>Puerto Rico Act No. 151, 2013, Article 53</i>] ▪ Within 20 days of any final AM I-V decision, adversely affected parties can appeal to OGPe, which can hold a public hearing at its initiative or by request. All aspects of the AP decision are reviewable, and decisions are to be upheld if based upon substantial evidence in the record. If irreparable harm would be caused by the project, OGPe can issue a cease and desist order. One request for OGPe to reconsider its decision can be made (within 20 days), and reconsideration is completed within 15 days. [<i>Puerto Rico Act No. 151, 2013, Article 55, and the “Uniform Administrative Procedures Act”, Puerto Rico Act No. 170, 1988, as amended</i>] 	<ul style="list-style-type: none"> ▪ Adversely affected parties can appeal OGPe decisions to the Court of Appeals within 30 days. The Court of Appeals decides whether to hear the appeal. Only conclusions of law are reviewable. Decisions are upheld if based upon substantial evidence in the record. Once the decision has been rendered, the adversely affected party can appeal to the Supreme Court within 30 days of the decision [<i>Puerto Rico Act No. 151, 2013, Article 50, and the “Uniform Administrative Procedures Act”, Puerto Rico Act No. 170, 1988, as amended</i>]
OGPe (Executive Director or Adjudicatory Board decisions)	<ul style="list-style-type: none"> ▪ An agency, dependency or instrumentality of the Government of Puerto Rico representing the public interest or a private person (whether natural or juridical) with or without proprietary interest, or neighbor, owner or tenant of an adjacent property, whose personal interest is adversely or substantially affected, may file a complaint alleging a violation of a law or regulation before OGPe resulting from OGPe issued ministerial permits. OGPe must have investigated the claim in 	<ul style="list-style-type: none"> ▪ If, after conducting the corresponding investigation in the first fifteen (15) days, OGPe finds non-compliance, it may request the revocation of the permit or a stay of the construction work or use allegedly not authorized by OGPe, the AP or the AM I-V granted hierarchy, and shall resort to the Court of First Instance to request a court order to such effect. If OGPe fails to take action within the term of fifteen (15) calendar days, the complainant may

Final Determinations or Permits made by:	Administrative Review (OIGPe)	Judicial review by Courts (Court of 1 st Instance, Court of Appeals, or Supreme Court)
	<p>fifteen (15) calendar days since its submittal. <i>[Puerto Rico Act No. 151, 2013, Article 53]</i></p> <ul style="list-style-type: none"> ▪ Within 20 days of any final OGPE decision, adversely affected parties can appeal to OGPE, which can hold a public hearing at its initiative or by request. All aspects of the AP decision are reviewable, and decisions are to be upheld if based upon substantial evidence in the record. If irreparable harm would be caused by the project, OGPe can issue a cease and desist order. One request for OGPe to reconsider its decision can be made (within 20 days), and reconsideration is completed within 15 days. <i>[Puerto Rico Act No. 151, 2013, Article 55, and the “Uniform Administrative Procedures Act”, Puerto Rico Act No. 170, 1988, as amended]</i> 	<p>resort to the Court of First Instance to request the above-mentioned remedies. <i>[Puerto Rico Act No. 151, 2013, Article 54]</i></p> <ul style="list-style-type: none"> ▪ The Court of First Instance shall hold a hearing within ten (10) calendar days following the filing of the recourse and prior to granting the remedies requested, and shall pronounce sentence within twenty (20) calendar days as of the filing of the complaint. In the event that for any reason the Court issues a court order granting the remedies requested without issuing due notice to the parties and/or having previously held a hearing, the court order shall not be valid nor shall have any effect or be enforceable until the petitioner posts a bond sufficient to cover any damages that it may cause to the complaine, if at the end of the judicial process, the cause for action initiated by him/her is not in order. <i>[Puerto Rico Act No. 151, 2013, Article 54]</i> ▪ Adversely affected parties can appeal OGPe decisions to the Court of Appeals within 30 days. The Court of Appeals decides whether to hear the appeal. Only conclusions of law are reviewable. Decisions are upheld if based upon substantial evidence in the record. Once the decision has been rendered, the adversely affected party can appeal to the Supreme Court within 30 days of the decision <i>[Puerto Rico Act No. 151, 2013, Article 50, and the “Uniform Administrative Procedures Act”, Puerto Rico Act No. 170, 1988, as amended]</i>

3. Analysis of Opportunities for Public Participation in New Permit System Decision Making²

	Authorized Professional	Autonomous Municipality	OGPe
Notice to public	<ul style="list-style-type: none"> ▪ A sign showing project information must be displayed on-site for construction permits within 2 days of a permit application being submitted. The site owner must attest that the sign was erected within 3 days of the sign being placed. The sign must be in place for at least 5 days before the work to be authorized commences and shall remain in place until the work has concluded. [<i>Joint Permit Regulations, Chapter 6, Rule 6.1, Section 6.1.1</i>] ▪ No notice to adjacent neighbors by mail or email is required for ministerial permits. [<i>Joint Permit Regulations, Chapter 6, Rule 6.1, Section 6.1.1</i>] 	<ul style="list-style-type: none"> ▪ A sign showing project information must be displayed on-site for construction permits within 2 days of a permit application being submitted. The site owner must attest that the sign was erected within 3 days of the sign being placed. The sign must be in place for at least 5 days before the work to be authorized commences and shall remain in place until the work has concluded. [<i>Joint Permit Regulations, Chapter 6, Rule 6.1, Section 6.1.1</i>] ▪ No notice to adjacent neighbors by mail or email is required for ministerial permits that do not entail any kind of variance. [<i>Joint Permit Regulations, Chapter 6, Rule 6.1, Section 6.1.1</i>] ▪ For discretionary permits, the petitioner must notify adjacent landowners about the proposed project within two (2) days after submitting the application. Notifications must be delivered by way of certified mail. The applicant shall present evidence to the Permit Management Office of having given such notice within 5 days of having received the mail certification. [<i>Joint Permit Regulations, Chapter 6, Rule 6.3, Section 6.3.3</i>] ▪ The AM will send OGPe any EA and/or EIS submitted as part of a discretionary permit application. OGPe shall follow the review process timeframe and the Executive Director will make the final environmental determination and will send it to Municipality 	<ul style="list-style-type: none"> ▪ A sign showing project information must be displayed on-site for construction permits within 2 days of a permit application being submitted. The site owner must attest that the sign was erected within 3 days of the sign being placed. The sign must be in place for at least 5 days before the work to be authorized commences and shall remain in place until the work has concluded. [<i>Joint Permit Regulations, Chapter 6, Rule 6.1, Section 6.1.1</i>] ▪ No notice to adjacent neighbors by mail or email is required for ministerial permits that do not entail any kind of variance. [<i>Joint Permit Regulations, Chapter 6, Rule 6.1, Section 6.1.1</i>] ▪ For discretionary permits, the petitioner must notify adjacent landowners about the proposed project inside two (2) days, at the most, after submitting the application. Notifications must be delivered by way of certified mail. The applicant shall present evidence to the Permit Management Office of having given such notice within 5 days of having received the mail certification. [<i>Joint Permit Regulations, Chapter 6, Rule 6.3, Section 6.3.3</i>]

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	Authorized Professional	Autonomous Municipality	OGPe
		<p>for final determination of the permit application. [<i>Joint Permit Regulations, Chapter 13, Rule 13.5, Section 13.5.6</i>]</p> <ul style="list-style-type: none"> For discretionary permits OGPe (not the AM) will notify adjacent landowners of the public hearing to take place by way of a written statement, at least fifteen (15) days in advance. [<i>Joint Permit Regulations, Chapter 7, Rule 7.2</i>] 	<ul style="list-style-type: none"> During the EA and EIS review process, public notification is done by way of a public announcement in OGPe's webpage, public participation is required by way of a public hearing, pursuant to EQB regulations. [<i>Environmental Documents Processing and Assessment Regulations, Chapter XI, Rules 122 & 123</i>] For discretionary permits OGPe will notify adjacent landowners of the public hearing to take place by way of a written statement, at least fifteen (15) days in advance. [<i>Joint Permit Regulations, Chapter 7, Rule 7.2</i>]
Public comment period	<ul style="list-style-type: none"> Permits issued by the AP do not provide for public comment period because they are ministerial 	<ul style="list-style-type: none"> The AM will send OGPe any EA and/or EIS submitted as part of a discretionary permit application. OGPe shall follow the review process timeframe, which include provisions for public comment, and the Executive Director will make the final environmental determination and will send it to Municipality for final determination of the permit application. [<i>Joint Permit Regulations, Chapter 13, Rule 13.5, Section 13.5.6</i>] For discretionary permits the AM will provide a period not exceeding ten (10) days after the hearing for receiving comments or documents from the affected parties. [<i>Joint Permit Regulations, Chapter 5, Rule 5.3, Section 5.3.5, and Chapter 7, Rule 7.12</i>] 	<ul style="list-style-type: none"> During the EA and EIS review process, the public comment period will take place for twenty (20) days after the public announcement has been published. [<i>Environmental Documents Processing and Assessment Regulations, Chapter XI, Rules 123, Section E</i>] For discretionary affairs and building permits for commercial retailers and gas stations, OGPe will provide a period not exceeding ten (10) days after the hearing for receiving comments or documents from the affected parties. [<i>Joint Permit Regulations, Chapter 7, Rule 7.12</i>]