

(S. B. 1157)

(No. 45-2015)

(Approved March 31, 2015)

AN ACT

To amend Section 9.012 of Act No. 81-1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act of 1991,” in order to broaden the leasing conditions of the marketplace stalls; and for other purposes.

STATEMENT OF MOTIVES

Act No. 81-1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act of 1991,” establishes the process for the leasing of stalls in marketplaces of every municipality. At this time, when the Island is undergoing an economic crisis, our priority must be the small- and medium-sized business owners, especially those businesses located in marketplaces. These citizens are the heads of households who contribute to the economy and through their small businesses are able to offer an essential service while keeping alive a small aspect of our culture.

In the past, the marketplace offered a variety of goods and services that were not limited to produce only, since cafeterias and other essential items could be also found at the marketplace. These features made the marketplace the ideal place for municipal residents to run their daily errands. Today, business owners at the marketplace or stallholders (“placeros”) are the ones who have available for sale the freshest products with the highest quality and at the lowest prices.

The arrival of large supermarket chains and other shopping centers have caused people to forgo the marketplace.

As part of the vision to incentivize economic development, the municipalities have undertaken the task of revitalizing marketplaces, and promoting them among small- and medium-sized business owners and farmers alike as the driving force for their business growth. The Marketplace is an existing resource to develop a first business and to incentivize the downtown activity in every municipality.

To facilitate this economic growth, it is imperative to amend and diversify the purpose of the marketplaces in order to make the leasing of stalls therein more effective, and to review the regulations pertaining thereto. In doing so, commercial activity shall be more accessible to small- and medium-sized business owners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 9.012 of Act No. 81-1991, as amended, is hereby amended to read as follows:

“Section 9.012.- Municipal Assets - Leasing of Stalls in the Marketplace

The leasing of stalls, stands, concessions, and any other commercial facility in the municipality’s marketplaces shall be carried out by notices of public bidding, except in the cases provided below. The municipality shall have the option to publish said notices in newspapers of national or regional circulation or in electronic media or the Internet, provided that the link to the Notice of Bidding is visible from the official website of the municipality, and that said website is accessible and available at the time of publication of said notice. Likewise, the notice published in any of said media should also be placed at the front of the stalls in question. If the bidding period elapses and no bid is received or those bids received were unreasonable in the judgment of the Bidding Board, then the latter may award the stall, stand, concession, or facility to be leased through a direct negotiation or in an open market to the person deemed best for the public interest, as provided in Section 9.011. The municipality shall review the rental rates of the marketplaces from time to time, pursuant to the criteria indicated in Section 9.012 of this Act. Once the thirty (30)-

day term to notify the renewal of the contract elapses, in accordance with subsection (a) the municipality may begin the process of notice and bidding, as provided in this Section. Every lease contract of stalls, stands, concessions, and any other commercial facilities in the marketplaces shall be subject to the following conditions and standards:

(a) Term of duration of the lease contract and renewal.—

The lease shall be for a term of not less than five (5) years...

(1) ...

...

(5) his leasing record is unimpeachable.

The fact that a lessor holds more than one stall, stand, concession, or facility for conducting business transactions; stands, concessions, or facilities in any of the marketplaces operated by the municipality, unless such additional stall is to be used for the purpose of storing items, merchandise, machinery, equipment, and/or goods used directly in or as a complement to the additional stall leased where the business is located, shall be grounds for not renewing the lease contract. Storage shall not be considered a stall or an additional business for the purposes of this Act; provided, that the goods stored therein are directly related to the stall or principal business, and that are indispensable for the operation thereof. Said storage shall meet the following requirements:

-1- The lessee may not have more than one stand or stall devoted to storage use.

-2- The stand devoted to storage shall be kept clean, presentable, and accessible.

-3- The goods, equipment, and materials stored therein are for the sole use of the stand or business located in the marketplace.

-4- A business owner shall never be the leaseholder of two (2) stands unless one (1) of the stands is devoted to storage in support of the principal business. In these cases, the public shall not be allowed physical or visual access to the stored goods.

-5- Third-party transactions in or from the storage shall be prohibited.

(b) Obligations of the lessor.—

...

(e) Successors of lease.—

...”

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 45-2015 (S. B. 1157)** of the **5th Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to amend Section 9.012 of Act No. 81-1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act of 1991,” in order to broaden the leasing conditions of the marketplace stalls; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 19th day of October, 2017.

Orlando Pagán-Ramírez
Acting Director