

(H. B. 1357)

(No. 109-2018)

(Approved May 30, 2018)

AN ACT

To amend subsection (g) of Section 2.3 of Act No. 161-2009, as amended, known as the “Puerto Rico Permit Process Reform Act,” in order to provide that the Building Codes to be used within the jurisdiction of the Government of Puerto Rico must be reviewed every three (3) years as of the adoption date thereof; create the Building Code Review Committee and establish its composition.

STATEMENT OF MOTIVES

The passing of Hurricane Maria brought desolation to our Island. As a result of winds exceeding 150 mph Puerto Rico’s electric power and telecommunications systems collapsed, highways were damaged, and homes and businesses were lost, among others. In sum, all of these unveiled the pressing need for strengthening the Island’s infrastructure.

Currently, the Island is governed by the Puerto Rico Building Code adopted in 2011. Said Code, in turn, adopted the International Code Council building codes, amending several parts thereof to conform them to our physical and geographical particularities.

To carry out the adoption process of the 2011 Building Code, the Permit Management Office (OGPe) issued Administrative Order OGPe 2011-7, through which it created a building code review committee. Said committee was composed of different professional groups of the construction industry and the government agencies concerned with these processes, such as the Electric Power Authority, the Aqueduct and Sewer Authority, the Planning Board, among others.

At the time the code was adopted in 2011, it contained the best practices and disciplines that ensured the safety, stability, health and welfare of our people. In addition, said order provided that building codes should be reviewed every three (3) years as of the adoption date thereof. This means that the code currently in effect should have been reviewed in 2014. However, said review was never carried out as directed. Therefore, Puerto Rico has not revised its Building Codes in six (6) years, that is, three (3) years later than the term provided in Administrative Order OGPe 2011-7.

After Hurricane Maria, and the given the threat that natural hazards posed to us, we are compelled to rethink our public policy. We must strengthen those initiatives that shall help building a more stable and safer Island for the people. In this manner, we honor our commitment of safeguarding the welfare of our people.

Providing by law that building codes must be reviewed by the agencies concerned and the professionals of the construction industry within a reasonable timeframe, shall ensure that the investments made in our infrastructure shall render it more robust and safer in the face of natural disasters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (g) of Section 2.3 of Act No. 161-2009, as amended, known as the “Puerto Rico Permit Process Reform Act,” is hereby amended to read as follows:

“Section 2.3.- Authorities, Duties, and Functions

(a) ...

...

(g) To establish any organizational structure, as provided in this Act, as is necessary for the proper operation of the Permit Management Office, including sharing administrative components or resources with the Agency with which the Executive Director enters into agreement, whenever practicable, and to adopt and

maintain the Building Codes to be used within the jurisdiction of the Government of Puerto Rico, which must be reviewed, at least every three (3) years, as of the adoption date thereof.

Said Building Codes shall be reviewed by the Building Code Review Committee, which shall be headed by the Executive Director of the Permit Management Office, and have a representative of, at least, the following agencies: the Electric Power Authority, the Aqueduct and Sewer Authority, the Planning Board, the Telecommunications Regulatory Board, the Department of Transportation and Public Works, the Institute of Puerto Rican Culture, the Public Service Commission, the Commonwealth Energy Public Policy Office, the Firefighters Corps, and the Environmental Quality Board. The College of Engineers and Surveyors of Puerto Rico, the College of Architects and Landscape Architects of Puerto Rico, the General Contractors Association, the Puerto Rico Builders Association, and any other agency, organization, or professional entity deemed pertinent for the reviewing works by the Executive Director of the Permit Management Office may also participate in the Committee. The Speaker of the House of Representatives and the President of the Senate of Puerto Rico, as well as the executive directors of the Mayors Federation and the Mayors Association, shall be empowered to appoint one person each to this Committee. The periodical review provided herein shall include an environmental impact assessment as well as construction costs.

The Executive Director of the Permit Management Office may issue administrative orders, regulations or any other communication as appropriate to enforce these provisions.

(h) ...”

Section 2.- Severability

If any section, article, subsection, paragraph, subparagraph, clause, item, or part of this Act were held to be null or unconstitutional by a court with jurisdiction, the holding to such effect shall not affect, impair, or invalidate the remaining provisions and parts of this Act.

Section 3.- Supremacy

This Act replaces any other law, regulation, or circular letter incompatible with its provisions.

Section 4.- Effectiveness

This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 109-2018 (H. B. 1357)** of the **3rd Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to amend subsection (g) of Section 2.3 of Act No. 161-2009, as amended, known as the “Puerto Rico Permit Process Reform Act,” in order to provide that the Building Codes to be used within the jurisdiction of the Government of Puerto Rico must be reviewed every three (3) years as of the adoption date thereof; create the Building Code Review Committee and establish its composition.

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

In San Juan, Puerto Rico, on this 26th day of June, 2019.

Orlando Pagán-Ramírez
Director