

## Joint Regulation for Construction and Land Use Permits Reinstated; Land Use Authorizations Extended

### ATTORNEYS

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### PRACTICE AREAS

- Environmental Regulation
- Environmental, Energy & Land Use
- Land Use Regulation

### An McV Environmental & Land Use Alert

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On March 1st, 2017, the Puerto Rico Planning Board issued Resolution JPI-31-10-2017, reinstating Regulation No. 7951 of November 29, 2010, known as the Joint Regulation for Construction and Land Use Permits (Planning Regulation No. 31).

Resolution JPI-31-10-2017, notified on March 2, 2017, was issued in the wake of the December 22, 2016 judgment issued by the Court of Appeals in Morales v. Junta de Planificación, Civil Case No. KLRA 2015-00421, in which the Court held that Regulation No. 8573 of March 24, 2015 (known as Joint Regulation for the Evaluation and Issuance of Development and Land Use Permits) was null and void due to violations to both Act No. 170 of August 12, 1970 (known as the Administrative Procedure Act) and Act No. 161 of December 1, 2009 (known as the Permit Process Reform Act) during its approval process. The Planning Board therefore determined that the November 29, 2010 version of the Planning Regulation No. 31 will remain in full force and effect until either an amendment or a new version of the regulation, as mandated by the Permit Process Reform Act, are approved.

In compliance with Act No. 142 of July 20, 2012, all land use authorizations that were valid as of the date of the enactment of said Act in July of 2012, will remain valid until the new version of Planning Regulation No. 31 is issued. Furthermore, Resolution JPI-31-10-2017 clarifies that the lot subdivision and urbanization processes shall comply with Regulation No. 8695 of January 27, 2016, known as Planning Regulation No. 34.

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