

(H.B. 541)  
(Reconsidered)

**(No. 132)**

(Approved October 24, 2005)

**AN ACT**

To amend Section 13.005 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of Puerto Rico of 1991,” in order to require that the categories to be created by the municipalities within the classification system provided by said Section shall be uniform and in harmony with those established by the Puerto Rico Planning Board; and to fix the term for compliance.

**STATEMENT OF MOTIVES**

The Autonomous Municipalities Act of August 30, 1991, as amended, authorized the municipalities to adopt Ordinance Plans. An Ordinance Plan provides for the use of the land within the territorial limits of the municipalities, as well as for the promotion of the social and economic welfare of the population; it includes the Land Plan, Extension Plans, and Area Plan.

Ordinance Plans include matters relative to territorial organization and construction projects within the jurisdiction of the Puerto Rico Planning Board and the Regulations and Permits Administration. According to the provisions of Act No. 81, Ordinance Plans shall be compatible with the laws, public policies and regulations of the central government. Thus, the central government, through the Puerto Rico Planning Board retains the faculty of initially approving the Ordinance Plans and of reviewing any part thereof.

Since the approval of the Act, several municipalities have concluded their Ordinance Plans, among them Bayamón, Ponce, Guaynabo, and Carolina. There is, however, a general concern regarding the categories in the classifications for use submitted by the municipalities and approved by the Board, that if this practice continues for all other municipalities, it would cause the need for a municipal legend in order to identify the categories by municipalities.

As an example, we specifically refer to, an R-1 classification, as established by the Planning Board, in Bayamón, may be denominated *Vaquero* R-1; in Carolina *Gigante* R-11; in Ponce *León* R-A1. This confusion in categories to basically address the same type of residential area could eventually cause the possibility of having seventy-eight (78) different names or titles for the same category once all municipalities conclude their Ordinance Plans. Such situation would definitely create a chaos for developers, banks, investors, businesspersons, and people authorized to issue permits, and consequently for all the elements that are related to the development of infrastructure in Puerto Rico.

This bill is in no way an attempt against municipal autonomy since it does not limit the power of municipalities to organize their territories but rather to allow for the establishment of uniform parameters which would assist in the integral development of the Island.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- Section 13.005 of Act No. 81 of August 30, 1991, as amended, is hereby amended to read as follows:

“Section 13.005 Territorial Plan

The Territorial Plan shall be an instrument of integral and strategic ordinance of the whole municipal territory and shall cover at least one

municipality. The Plan shall define the fundamental elements of such ordinance and establish the program for its development and execution, as well as its effectiveness term. Another of its functions shall be to divide the total municipal land in three (3) basic categories: urban land, urbanizable land, and rural land. This classification system shall be used to provide for ordinance for the cases and the structures in those lands, and the categories to be created within the same shall be uniform and in harmony with those created through Regulations by the Planning Board of Puerto Rico and pursuant to Act No. 550 of October 3, 2004, known as the “Commonwealth of Puerto Rico Land Use Act.” The designation of urbanizable land, if any, shall be done according to the determination of the plan regarding the demand for urban land. Once the Territorial Plan is in effect, any decision concerning the use of the land shall be made pursuant to the same.

...”

Section 2.- Those municipalities that have established categories other than those established by this Section shall adopt those required herein in a period not to exceed twenty-four (24) months.

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 132 (H.B. 541) (Reconsidered) of the 2<sup>nd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 13.005 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of Puerto Rico of 1991,” in order to require that the categories to be created by the municipalities within the classification system provided by said Section shall be uniform and in harmony with those established by the Puerto Rico Planning Board; and to fix the term for compliance,

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

In San Juan, Puerto Rico, today 6<sup>th</sup> of March of 2006.

Francisco J. Domenech  
Director