General Audit Chamber

Algemene Rekenkamer

AUDIT ON THE PROCESS OF BUILDING PERMITS

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FOREWORD

Our island, though small in size, holds great promise and faces equally important challenges. As a densely populated territory with limited land resources, every decision concerning land use carries lasting consequences. At the heart of orderly and sustainable development lies the process of issuing building permits; a process that must be transparent, accountable, and legally sound.

The General Audit Chamber has undertaken this audit to examine the process of issuing and denying building permits. With land scarcity, fragile ecosystems, and a strained infrastructure, St. Maarten cannot afford missteps in its development trajectory. Weaknesses in the permitting process risk legal uncertainty, as well as the unchecked expansion of construction, which could lead to habitat loss, pollution, and infrastructure overload.

Recent public commitments by the Ministry of VROMI, including a zero-tolerance stance on bribery, underscore the importance of integrity in this area. The audit seeks to build on this momentum by identifying potential vulnerabilities and recommending regulatory improvements where necessary.

In this report, we review the legal framework, assess the procedural integrity of the permit process, and evaluate how data is used (or overlooked) in guiding decisions. Our work also considers whether environmental and infrastructure concerns are being appropriately factored into approvals.

This report serves as a constructive tool for policymakers, civil servants, and citizens alike.

We thank the Ministry of VROMI for their cooperation throughout this process. We also acknowledge the insights of Prof. Dr. E. van Bueren of TU Delft, whose expertise on governance and spatial planning helped sharpen our understanding of the broader challenges at play.

CONTENT

SUMMARY

Our review shows that the current framework is fragmented and outdated. The Building and Housing Ordinance of 1935 remains the primary legal basis for permits, supplemented by the National Ordinance on Spatial Development Planning and the National Ordinance on Hindrance. Policies such as the Beach, Hillside, and Parking Policies are regularly referenced in practice, yet they are non-binding and not anchored in law. Efforts to introduce an island-wide zoning plan have been ongoing for years but remain unfinished. This situation leaves staff to interpret outdated policies case by case, which increases the risk of inconsistent enforcement, selective application, and legal uncertainty.

In practice, the permit process relies on manual, paper-based workflows. Applications are logged in Government's digital system called "JOIN" but progress cannot be tracked by applicants or management. External advice from entities such as the Fire Department is vital for safety, yet are sometimes disregarded without written justification. While the Minister holds final authority over permits, there is no obligation to document deviations from expert or departmental advice. This weakens transparency and creates space for political discretion.

Capacity constraints further affect the process. The Permits Department operates with limited staff, many of whom do not hold the technical qualifications listed in the function book, and no structural training is in place. The Fire Department faces similar challenges, with only one officer handling permit-related reviews at the time of the audit. These shortages contribute to delays, backlogs, and limited capacity to carry out inspections.

Overall, compliance with the current framework is inconsistent. Policies are applied unevenly, external input is not systematically documented, and the absence of written procedures leads to variation in how cases are handled. These weaknesses undermine efficiency, accountability, and ultimately, public safety.

To move forward, the permitting process requires real structural reforms. Updating the legislative framework is necessary to bring it up to modern construction standards and the hopefully forthcoming zoning plan. Equally important is the introduction of written procedures, clear routing of external advice, and automation of the workflow. Automation is a must as it creates an audit trail and reduces reliance on paper. It also provides reliable management data, and should allow applicants to track the progress.

Without these measures, bottlenecks will persist, transparency will remain weak, and public trust in the permitting system will continue to erode.

RECOMMENDATIONS

Based on the findings of our audit, we make the following recommendations:

1. **Develop and implement written Standard Operating Procedures (SOPs)**

Document and adopt SOPs covering all permit steps (intake, consultation, evaluation, advice routing, approvals, deviations). These should be applied consistently across the department, with training provided to all staff to support uniform use.

2. **Automate the permitting workflow**

Automate the workflow system to support electronic routing, time-stamped advice, progress tracking, and applicant access. The system should also integrate the applicable building requirements, so that applications can be checked against legal and technical standards during processing. Using a digital platform increases transparency by recording all actions in a traceable way. It also enhances accountability by showing who reviewed what and when, and it improves communication with applicants by allowing them to track the progress of their file. All new applications should be processed through this system once implemented.

3. **Update the law**

The Ministry should modernize the 1935 Building and Housing Ordinance, the National Ordinance on Spatial Development Planning, and related decrees. Current policies such as the Beach, Hillside, and Parking Policies should be turned into binding law. This would provide clear rules for permit decisions, reduce discretionary interpretation, and support sustainable development.

4. **Create a legal basis for mandatory justification on Ministerial deviations**

The Minister should be required, preferably by law, to provide a written justification for every deviation from departmental or expert advice. These justifications should be recorded. Combining automation with mandatory justification will provide a traceable record that improves both accountability and legal defensibility.

5. **Revise the existing Function Book and establish structured training and certification**

The Function Book should be revised to require domain-specific expertise (e.g., civil engineering, architecture, urban planning, or environmental management). This update should be supported by structured training for existing staff. The change would improve the quality, efficiency, and defensibility of permitting decisions.

1. EXPLANATION OF THE AUDIT

1.1 Legal framework

This audit combines elements of both compliance and performance auditing. It examines whether the process of granting building permits adheres to applicable laws, regulations, and policies, and whether it operates efficiently and effectively in practice. The basis of this audit can be found in articles 23 and 30 of the National Ordinance of the General Audit Chamber.

1.2 Audit question

Our main audit question is:

To what extent does the current legal and operational framework for building permits support an efficient, consistent, and accountable permitting process?

These are the sub-questions:

1. What laws and policies regulate the building permit process? Are these current, and are these complied with?
2. How is the permit process carried out in practice, and where do delays occur?
3. Are staff roles clearly defined and aligned with qualifications and workload?
4. Does the department consider all relevant technical, legal, and spatial factors when assessing building permit applications?
5. What safeguards exist to detect or prevent fraud in the process?
6. What improvements are needed to make the process more efficient and reliable?

1.3 Reading guide

Chapter 2: Legal overview: Outlines the legal framework governing building permits and the responsibilities of stakeholders.

Chapter 3: The building permit process: Describes how applications are submitted, reviewed, and approved in practice.

Chapter 4: External advisory input: Explains the role of advisory bodies such as the Fire Department and other technical experts in the permitting process.

Chapter 5: Risks of deviating from expert advice: Examines cases where ministerial decisions diverged from expert recommendations and the potential consequences.

Chapter 6: Survey results: Presents indicative insights from permit applicants on efficiency, integrity risks, and expectations regarding sustainability.

Chapter 7: Response of the Minister of VROMI and our epilogue.

2. LEGAL OVERVIEW

Building permits in St. Maarten are issued under a framework of national laws and local policies that are meant to regulate land use, protect the environment, and ensure public safety. This chapter outlines the core legislation and policies that apply to the process of granting or denying a permit. It provides context for how decisions are supposed to be made and identifies potential gaps.

2.1 National Ordinance on Spatial Development Planning

The foundation of building regulation in St. Maarten is the National Ordinance on Spatial Development Planning. This law governs zoning, building permissions, and land use restrictions. It grants the Minister of VROMI authority to establish zoning plans and regulate land use within those zones. Although efforts have been ongoing since at least 2021 to introduce a formal, island-wide zoning plan, no enforceable framework has been established. The current projection is for finalization by mid-2026, with a draft zoning law expected to be released before 2028. While the legal and technical work involved is complex, the prolonged delay is concerning from an audit perspective. In the absence of a binding framework, staff must interpret policy on a case-by-case basis. This increases the risk of inconsistent and unequal treatment of applicants, legal uncertainty, and greater reliance on political discretion in land-use decisions under the Minister's authority.

2.2 Building and Housing Ordinance

The legal foundation for issuing building permits in St. Maarten remains the Building and Housing Ordinance, originally enacted in 1935. Despite its age, this ordinance is still formally in force and underpins the permit process. Over time, it has been partially supplemented by newer instruments, such as the National Building Decree and the VROMI Staff Manual. However, from an audit perspective, the continued reliance on such an outdated legislative framework poses serious concerns. It lacks references to modern construction standards, environmental safeguards, and risk mitigation practices. This legislative gap forces the administration to rely heavily on internal guidelines and discretionary decision-making, while the law should still take precedence at all times.

2.3 National Ordinance on Hindrance

The National Ordinance on Hindrance regulates activities that may cause public disturbance, pose health risks, or lead to environmental degradation. Additional requirements are established under the Hindrance decree. When a building permit is requested, the project is supposed to be screened for potential nuisances such as noise, traffic disruption, or environmental hazards. Permits can be denied or delayed if a proposed structure is likely to create these risks.

2.4 National Building Decree

The National Building Decree lays out the technical requirements for construction, including safety standards, structural integrity, sanitation, and energy use. It regulates that buildings meet minimum requirements to protect occupants and the public. The code is to be applied to every permit request, with technical drawings and calculations submitted and reviewed before approval. Compliance with the building code is a prerequisite for obtaining a final permit, and violations can lead to stop-work orders or even demolition.

2.5 VROMI Manual for Building Code BC0 of the National Building Decree

The VROMI Staff Manual[1] serves as an internal guide for personnel involved in building permit evaluations and inspections. It was developed to standardize the application of the National Building Decree and the Fire Safety Decree, compensating for outdated legislation. The manual includes technical requirements, checklists, and workflow charts to support consistent decision-making.

Notably, it is the only known document that explicitly refers to the need for obtaining advice from technical departments, such as the Fire Department, particularly for commercial or complex structures. This document is not legally binding; however, it provides the most explicit reference to procedural safeguards. Interestingly,

[1] VROMI Staff Manual, version 1.8 d.d. September 1st, 2021.

the manual is not used internally and is advised to become law after implanting some necessary updates.[2] This raises concerns about whether it is actively used in practice, especially in a process of technical oversight regarding safety, preventing environmental risks, and avoiding permitting decisions that could strain public infrastructure or expose the government to liability.

2.6 Spatial policies

Beyond formal laws and the VROMI Staff Manual, the Ministry of VROMI has adopted policies that play an important role in the permit process. These policies are not ordinances, but they carry weight in decision-making and are often cited during permit reviews.

2.4.1 Beach Policy
The Beach Policy, established in 1994, outlines three core objectives:

1. Beaches remain publicly accessible for both residents and tourists for recreational purposes;
2. Preventing developments that physically or emotionally obstruct the recreational use of beaches; and
3. Protecting beaches against environmental and human-induced threats such as pollution, erosion, and hurricanes.

The Beach Policy recognizes beaches as recreational spaces but allows environmental concerns to take precedence when needed. Based on the 1935 Building Ordinance, it references an unfinished draft ordinance on public waters and omits newer instruments, such as the National Building Decree and the VROMI Staff Manual. This outdated 1994 policy creates legal uncertainty, weakens regulatory consistency, and risks unstructured coastal development. Permitting frameworks should align with current laws and planning practices.

2.4.2 Hillside Policy
The Hillside Policy was introduced in 1998 as a temporary set of guidelines to manage development in ecologically and visually sensitive hillside areas. It was designed to serve as a bridge until a formal zoning plan could be adopted under the 1993 Island Ordinance on Spatial Development Planning (EROP). However, that zoning plan was never finalized. As a result, the Hillside Policy (while detailed in its recommendations on altitude, slope, and environmental protection) remains a non-binding instrument with no formal legal status. Despite its unofficial status, the policy has been actively applied and enforced by the Ministry of VROMI under Article 22 of the 1935 Building Ordinance.[3] We note that the policy relies on outdated frameworks, such as the 1935 Building Ordinance, and makes no reference to more recent instruments, like the National Building Decree or the VROMI Staff Manual, both of which were intended to modernize the legal basis for land use and construction decisions.

We find this situation worrisome. The continued reliance on an informal, decades-old policy without legislative backing, in the absence of a valid zoning framework, leads to uncertainty, regulatory inconsistency, and heightened risk of inappropriate development. It also limits the government's ability to enforce environmentally responsible construction practices and undermines transparency in the decision-making process. For hillside development to be effectively managed, an updated and binding legal framework is urgently needed.

2.4.3 Parking Policy
The Parking Policy, adopted in 2016, was developed to modernize outdated parking standards from the 1990s. In the absence of a direct legal provision addressing parking, enforcement is grounded in Article 22(5) of the 1935 Building and Housing Ordinance, which permits the denial of a building permit *if the proposed construction is expected to disfigure or be a nuisance to its surroundings*. Lack of sufficient parking is here interpreted as contributing to such nuisance. The policy responds to increased vehicle use and urban congestion and aims to preserve the quality of public space by requiring developers to provide sufficient on-site parking.

[2] Interview with staff of the Permits Department d.d. August 27, 2025.
[3] https://www.sintmaartengov.org/news/pages/Preserving-Sint-Maartens-green-hills-with-the-Hillside-Policy.aspx

We note that the policy remains a non-binding instrument. Although more technically grounded than earlier policies, it has not been formalized into law nor integrated into a broader zoning framework, despite being designed to support future development plans. Additionally, the policy continues to rely on the outdated 1935 Ordinance. This regulatory gap undermines the legal clarity and consistency of parking enforcement and increases the risk of uncoordinated and/or subjective development approvals.

2.7 Observations on compliance in practice

The legal foundation for building regulation, comprising the Building and Housing Ordinance (1935), the National Ordinance on Spatial Development Planning, and related policies, is simply outdated, fragmented, and not aligned with current development needs. The absence of an island-wide zoning plan and the non-binding status of policies such as the Hillside and Beach Policy make them difficult to enforce. Table 1 provides a summary of each policy.

Table 1: Policy summary table

Policy	Year introduced	Legally binding?	Legal basis	Risks
Hillside Policy	1998	No	Art. 22 (1935 Ordinance)	Not legally anchored; zoning never finalized, outdated legal base
Parking Policy	2016	No	Art. 22 (1935 Ordinance)	No legal foundation for parking rules, policy not integrated into law
Beach Policy	1994	No	1935 Ordinance	Not legally anchored and relies solely on outdated law

Policies are not applied uniformly and may vary depending on political leadership. In some cases, the department deviates from policy to address changing circumstances or due to political will; however, these departures are not guided by objective criteria or recorded in a formal process. The absence of a structured mechanism to justify or record departures increases the risk of arbitrary decisions and reduces legal certainty. We also note the need to consult stakeholders like GEBE for electricity capacity, the Nature Foundation for environmental impacts, and other relevant organizations active in heritage preservation, community safety, and environmental protection.[4]

VROMI staff apply policies based on the interpretation of existing rules, without Standard Operating Procedures (SOPs), formal evaluation templates, or fixed consultation protocols. This results in differences in the application of criteria, which can lead to unequal treatment of applicants. Without an updated legal framework and clear operational guidance, the permitting process remains vulnerable to inconsistent enforcement, legal uncertainty, and undue influence from political discretion.

Although the Function Book (2012) of the department outlines the expected educational level for core positions such as Evaluator and Senior Evaluator, it does not require domain-specific qualifications in construction or engineering. In practice, most staff members do not hold technical degrees relevant to their roles, and there is no structured training program in place to address this gap. This creates the risk that permit applications are being assessed without the necessary level of technical expertise. We refer to paragraph 3.2.1 of this report, where we discuss the staffing requirements.

Finally, while the Minister retains final authority over permit decisions, there is no legal obligation to document or explain deviations from the internal advice provided by the department.[5] This undermines transparency and traceability. Although such justifications are not required by law, decisions that lack sufficient motivation may still be challenged in court based on the general principles of good governance, such as the principle of careful preparation (*in Dutch: zorgvuldigheidsbeginsel*) and the principle of motivation (*in Dutch: motiveringsbeginsel*), both of which are recognized in administrative jurisprudence.

If legislative reform, zoning implementation, and policy integration are not addressed, the legal vacuum will remain, public trust will decline, accountability is weakened, and sustainable development will be harder to achieve.

[4] Answered by Prof. Dr. E. M. van Bueren, Professor of Urban Development Management at the Faculty of Architecture at TU Delft, in response to written questions from the General Audit Chamber d.d. July 16th, 2025.
[5] Article 15 of the Building and Housing ordinance of 1935. This is different in the case of conditionally approving or (partially) denying a permit, where article 22 of the Ordinance explicitly requires that such decisions be motivated.

3. THE BUILDING PERMIT PROCESS

Within the Ministry of VROMI, the Department of Permits deals with the processing of permit applications and issuance of these permits. The Department also handles environment-related permits, infrastructure permits (including civil works), hindrance permits (environmental), dredging permits, excavation permits, and the issuance of new addresses. The Department of Permits executes its function based on the following vision:[6]

Being aware of the importance of its role in supporting structured and safe development, ensuring Sint Maarten remains a well-planned and secure place for living and working.

Delivering public service excellence to facilitate sustainable growth and development.

3.1 Application process

The application process for a building permit is outlined on the VROMI webpage on Government's official website. The building permit process follows a multi-step path that includes administrative intake, technical evaluation, multi-departmental review, and final political approval. However, we found that the process contains procedural bottlenecks, legal ambiguities, and operational inefficiencies.

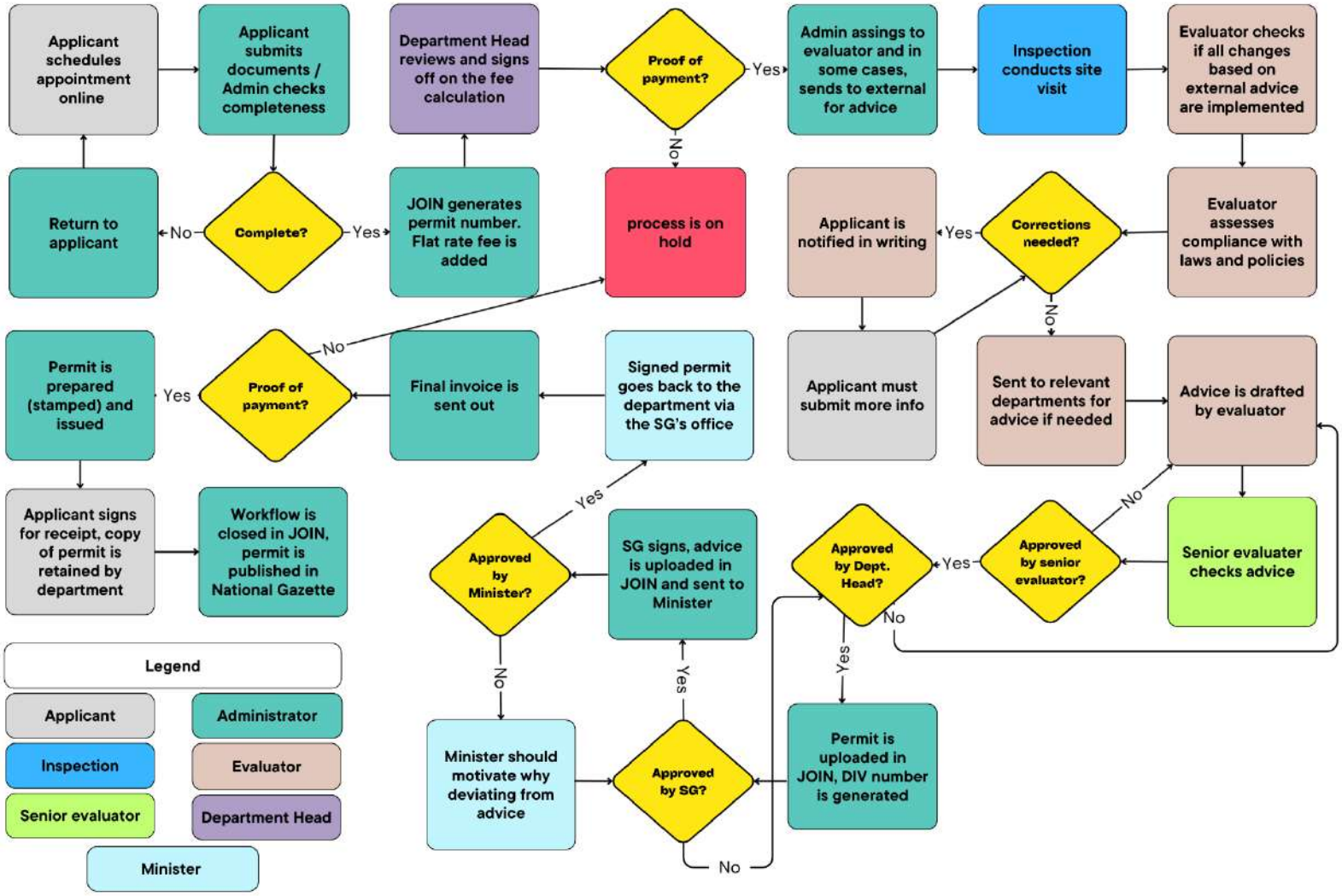
The process starts with the applicant scheduling an appointment and submitting the necessary documents, which are checked for completeness by a Technical Administrator. Upon verification, the application is entered into the JOIN system,[7] which generates a processing fee and permit number. After payment confirmation, the file is forwarded to the inspection team and later assigned to an evaluator for technical review. Over 90% of applications require correction letters, causing delays.

Where necessary, applications are referred to other departments like Policy, Infrastructure, or Fire Services.[8] These external reviews can take weeks to months and are a source of delay. After departmental inputs, internal reviewers validate the advice before it reaches the Secretary-General and ultimately the Minister. Only the Minister can grant final approval. Figure 1 shows the detailed process in practice.

Figure 1, on the next page, shows the application process in practice.

[6] Source: Department of Permits, Ministry of VROMI website.
[7] JOIN refers to the Government of Sint Maarten's internal digital registration system used to record and archive building permit applications. While its exact full name isn't publicly documented, the system is used throughout the permits process to log submissions and status updates.
[8] Interview with the VROMI Permits Department d.d. June 18th, 2025.

Figure 1: Workflow of the building permit process



3.2 Bottlenecks in the permitting process

The workflow in practice is heavily dependent on the physical transfer of files and manual tracking, which comes with administrative inefficiencies. Written work process or internal flowcharts are absent. This leads to inconsistent handling of cases. While JOIN is used for registration and archiving, it is not equipped for automated routing, alerts, or status tracking, nor can applicants monitor the progress of their request. We note that during our audit, JOIN was not updated leading to the data being unreliable. Figure 2 lists the observed bottlenecks.

Figure 2: Observed bottlenecks

Moreover, there is no legal requirement for the Minister to justify deviations from departmental advice. We note that this creates a transparency gap and leaves decisions open to discretionary influence. The process lacks performance monitoring altogether; there are no key performance indicators (KPIs), processing timelines, or management reports, which inhibits data-driven improvement and oversight.

3.2.1 The composition of staff

We believe an important bottleneck in the building permit process lies in the composition and capacity of the Permits Department staff. According to the VROMI Function Book (2012), the required educational level for core technical positions such as "Evaluator" (*in Dutch: Medewerker Vergunningen*) and "Senior Evaluator" (*in Dutch: Hoofdmedewerker Vergunningen*) is MBO or HBO. However, there is no formal requirement for domain-specific qualifications in fields such as construction, architecture, or civil engineering. This is a notable gap, given that these roles include responsibilities such as evaluating technical building plans, analyzing risks, and consulting with infrastructure and fire safety units. In our view, these functions warrant staff with relevant technical backgrounds, such as civil engineering, architecture, or urban planning.

We find this competency gap concerning, given the principle of careful preparation, a core element of good governance. Decisions on public safety, land use, and compliance must be based on thorough, informed assessments. Without relevant technical expertise, there is a risk that such decisions lack the necessary foundation.

3.3 Roles, responsibilities and risks in the building permits process

Our review reveals several risks within the building permit process at the Ministry of VROMI that may affect compliance, operational efficiency, and overall process integrity.

3.3.1 Technical Administrator

Starting with the intake, where an applicant submits their documents at their scheduled appointment. The Technical Administrator (TA) is responsible for reviewing and evaluating the completeness of the application. The risk matrix (Table 2) presents the vulnerabilities associated with the concentration of responsibilities in a single individual/function that performs intake, scanning, and approval checks without independent oversight.

Table 2: Risk matrix: Technical Administrator

Identified risk	Risk type	Potential impact
One person handles intake, scanning, and initial checks with no oversight.	Compliance / Operational	Lack of segregation of duties, potential for errors or manipulation.
A3 drawings are not scanned	Efficiency	Incomplete digital records, impacts accuracy and accessibility.
Files travel in brown envelopes; no system timestamp, no audit trail.	Effectiveness / Fraud sensitive	Absence of a reliable digital tracking system to verify chain of custody or timeliness of processing.
No transparent criteria for assigning evaluators to applications.	Compliance / Operational	Potential for (perception) of favoritism or bias.
No supervisory review of intake decisions.	Compliance	Fewer checks and controls so errors or irregularities are not identified.

The intake process shows several control weaknesses. Many tasks are handled by one person without oversight, which increases the chance of mistakes or manipulation. For example: we found that during the audit, the applicants' digital files were not current or fully updated. Files are still moved in paper form, and some drawings are not scanned, leaving no clear audit trail. There are no clear rules for assigning applications or reviewing intake decisions, which can create perceptions of unfairness. These issues together make the process less transparent, less efficient, and harder to monitor.

3.3.2 Evaluator

The Evaluator reviews building permit applications for policy and technical compliance, identifies missing information, seeks internal advice, and drafts a recommendation. Their assessment forms the technical basis for decisions higher in the chain. Table 3 outlines the related risks.

Table 3: Risk matrix: Evaluator

Identified risk	Risk type	Potential impact
Policies can be applied inconsistently due to lack of binding force and political influence	Fraud Sensitive / Compliance	Legal uncertainty, political interference, public distrust.
Evaluator has limited technical background; relies on advice without documented procedures or criteria.	Compliance / Operational	Inconsistent decisions due to unclear standards; unequal treatment of applicants.
Physical files are held back, reordered or placed on top to influence priority.	Fraud Sensitive / Operational	Inconsistent processing times; favoritism; public distrust
Files may be (intentionally) removed, altered or lost to benefit or disadvantage certain applicants.	Operational / Fraud sensitive	Lost evidence, enables manipulation, disrupts traceability and accountability.
Staff without a role in the process can access, copy or manipulate files.	Fraud sensitive	Confidential information can be misused or leaked; manipulation goes undetected.
Destruction of physical files leads to permanent loss of records	Operational	Costly rework (if possible)

3.3.3 Senior Evaluator

The Senior Evaluator conducts a quality check on the Evaluator's advice, verifies internal consultation has been completed, and checks policy and technical coherence before forwarding the file to the Department Head. Table 4 outlines the related risks.

Table 4: Risk matrix: Senior Evaluator

Identified risk	Risk type	Potential impact
Function book does not require technical competencies, training facilitation is limited.	Operational / Compliance	Reduced effectiveness (permits may not fully address all relevant factors in land use and construction)

The Senior Evaluator plays an important gatekeeping role, but without required technical competences, written procedures, clear review templates, or internal audit controls, inconsistencies and biases may go unchecked.

3.3.4 Department Head

The Department Head verifies the technical advice, procedural completeness, and makes sure that the file is ready for escalation to the Secretary-General. This position provides managerial oversight and enforces internal controls. We note that at the time of our audit, the evaluator is also Acting Department head. Table 5 outlines the related risks.

Table 5: Risk matrix: Department Head

Identified risk	Risk type	Potential impact
Role combination: the same person can evaluate applications and oversees the approval process.	Operational / Compliance	Creates a conflict of roles and reduces the (perception) of independence in the decision-making process.
No technical background required	Operational / Compliance	Reduced effectiveness, increased risk of errors.
Overburdened with high file volume, unable to properly assess all submissions	Efficiency	Bottlenecks, errors, and procedural shortcuts

Although a vital oversight point, the Department Head (who at the time of this audit also serves as an Evaluator) is not required to have a technical background. Also, to have proper oversight, the Department Head currently lacks tools such as workflow tracking or performance metrics. This makes it difficult to detect deviations and to maintain procedural integrity.

3.3.5 Secretary-General (SG)

The SG conducts the final review before submitting the file to the Minister. The SG reviews files for compliance with policy and law and may return them for correction. Table 6 outlines the related risks.

Table 6: Risk matrix: Secretary-General

Identified risk	Risk type	Potential impact
SG is not required to have technical expertise	Operational / Compliance	Increases reliance on departmental advice and reduces the SG's independent oversight capacity
Balancing oversight with other high-level responsibilities	Operational	Delays decision-making and reduces the opportunity for thorough administrative checks.
The SG may be aware of potential fraud	Compliance / Legal	SG could be viewed as complicit or negligent if the potential fraud is not addressed.
Outdated and unreliable workload data	Data integrity / operational	Limits the SG's ability to monitor staff performance, identify bottlenecks and address delays or imbalances in the process

The SG adds an important control layer, but without a formal checklist or documented standards, this review can become a formality rather than a control measure.

3.3.6 Minister of VROMI

The Minister holds the final authority to approve or reject a building permit. Table 7 outlines the risks.

Table 7: Risk matrix: Minister of VROMI

Identified risk	Risk type	Potential impact
Can approve/reject against advice without (internal) justification	Fraud sensitive / Governance / Compliance	Reduces transparency; risks perception of arbitrariness, political considerations and favoritism
Susceptible to lobbying or influence in decision-making	Fraud Sensitive	Public distrust; undermines policy-based planning
Absence of obligation to document reasons for deviation from advice	Compliance	No accountability; undermines the integrity of the process

The Minister may deviate from departmental advice. Although he stated that such deviations are rare and explained in writing,[9] there is no legal requirement to record them. Without this obligation, decisions risk being influenced by politics, lack transparency, and reduce accountability.

The Minister expressed a vision to automate the permitting process and improve communication with applicants.[10] According to the department, similar plans have been discussed for years without visible progress. The department currently uses JOIN to manage applications but is exploring other systems. It also oversees a World Bank–funded addressing project, which assigns building numbers and GEBE meters.[11]

Without even written procedures in place, we believe automation will be difficult to implement, and during the audit we found no indication that drafting these procedures had begun.

[9] Interview with the Minister of VROMI d.d. July 15th, 2025.
[10] Idem.
[11] https://www.sintmaartengov.org/news/pages/Government-Launches-e-VROMI-Project-with-ArcGIS-Software-to-Revolutionize-National-Address-Management-and-Digital-Transform.aspx

4. EXTERNAL ADVISORY INPUTS IN THE PERMIT PROCESS

Several external entities contribute to the evaluation of building permit applications.[12] The role of external entities is to provide technical, safety, and policy advice before the department issues its recommendation to the Minister. In principle, these contributions should strengthen the quality of decisions. In practice, we observed recurring bottlenecks and risks across these advisory functions.

4.1 Fire Department

The Fire Department reviews building plans for fire safety. Reviews take three to four weeks depending on complexity. Currently, one FTE handles all requests, though more are needed.[13] Advice is written, logged, and archived but not entered into the digital system used by the Permits Department.[14] Advice is non-binding, and the Minister may approve projects despite contrary advice without providing written justification. The Fire Department is not informed of final decisions.

There have been concrete cases that illustrate the risks of this practice. For one project, no planning permit was ever submitted to the Fire Department. As a result, none of the fire safety requirements were reviewed or addressed, yet the project still moved forward. Similarly, another project initially received negative advice from the Fire Department due to serious safety concerns, after which the owners were invited to discuss steps needed to bring the project into compliance.

Despite these interventions, both cases demonstrate that fire safety concerns can be bypassed or partially addressed, leaving important risks unresolved. The gravity of such omissions cannot be overstated. Large-scale developments without adequate fire safety provisions expose residents, workers, and emergency responders to severe danger in the event of a fire. Beyond the immediate threat to life and property, these situations also place government at risk of liability for approving projects in disregard of expert advice.

4.2 Inspection Department

The Inspection Department conducts site visits and assesses compliance with construction standards during and after building works.[15] Their findings can lead to corrective orders. We note a risk that inspection outcomes may be influenced by external pressure or incentives, as their work is not independently reviewed. This weakens the reliability of inspection results and may lead to approvals based on incomplete or biased information.

4.3 Policy Department

The Policy Department provides input on whether a permit application is in line with broader spatial development policies, including beach protection, hillside restrictions, and parking standards.[16] Its work is more advisory in nature and less tied to direct compliance monitoring. However, without a binding zoning plan, we believe policy advice is limited in enforceability.

4.4 Hindrance Department

The Hindrance Department reviews applications for potential nuisances, such as noise, dust, or disruption to traffic and public spaces.[17] At the time of the audit, the department consisted of one person, and the Function Book does not require this position to have a technical background. We note that the limited capacity increases the risk that environmental or public disturbance risks are overlooked.

4.5 Shared bottlenecks and risks

The lack of written procedures, reliable data, and clear accountability makes the permitting process vulnerable to undue influence. In areas like fire safety and building inspections, the absence of standard, transparent workflows increase the risk that advice could be manipulated or fast-tracked for personal gain. Higher management is aware of this,[18] but action so far has been limited.[19]

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[12] Interview with the VROMI Permits Department d.d. June 18th, 2025
[13] Interview with the Chief of the Fire Department, d.d. September 3rd, 2025.
[14] Interview with the SG of VROMI d.d. May 27th, 2025, and interview with the Permit Department d.d. June 18th, 2025. The referred digital system is called JOIN.
[15] Interview with the VROMI Permits Department d.d. June 18th, 2025
[16] VROMI Staff Manual, version 1.8, Section 3.1 – 3.3.
[17] Article 2 of the Hindrance Ordinance.
[18] https://smn-news.com/index.php/st-maarten-st-martin-news/47709-zero-tolerance-for-bribery-in-the-ministry-of-vromi-a-firm-stand-against-corruption.html
[19] 2018: https://www.sxm-talks.com/the-daily-herald/vng-and-government-initiate-kick-off-sessions-the-daily-herald/

5. RISKS OF DEVIATING FROM POLICIES AND EXPERT ADVICE

When policies or expert advice are deviated from in the permitting process, important checks in decision-making are lost. These inputs help guide safe and responsible development. Overlooking them can result in unsafe construction, pressure on infrastructure, and unequal treatment of applicants. It also weakens accountability and opens the door to political influence. Over time, this undermines trust in the system and increases the risk of costly or dangerous outcomes for the community.

5.1 Safety and environmental risks

Building against the direction of the Hillside or Beach Policy increases the likelihood of landslides, erosion, flooding, and hurricane-related damage. These risks extend beyond the individual project and affect communities, public infrastructure, and the broader environment. If such risks materialize, government bears both the responsibility and the financial burden of response and recovery.

5.2 Public nuisance and infrastructure strain

Permits granted without proper regard for the Parking Policy lead to more traffic congestion and reduces accessibility on an already limited urban infrastructure. These outcomes reduce quality of life for residents and undermine public confidence in spatial planning.

When building permits are approved without following the Parking Policy, new developments can create more traffic and parking shortages in already busy areas. This obviously affects residents, businesses, and emergency access, and makes urban spaces less safe and less functional. Over time, unmanaged congestion can discourage investment and reduce tourism appeal. It will also increase frustration among citizens. Such outcomes weaken public confidence in government planning and decision-making, as people begin to feel that development favors short-term interests over long-term livability and proper urban management.

5.3 Fire safety risks

The Fire Department plays a central role in assessing fire safety. However, its advice is not binding, and permits may still be granted even when serious concerns are raised. In the event of a fire, the consequences could be catastrophic, with loss of life and property. From a governance perspective, the absence of a legal requirement for the Minister to document reasons for deviating from expert advice further weakens transparency and accountability.

5.4 Governance and fraud risks

Deviations from policies or expert advice, when undocumented, create space for selective enforcement and political interference. The absence of written procedures, combined with reliance on informal communication and paper files, heightens the risk that advice can be delayed, overlooked, or even manipulated. Allegations that some decisions can be expedited informally underline the vulnerability of the current system to corruption.

5.5 Legal risks

Decisions taken without clear justification are vulnerable in court. Even though policies may not be binding law, principles of good governance, such as careful preparation (*zorgvuldigheidsbeginsel*) and proper motivation (*motiveringsbeginsel*), remain applicable in administrative proceedings. When deviations from expert advice or policy are not motivated in writing, the legal defensibility of a permit is weakened to say the least.

5.6 Conclusion

Deviating from established policies and expert advice introduces risks that go beyond administrative inefficiency. We note it threatens public safety and exposes decisions to legal and reputational challenges. Unless these risks are addressed through stronger rules, written procedures, and automation of the process, the system will remain vulnerable to undue influence and arbitrary decision making.

6. SURVEY RESULTS

As part of this audit, a survey was conducted among persons and entities who submitted building permit applications between 2020 and 2024. The list of potential respondents was compiled using contact information available at the Permits Department. A total of 405 invitations were sent by email. Of these, 136 were returned undelivered. This indicates that the department's contact records are outdated and not properly maintained. We were left with a viable population of 269. From this group, 89 responses were received, the equivalent of 33% of the total population. While the results provide useful insights, they should be viewed as indicative rather than statistically representative of all applicants.

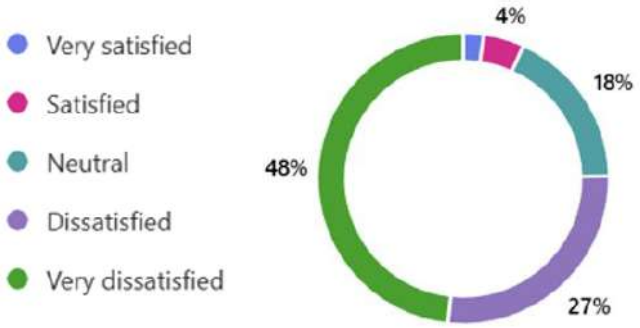
6.1 Profile of respondents

Among the 89 respondents, most were homeowners (59), while 14 were business owners and 11 were architects who had submitted applications for building permits. The majority of permits applied for were residential (61), followed by commercial (17) and other types (11).

6.2 Satisfaction with the process

Respondents were asked how satisfied they were with the efficiency of the building permit process from application to approval. A substantial majority expressed dissatisfaction. In total, 67 out of 89 respondents (75%) indicated dissatisfaction, pointing to persistent concerns about the timeliness and predictability of the process. Figure 3 outlines the results graphically.

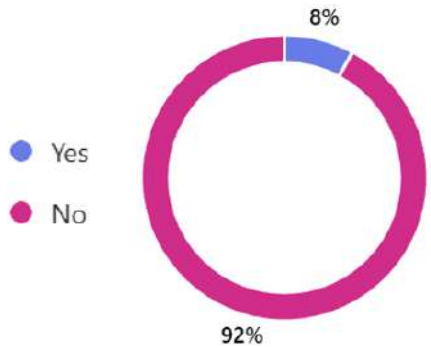
Figure 3: How satisfied are you with the efficiency within the building permit process?



6.3 Perception of corruption

Of the 89 respondents, 82 stated they were not approached, while 7 indicated they had been approached with an offer to expedite their application. While this result does not demonstrate systemic corruption, it does show that such practices occur.

Figure 4: At any point, were you approached with an offer to expedite your application in return for a payment or favor?



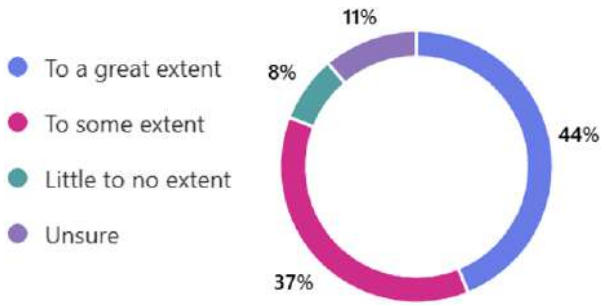
Considering the sensitive nature of the question, it is possible that some respondents may have chosen not to disclose their experiences out of concern for repercussions.

In this light, the fact that seven individuals acknowledged being approached is significant. These findings suggest that integrity risks exist within the permitting process. It remains important to note that the survey provides indicative insights only and cannot by itself establish the full scope of the issue.

6.4 Consideration of environmental impact

Respondents were also asked to what extent the building permit process should take into account environmental impact and energy use. A large majority, 72 respondents, considered this to be important, 10 respondents were unsure, while 7 indicated it should be of little or no importance. This result points to a strong public expectation that sustainability considerations be embedded in permit evaluation.

Figure 5: To what extent should the building permit process consider environmental impact and energy use?



These results suggest an expectation among applicants that sustainability is added to the evaluation of applications. While the survey findings are indicative and cannot be generalized to the entire population of applicants, they nonetheless point to a growing awareness among the public that the permitting process should reflect broader societal goals such as environmental protection and sustainable development. As St. Maarten is part of the Sustainable Development Goals (SDG's), particularly Goal 11 on sustainable cities and Goal 13 on climate action, integrating environmental and energy considerations into the permitting framework would help bring national practices in line with these international objectives.

6.5 Conclusion

The survey results provide indicative insights into the experiences and perceptions of building permit applicants between 2020 and 2024. While not statistically representative, the responses show several recurring themes. A large majority of respondents expressed dissatisfaction with the efficiency of the process. This points to concerns over timeliness and clarity of procedures. Integrity risks are also present, as 7 respondents reported being approached with offers to expedite their applications. We find this figure notable given the sensitivity of the issue, though it does not in itself confirm systemic corruption.

At the same time, the results show public expectations that the permitting process should go beyond administrative compliance and incorporate broader considerations, such as environmental impact and energy use. Taken together, these findings suggest that applicants perceive the permitting process as both inefficient and vulnerable to risks, while also expecting it to evolve to reflect sustainability priorities.

The results point to areas where further inquiry, policy development, and system improvements are warranted.

7. EPILOGUE: HOW TO MOVE FORWARD

Our audit shows that the building permit process operates within a fragmented and outdated legal framework, supported by policies that are non-binding and inconsistently applied. In practice, the process depends on manual workflows, paper files, and informal communication channels, which create inefficiencies and increase the risk of irregularities. The absence of standardized written procedures further complicates matters, as decisions often rely on discretionary interpretation rather than consistent, transparent rules.

Moving forward, the foundation for improvement lies in creating a permitting system that is efficient, transparent, and resilient against political interference or undue influence. We believe that automation plays a central role in achieving this. An automated workflow would allow for structured routing of applications, automatic timestamping of decisions, and systematic inclusion of advice from external entities such as the Fire Department, Inspection, and (possibly) Gebe. Applicants could follow the progress of their request in real time, reducing frustration and increasing trust in the process. We believe that automation would provide management with reliable data on workload, processing times, and bottlenecks information that is currently unavailable due to the lack of monitoring tools.

Beyond efficiency, automation also strengthens integrity. Every step in the workflow can be recorded and archived, which, in turn, creates an audit trail that makes deviations visible and traceable. From an audit perspective, this would limit opportunities for selective handling of files, lost documents, or informal interventions, and provides the basis for accountability when decisions are challenged. When combined with clear written procedures, an automated system makes sure that all applicants are treated equally and that technical and safety requirements are applied consistently.

The need for such a system is underscored by the findings of this audit. The Fire Department, for example, provides critical safety advice, yet its reports are not integrated into government's digital system JOIN and even more important, advice is sometimes disregarded without written justification.

As the Ministry says to prepare for the introduction of an island-wide zoning plan, the transition to an automated and rules-based permitting system is timely and necessary. By addressing the weaknesses identified in this audit, government can create a permitting process that supports sustainable development, protects public safety, and restores confidence among citizens and investors alike.

In accordance with our protocol, we provided the Minister of VROMI the opportunity to react to our report. Unfortunately, we did not receive a response.

General Audit Chamber

Algemene Rekenkamer