



October 9th, 2020

To: Hon. Luis C. Fernandez-Trinchet
Secretary
Department of Housing
Commonwealth of Puerto Rico

**RE: SESA-PR OBJECTION TO ACTION PLAN SUBSTANTIAL AMENDMENT
DELETING SOLAR ENERGY RESILIENCE INCENTIVE PROGRAM**

To the Honorable Secretary:

Comes now SESA-PR, the Solar and Energy Storage Association of Puerto Rico, to comment and strongly object to the Puerto Rico Housing Department's (*Vivienda*) proposal to substantially amend the Action Plan currently in force and delete the critical Community Development Block Grant-Disaster Recovery (CDBG-DR) incentive program, designed for life-saving energy resiliency for all Puerto Ricans, via solar plus storage systems.

CDBG-DR for life saving solar + storage

CDBG funds are specifically authorized by statute to finance certain rehabilitation activities, including: “the conservation of the Nation's scarce energy resources, improvement of energy efficiency, *and the provision of alternative and renewable energy sources of supply*”.¹

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<https://www.hud.gov/program_offices/comm_planning/communitydevelopment/rulesandregs/laws/sec5301>.

As such, via HR 1892, the Bipartisan Budget Act of 2018, Congress appropriated 28 billion dollars for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017. Up to \$16,000,000,000 shall be allocated to meet unmet needs for grantees for major declared disasters that occurred in 2017 and no less than \$11,000,000,000 shall be allocated to the States and units of local government affected by Hurricane María, and of such amounts allocated to such grantees affected by Hurricane María, \$2,000,000,000 shall be used to provide enhanced or improved electrical power systems.”

The HUD and Vivienda approved Action Plan currently in force pertains to the \$8.2 billion (\$8,220,783,000) “second tranche”, which together with the already “granted” \$1.5 “first tranche” total over \$9.7 billion (\$9,727,962,000). The Federal Notice for the allocation of this \$8.2B CDBG-DR second tranche was published on August 14, 2018. As per the Action Plan currently in force, this \$8.2 “tranche” includes around \$300 Million for a critical solar incentive for the people:

“[...] applicants will have the ability to apply for solar panel [...] retrofits for residential structures [...] designed to backfeed the structure to provide sufficient power to run critical household appliances and allow for shelter-in-place options during outages. The scale of the solar power system will depend on the size of the household, income, and the ability of the applicant to finance a portion of the system.”²

This critical solar plus storage incentive was an apt response to quickly begin tackling the post-María energy humanitarian disaster. We all remember the aftermath of María: highly polluting and strident diesel or gas generators, scarce fuels and price speculation, unbreathable air and darkness;

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the longest blackout in US history. A blackout that killed thousands, the poorest and the elderly being the hardest hit, simply because of lack of access to basic energy.

The CDBG solar plus storage incentive which Vivienda plans to simply delete, was intended to effectively start dealing with the individual energy resilience crisis, and protect Puerto Ricans from similar future situations. If modestly sized rooftop solar installations paired with batteries had been substantially deployed prior to the 2017 storms, Puerto Ricans with these systems, including the hardest hit and last to had grid-power restored in the central mountain region, would simply have not experienced the year-long blackout.³ With batteries, solar systems are storm-resistant,⁴ fuel-less, silent, maintenance free and user-friendly generators - that save lives. If there is an outage, the battery will keep a family powered day and night via self-generated, clean solar energy, running house lights, refrigeration, medical equipment, cistern pump, ventilation, home office, entertainment, internet, smartphones and other appliances. And today's technology even allows for aggregation and coordination of multiple solar and battery systems, enabling communities to share energy and provide services to the grid, creating benefits and savings for all.

Despite the awesome need -which recently became again evident after the major, island-wide outages associated to very minor tropical storm Isaias- no monies have yet been disbursed. Science tells us this will continue happening, given climate change. Had these congressionally approved monies been deployed as intended, thousands of Puerto Rican families would have been

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Puerto Ricans have been held hostage by politics, bureaucracy and negligence. On the one hand, the federal Housing and Urban Department (HUD), has been foot-fragging to the point that it had to be literally forced by to “*publish in the Federal Register the allocations to all eligible grantees, and the necessary administrative requirements applicable to such allocations within 90 days*” (H.R.2157; P.L. 116-20). Yet even that date, September 4th, 2019, came and went, as the federal Housing and Urban Department (HUD) simply ignored it, with complete impunity. It was only after the major earthquakes and aftershocks in Puerto Rico since early January 2020, and amid renewed political pressure, that the official notice by HUD was finally emitted for these funds.

This federal executive branch attitude of disdain towards Puerto Ricans is not surprising, given the current White House resident. What is a bit dumbfounding is Puerto Rico’s current Vivienda Department’s actions. On February 2020, instead of finding a way to quickly and responsibly put these funds to work for Puerto Rican families, Vivienda did exactly the opposite: it downgraded these solar emergency funds to “*a longer-term component of this program*”, signaling diminished priority, and worse: it reduced that solar incentive by over a 100 million dollars (initially it was over \$400M), without any relevant notice or discussion, via a so-called 'non-substantial amendment'. Vivienda gave no one a chance to even object this multimillion-dollar downgrade in detriment of Puerto Rican energy resilience.

Now Vivienda simply proposes elimination of this critical solar plus storage incentive via the "substantial amendment" now open for comment.⁵ Specifically, Vivienda proposes to: a) erase the requirement to prioritize low-income and the elderly, b) erase the requirement to prioritize communities without electrical power, c) erase the solar plus storage incentive program altogether; d) erase any solar plus storage incentive program that could be open to all Puerto Ricans; e) erase the ability for CDBG funds to be used on renewable energy microgrids; and f) reduce the possibility of any new solar plus battery deployment just to any housing projects to be rebuilt by Vivienda.

Around 20,000 families in Puerto Rico have already become energy-resilient via rooftop solar plus batteries. Yet thousands more systems would have been deployed via the CDBG-DR solar resiliency incentive Vivienda aims to delete. Thousands more, including our neediest, would have kept power through last year's weekly brownouts, through this year's earthquake-related blackouts, and through the ongoing covid19 lockdown, which is now is compounded with another highly active hurricane season. Clean solar energy would have been running their house lights, their refrigeration, their medical equipment, their ventilation, their home office, their internet, their remote schooling, their smartphones and myriad other needs. Solar would have secured life and quality of life.

Vivienda must not go forward with its plan to erase the solar plus storage incentive proposed in the current Action Plan Substantial Amendment, and simply move forward to correctly design the specifics of the program and deploy these lifesaving funds before the next hurricane season hits.

The right way forward

⁵ <https://cdbg-dr.pr.gov/en/amendment-5-substantial-amendment/>.

SESA-PR has been, is, and will continue committed to ensure that all Puerto Ricans have viable choices in how they procure and consume electricity. SESA-PR has, for the past two years, been trying to effectively engage local authorities to design and deploy these lifesaving funds correctly, to no avail. SESA-PR, has provided guidance White Papers and communications discussing and sharing correct incentive design suggestions. For example, SESA-PRs first White Paper notes that:

“CDBG funds should be used to address the credit risk and financial challenges faced in developing solar+storage projects for the broader low and moderate income (LMI) population and municipalities providing critical services. A well-designed loan guaranty program backed with CDBG dollars would also leverage significant new private investment. Government-backed loan guaranty programs are an efficient and proven means of leveraging private investment and scaling community development financing transactions. We proposed a 75% guaranty, which is comparable to other effective loan guaranty programs. The USDA Renewable Energy Systems and Energy Efficiency loan guaranty program that provides an 85% loan guaranty, and the SBA loan guaranty program that provides up to a 75% guaranty on loans over \$150,000 and up to 85% on loans equal to or less than \$150,000. In general, the recommended loan guaranty program would provide a payment guaranty for solar+storage project loans that would backstop up to fifty percent (50%) of the debt service payments allocated to financing the solar+storage portion of the loan, which cumulative prorated payments would not exceed seventy-five percent (75%) of the original amount of the solar+storage portion of the loan.”

Another best-practice approach could focus on an upfront incentive that would provide the revenue certainty necessary and lower upfront costs necessary to make storage more economic and accessible to all, including the neediest. This would also facilitate a transparent and understandable process for all residential customers, including those seeking clean back up generation options to prepare for prolonged outages similar to those experienced during and since Hurricane María.⁶

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It is SESA-PR's sincere hope and belief that renewed leadership at the Federal level, will jumpstart disbursement of all these critical energy-resiliency funds, but for that to occur Vivienda must not proceed with the amendments described herein. And hopefully, in September 2021, headlines will read: 'Millions of Puerto Ricans keep their lights on via Solar plus Storage'.

Yours,

[signed]

Javier Rúa-Jovet
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The Honorable Luis Carlos Fernández-Trinchet
Secretary of the Puerto Rico Department of Housing
Commonwealth of Puerto Rico
c/o Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, Puerto Rico 00928-1365
E-mailed to: infoCDBG@vivienda.pr.gov

RE: Comments to Draft Puerto Rico Disaster Recovery Plan for the Use of Community Development Block Grant – Disaster Recovery in Response to 2017 Hurricanes Irma and Maria, Action Plan Amendment Five, Draft for Public Comment dated on or about September 10, 2020 (“Draft DRP Amendment”)

Dear Secretary Fernández-Trinchet:

Our firm submits these comments in connection with the Puerto Rico Department of Housing’s (“PRDOH”) request for comments to the Draft DRP Amendment on behalf of our clients.

Hurricane Irma struck Puerto Rico on or about September 6, 2017 and Hurricane Maria struck soon thereafter on or about September 20, 2020. Both Hurricanes Irma and Maria caused substantial damage to the Commonwealth. As the Draft DRP Amendment makes plain, Puerto Rico has significant issues that require the extended application of focused federally appropriated resources.

The Draft DRP Amendment contemplates the reallocation of significant resources to various programs created by PRDOH under its initial Disaster Action Plan dated July 28, 2019 (“Initial Plan”). Like the Initial Plan, the Draft DRP Amendment rightly maintains its focus on “shovel ready” development, including housing development.

These comments, conveyed on our clients’ behalf, can be placed in two categories, namely, developers of market rate and affordable multifamily housing (“Client Group A”) and clients that manufacture housing (“Client Group B”). Both Client Group A and B are actively involved in business in Puerto Rico. Assuming that federal disaster recovery is available, in one

way or another, Client Group A and B are immediately capable of executing their business plans with respect “shovel ready” development or economic development efforts that will produce much needed housing and jobs.

Accordingly, we organized our comments to the Draft DRP Amendment into four groups: (I) multifamily housing, (II) our comments by industry, (III) comments relating to City Revitalization, and (IV) suggested technical corrections.

A. General Comment.

As a general matter, Client Groups A and B are concerned that CDBG-DR proceeds are not being distributed quickly or efficiently enough. Both Client Groups A and B welcome the reallocation of resources set forth in the Draft DRP Amendment, but are deeply concerned that time has become a distinct challenge to progress. While both Client Groups A and B understand and empathize with the current challenges, there is an expiry date on CDBG-DR funds. Despite the recent extension provided by the current administration and the possibility of yet another down the line extension, Client Groups A and B are concerned about capacity to perform the requirements of the Initial Plan and each subsequent amendment, including the Draft DRP Amendment.

Secondly, as the Draft DRP Amendment notes, Congress appropriates nearly all federal disaster recovery appropriation as a supplemental appropriation.¹ Once Congress appropriates through a supplemental appropriation, those appropriations are coupled with de facto legal direction that tends to lay a broad parameter for execution by the applicable federal agency, in this case the United States Department of Housing and Urban Development (“HUD”). The most pertinent form of appropriation for purposes of this comments letter is Community Development Block Grant – Disaster Recovery (“CDBG-DR”) appropriation and additional supplemental appropriation to FEMA’s Disaster Relief Fund (“DRF”). We do not address FEMA appropriation in this comments letter.

Legislative proviso language in supplemental appropriations impacts each of Puerto Rico’s CDBG-DR supplemental appropriations. The proviso language sets the general rules applicable to each individual CDBG – DR appropriation. While each CDBG-DR appropriation is similar to every other disaster recovery appropriation, those appropriations are seldom identical. Even the various

¹ There have been four supplemental appropriations by Congress that were specifically intended to address disaster recovery from Hurricanes

HUD thereafter allocated each of the appropriated CDBG-DR allocations under 83 Fed. Reg. 5844 (February 9, 2018) and 83 Fed. Reg. 40314 (August 14, 2018). Finally, HUD allocated CDBG-DR to the Commonwealth through PRDOH in connection with disaster recovery for Hurricane Maria under Supp III and Supp IV for the same general purposes as set forth in Supp I. See 85 Fed. Reg. 10182 (February 21, 2020). As noted above, Supp IV is designed to address non-mitigation issues, specifically unmet needs in infrastructure – and although not mentioned – allocations to infrastructure legislatively mean that there is a viable argument that the allocation can be used for housing as well because they are one legislative category under each appropriation (i.e., Supp I through IV).

supplemental appropriation acts that have funded all CDBG-DR allocations to the PRDOH for Hurricane Irma and Maria have differed from one another in slight but substantive ways. Some require that CDBG-DR be used for mitigation while other CDBG-DR appropriations do not; accordingly, the proviso language in each specific CDBG-DR supplemental appropriation is critical to assessing use of CDBG-DR funds.

Once HUD is allotted Congressionally-appropriated CDBG-DR for subsequent allocation grantees, HUD then begins its process before allocating any CDBG-DR. In order to guide the development of action plans by grantees, HUD publishes a set of guidelines in the Federal Register that, while not technically federal regulations as matter of law, are nonetheless treated as such. The overarching rule of thumb with any CDBG-DR allocation made to any state or territory is flexibility of use of federal appropriation that does not exist when federal appropriation is undertaken under “ordinary course” Community Development Block Grant (“CDBG”) program, as authorized under the Housing and Community Development Act of 1974 (“HDCA”).²

Each supplemental appropriation that funds CDBG-DR and allocates it to the various states and territories require those jurisdictions to provide HUD with a plan of operations, controls, and expenditure with respect to each of their CDBG-DR allocation. Each supplemental appropriation law creates an appropriation of CDBG-DR and requires that each grantee jurisdiction create a plan (or amend its plan, as is the case with the Draft DRP Amendment). The grantee, in this case PRDOH, has considerable legal discretion to craft provisions in their respective plans that allow more flexible eligible uses than those authorized by the HDCA. Sometimes, those more flexible grantee provisions created by grantees with HUD’s consent effectively supplant federal law. Further, each supplemental appropriation permits those grantees, usually states, to craft alternative processes in order to address mandatory compliance with certain federal law, such as the nation’s environmental laws within their respective action plans.³

² See Title I of the Housing and Community Development Act of 1974, 12 U.S.C. §§1706e (2020, as amended), Pub. L. 93-383, 88 Stat. 633-2 (August 22, 1974). All regulations relating to the allocation of CDBG in the ordinary course can be found at 24 CFR Part 570. Additionally, HUD’s Office of Community Planning and Development, the HUD office that regulates CDBG and CDBG-DR issues notices that further set forth policy. PRDOH is well familiar with the notices that impact CDBG in the ordinary course to list them here. The CPD notices that set forth policy beyond the Federal Register notices affecting CDBG-DR are CPD Notices 2017-6, 2016-6, and 2014-17. As noted in the main text, CDBG-DR is not a program that is undertaken pursuant as an authorized act and, therefore, there are no specific regulations relating to CDBG-DR beyond those set forth in Part 570 cited above other than grant close out procedures.

³ For example, all supplemental appropriations are required to comply with the National Environmental Policy Act of 1969, Pub. L. 91-190 (January 1, 1970)(“NEPA”), Title VI of the Civil Rights Act of 1964, Pub. L. 88-352 (July 2, 1964) prohibiting discrimination based on race, religion, sex, family status, national origin or disability with respect to the allocation of federal funds, Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284 (April 11, 1968) prohibiting discrimination based on race, religion, sex, family status, national origin or disability with respect to the sale, rental or financing of housing units as amended by Title II of the Americans with Disabilities Act, Pub. L. 100-711 (September 13, 1988), and Davis-Bacon Act of 1931, Pub. L. 71-798 (March 3, 1931) in connection with prevailing wages on federally funded projects; HUD will not waive Davis-Bacon or Fair Housing Act law and regulation, however, HUD has approved state environmental clearances that are more expedited than those set forth in 24 CFR Part 50 or 58 if they substantively comply with the central policy priorities in NEPA; additionally, for all housing built prior to January 1, 1977 in Puerto Rico that would receive CDBG-DR or other federal funds, HUD will approve alternative lead-based paint notice, testing, and remediation plans in a CDBG-DR context if the state has statutes and certifications that meet a national standard. Exploring the possibility of using one or both of the above alternatives may be worthwhile for purposes of expediting the use and release of CDBG-DR to beneficiaries.

Our clients urge PRDOH to fully analyze the proviso language and various Federal Register parameters published by HUD in order to take advantage of available language and maximize flexibility of CDBG-DR use. We suggest that careful use of the flexibility provided in some of the supplemental appropriations and various Federal Register notices may help Puerto Rico maximize the impact of the Draft DRP Amendment. Our clients do not suggest that PRDOH has failed to analyze the various supplemental appropriations acts in the past, but as time passes, revisiting the available flexibility may have value for PRDOH when it comes to execution of the Initial Plan, including the Draft DRP Amendment.

Further, our clients encourage PRDOH to identify those provisions of federal law that would typically impose prohibitions under the authorizing acts but may be waived by HUD pursuant to the Federal Register guidelines. Those conditions set forth the various Federal Register notices and general compliance with national objective requirements and serving low income populations make clear what is permissible to waive. As noted above, each CDBG-DR appropriation allows for some degree of flexibility. For example, CDBG-DR proviso language commits the grantee to use monies for infrastructure, but permits some of the infrastructure to include housing related activities. In the case of the Commonwealth, that flexibility may be of particular usefulness in the context of encouraging transit-oriented development.

B. Our Clients' Comments Organized by Industry.

I. Multifamily Housing ("Client Group A").

Puerto Rico's economic reality poses underwriting challenges for market rate and affordable housing development alike. As the Draft DRP Amendment notes, unmet need is a major issue when it comes to development of multifamily housing in the Commonwealth simply because underwriting multifamily transactions of any kind, market or affordable, require significant gap financing as a source. To complicate issues further, despite regulatory relief from the United States Office of the Comptroller of the Currency, LIHTC investors and real estate lenders have not aggressively returned to Puerto Rico.

Those same lagging investment sources that hampered LIHTC transactions in Puerto Rico have also impacted the possibility of using other potentially useful tools, like the New Markets Tax Credit ("NMTC"). NMTC investors have been reticent to fund transactions in Puerto Rico generally, but particularly so after Hurricanes Irma and Maria. Inducing such investment is key to the Draft DRP Amendment's anticipated success.

As the Draft DRP Amendment notes, Puerto Rico's area median income is \$19,606, as compared to \$55,322 for the United States as a whole.⁴ Rent in Puerto Rico averages \$477 monthly. Whether a developer is developing market rate or affordable multifamily rental

⁴ Citing the Draft DRP Amendment.

housing, the implications of those economic data points infer that the developments will require deep subsidy for both construction and operation. Thus, maximizing gap finance is key to successfully executing the objectives set forth in the Draft DRP Amendment.

Given the foregoing, wherever possible, Client Group A encourages PRDOH to focus efforts that encourage mixed use and allow for the seamless weaving of a variety of resources, including NMTC and LIHTC within the possibilities provided by federal law and regulation. To use an ‘everything including the kitchen sink’ example, if PRDOH is interested in innovative financial plans, it may make sense to consider language that expressly encourages multi-faceted funding plans buttressed by CDBG-DR funded gap financing. Such language might consider providing greater amounts of CDBG-DR when applied to various funding gaps if a developer seeks to finance, for example, an urban transit oriented, mixed-use, mixed income (i.e., affordable and market rate) development that includes elderly and/or disabled, is energy independent, uses innovative financing structures that might include both rental and homeownership on the one hand and would provide less gap financing or deprioritize funding to a straight “naked” LIHTC-subsidized development that has no additional desirable components on the other. Client Group A believes the Draft DRP Amendment as a useful tool to articulate such a policy should PRDOH want to pursue that kind of plan.

As a supplemental matter not directly related to the Draft DRP Amendment, Puerto Rico Housing Finance Authority (“PRHFA”) and its resources are a powerful tool for the developing affordable housing, but the foregoing policy clarity in the Draft DRP Amendment might be the foundational basis for language in PRHFA’s future qualified allocation plans. Outside the context of the Draft DRP Amendment, one thing recently learned from the recent Covid-19 and other recent disasters is that Congress is willing to create emergency LIHTC when needed. Given the fact that PRHFA forward-allocated LIHTC through 2021, our clients believe that it is worthwhile for PRDOH to consider an effort to achieve a similar supplemental LIHTC emergency allocation for Puerto Rico, given that CDBG-DR works well in combination with LIHTC.

II. Single Family (“Client Group B”).

Certain of our clients are HUD-regulated housing manufacturers. Manufactured housing offers two critical benefits for Puerto Rico: it provides (1) cost effective, HUD-compliant lead-free housing that is hurricane resistant, and (2) jobs. While we understand that the Draft DRP Amendment is not designed to be prescriptive, our clients believe that it would be worthwhile to mention possible programs that would produce manufactured housing that could serve Puerto Rico well. While the Draft DRP Amendment’s Housing, Multi-Sector, and Economic Recovery components are clearly designed to deal with Puerto Rico’s various economic sector’s needs, my clients feel that Puerto Rico may want to consider supporting some opportunities that might help manufactured housing and single family production.

C. City Revitalization.

Our understanding is that the City Revitalization component contemplates a \$600 million program consisting of (a) a non-competitive \$345 million pool to be made available to municipalities, (b) a \$175 million competitive pool for which municipalities will compete, and (c) \$100 million for the University of Puerto Rico and the University of Puerto Rico – Mayagüez. Our clients restrict their comments to the proposals set forth in (a) and (b) above.

Our clients applaud the decision to undertake a reallocation and imagine new allocation models that include the municipalities on a non-competitive and competitive basis. Provided the municipalities make affirmative covenants to comply with all federal and state regulation, our clients believe that allowing municipalities might address local needs more effectively and help PRDOH with meeting the ever present timing stresses involved with allocation billions of dollars in federal aid within the context of a definitive timeline. It may be worthwhile to allow the municipalities more leeway to decide which economic and real estate developments to prioritize on their own, particularly those municipalities with capacity.

Our clients are concerned that PRDOH involvement in local priorities may impede innovation. They understand PRDOH's need to assure compliance, but would suggest that the City Revitalization provisions requiring seemingly intensive oversight or input from PRDOH with respect to the \$345 million non-competitive portion might be a disincentive. Carefully clarifying PRDOH involvement in the non-competitive portion of the City Revitalization program may help PRDOH achieve more municipal participation.

Finally, our Client Group A clients all have “shovel ready” developments and would benefit enormously from allowing more fluid funding processes generally and under the City Revitalization program. We again urge efficacy in allocating CDBG-DR resources whether in the ordinary course or under the City Revitalization component.

D. Technical Comments.

We further note the following technical comments for your consideration:

1. The table on pp. 23 and 24 repeats the “Median Age;” It first appears on the first row on p. 23 then again on the last row of the same table on p. 24.
2. We offer the following suggestion as a comment because LIHTC is often misconstrued by some who are not supporters of LIHTC.

As you know, the Section 42 of the Internal Revenue Code governs the allocation of the low income housing tax credit (“LIHTC”). The current sentence on p. 140 states that the Internal Revenue Service provides millions of dollars annually. The Internal Revenue Service is not providing money when Puerto Rico receives LIHTC. Additionally, LIHTC is not federal appropriation but instead a federal resource known as a tax expenditure.

LIHTC is used to raise private capital that funds single purpose entities ("SPEs") that are pass through entities that are commonly organized as limited partnerships under the laws of the state where the pertinent housing finance agency allocates LIHTC. Investors, usually financial institutions, invest in those SPEs and thereafter receive, generally speaking, 99% of the limited partnership interest in the SPE and the LIHTC. Since LIHTC really reflects the investment of private capital in exchange for the receipt of LIHTC and other tax benefits, we would suggest the following sentence in lieu of the current initial sentence set forth on P. 140:

"Puerto Rico Housing Finance Authority receives an annual allocation of low income housing tax credits ("LIHTC") known as "9% LIHTC" under the provisions of the Tax Reform Act of 1986 that help raise millions of dollars of investment from the private sector for the construction of affordable housing."

Our clients are grateful for the opportunity to comment upon the Draft DRP Amendment. We hope our comments are helpful and useful to PRDOH. As always, if you have any questions or concerns, please feel free to contact me.

Sincerely,
ARNALD GOLDEN GREGORY LLP



Orlando J. Cabrera



October 8, 2020

Hon. Luis C. Fernández-Trinchet
Secretary
Puerto Rico Department of Housing
606 Barbosa Ave.
Juan Cordero Dávila Bldg, 10th floor
San Juan, PR 00918

PRPHA COMMENTS TO PRDOH'S FIFTH AMENDMENT TO CDBG-DR ACTION PLAN

The Puerto Rico Public Housing Administration (PRPHA) hereby submits its comments to the Puerto Rico Department of Housing (PRDOH) Fifth Amendment to the Community Development Block Grant – Disaster Recovery (CDBG-DR) Action Plan, under the Puerto Rico Department of Housing (PRDOH) CDBG-DR Program, particularly to the CDBG-DR Gap to Low-Income Housing Tax Credit (LIHTC) Program.

As stated in the CDBG-DR Gap to LIHTC Program Guidelines (Guidelines) published by PRDOH, in the aftermath of hurricanes Irma and María incentives are required to replenish Puerto Rico's housing inventory of resilient affordable rental housing.

The PRPHA is engaged in the operation and administration of over 53,000 housing units subsidized under section 9 of the United States Housing Act of 1937, which is the statutory basis for the Public Housing Capital Fund and the Public Housing Operating Fund.

During the past years the Public Housing Capital Fund has been reduced significantly. That, together with the severe damages caused by hurricanes Irma and María, has limited PRPHA's capital activities, including development, financing and modernization of its public housing inventory.

In light of the above, PRPHA is engaged in the formation of public and private partnerships in order to ensure long-term sustainability of its public housing developments and leverage its resources to transform its inventory into sustainable and resilient housing.



However, PRPHA has identified the need for gap financing to enable or provide for the development of quality resilient affordable housing for Puerto Rico's low-income households.

Therefore, we formally request the PRDOH to revise its 5th Amendment to the CDBG-DR Action Plan to address the needs of our public housing communities by reserving \$250 million under the CDBG-DR Gap to LIHTC Program for the development of new public housing projects (the "Set-Aside").

In addition, PRPHA request PRDOH revise the CDBG-DR Gap to LIHTC Program Guidelines and the LIHTC Qualified Allocation Plan to allow the Set-Aside. In designing the Set-Aside, we suggest that clear language be included to prohibit potential conflicts of interest in such awards pursuant to 24 CFR 570.611 and 2 CFR Parts 200.317-318.

If you require additional information, please contact the undersigned at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Rodríguez-Rodríguez', is written over a light blue circular stamp.

William O. Rodríguez-Rodríguez, Esq.
Administrator

Cc: Marezie Díaz, Esq., Deputy Secretary CDBG-DR Program

From: [Cristian E. Martinez Medina](#)
Subject: Pregunta sobre 5ta Enmienda al Plan de Acción (Sustancial)
Date: Friday, September 18, 2020 8:01:19 PM

En el caso de comunidades, y organizaciones de base comunitarias, estas muchas veces no cuentan con los recursos suficientes para obtener la asesoría técnica necesaria para desarrollar y presentar un plan de mitigación. A modo de asegurar la participación efectiva de la comunidad que en última instancia sería directamente afectada por la ejecución de los planes, ¿qué apoyo técnico ofrecerán a éstas para que puedan presentar sus propuestas antes de comenzar el proceso de evaluación y decisión sobre las propuestas de mitigación?

--

Government and NGO's Policy and Management Consulting
Master of Public Policy Student at Michigan State University
B.A. in Political Science at University of Puerto Rico

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Rebuild by Design
New York University
20 Cooper Square, 2nd Fl
New York, NY 10003

October 7, 2020

Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, PR 00928-1365

Re: Puerto Rico Disaster Recovery Action Plan Amendment

Dear Sir or Madam:

I am writing to voice our concern for the omission of the Puerto Rico by Design initiative within the Puerto Rico Disaster Recovery Fifth Action Plan Amendment. This initiative is based on the Hurricane Sandy Rebuild by Design Competition that we carried out in 2013 and 2014.

We understand that building back from a devastating storm is of utmost importance. Much like in Puerto Rico, the New York Metropolitan Area became starkly aware of its vulnerabilities to climate change and rising sea levels in the wake of a devastating hurricane. The Hurricane Sandy Design Competition called for interdisciplinary expertise to work with local communities on rebuilding for the future. The result was truly remarkable. In nine months we went from research to having actual designs that envisioned a totally different future than one that would have been built back under regular governmental programs.

The initiative was successful in generating innovative solutions that addressed water management, green infrastructure, ecology, mobility, recreation and workforce development. During the process, the two-step methodology created true collaboration, as we worked with

535 community organizations, 181 government entities and 25 universities throughout the region. The solutions created by this collaboration are now being implemented in New York City, Long Island, New Jersey and Connecticut, utilizing over \$1 billion CDBG-DR funding and have attracted additional local funding.

The program had two stages — collaborative research and collaborative design. The purpose of the research stage was for the international experts to develop a comprehensive understanding of the social and physical vulnerabilities facing the entire region, while the design stage utilized the research discoveries to develop innovative, implementable solutions with the stakeholders and community members who would use the infrastructure.

The Rebuild by Design process has subsequently been deployed in both disaster and pre-disaster settings. The Bay Area Resilient by Design Challenge, which was a replication of the process in a pre-disaster setting, mobilized international talent to work with San Francisco Bay Area governments and communities to create nine large scale proposals to address sea level rise, transportation, housing and equity.

The framework generated from the process has been used in eleven other cities in the US and abroad on smaller scales. In Puerto Rico (2015-2016), Rebuild introduced the framework to create a community driven resilience plan, collaborating with the University of Puerto Rico Architecture School, the City of San Juan, local architects and 100 Resilient Cities in Playita, San Juan. We are also currently working on a National Science Foundation funded project for western Puerto Rico with the University of Puerto Rico, the City University of New York, Arizona State University and New York University. Our role is to ensure local stakeholder voices are incorporated into this science-centric project.

There are several key characteristics of the Rebuild model that are critical to a successful process that we want to highlight:


- **ADAPTABILITY: This framework is highly-adaptable and can work on virtually any scale and timeline. We scope each engagement according to the government's goals and stick to our timelines.** This ensures that the government gets exactly the knowledge and assistance it is looking for within a time-bound deeply collaborative process.
- **TIME BOUND:** While we use extensive stakeholder engagement to help shape the program and ideas, the engagement is time bound so we get to solutions fast. The collaboration generates better designs and ultimately provides critical local support and legitimacy for building the projects.
- **BUILDS LOCAL CAPACITY:** The work is locally led which keeps the dollars local and builds capacity with local NGOs and professional offices who are then educated on these issues, which will help in future projects.

- INNOVATIVE: We drive innovation and create solutions that no government would have created on their own. The outcome of the process generates solutions that are implementable and take a multi-benefit approach, providing benefits during non-disaster times such as addressing public health, cleaner water, improved transportation, economic development and more.
- LEVERAGE: We work in public-private partnership, to leverage relationships and align goals.
- INTERDISCIPLINARY: We call for a diverse expertise to ensure our work addresses multiple issues, not just increased severity of storms.

We hope you will reconsider this omission. The opportunity to build Puerto Rico back better and align community and local government planning is an opportunity too great to miss. The experience of Rebuild by Design is that when you align interests upfront, the process is shorter, the projects are better, and the stakeholders provide the support to ensure they are built. It also leaves a legacy of hundreds of individuals who feel included in the building back of their own communities.

Rebuild by Design offers our expertise to you to assist in any way developing the details of the initiative, and in any other efforts that call for strong collaboration and innovation. We believe it is the only way forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'AC', is positioned below the word 'Sincerely,'.

Amy Chester
Managing Director, Rebuild by Design (Private Non-Profit)
achester@rebuildbydesign.org
1.917.804.3470

9 de octubre de 2020

Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Por este medio deseo informar mi oposición a la eliminación del programa **Puerto Rico by Design** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa **Puerto Rico by Design** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Atentamente,

A handwritten signature in black ink, appearing to read 'Camila G. Hernández Rivera'. The signature is fluid and cursive, with a large initial 'C' and 'H'. There is a faint watermark or text 'Type text here' overlaid on the signature.

Camila G. Hernández Rivera

AIT 22128

Re: Keeping the Puerto Rico By Design Program in the Disaster Recovery Action Plan

Dear Sir or Madam:

I am writing to voice Marvel Architects', an architecture firm located in New York and San Juan, opposition to the exclusion of the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan and ask for reconsideration of this important program. We think this program would help local designers like us to make efforts on building up our community a more sustainable future.

Hurricane Maria was a wakeup call to Puerto Rico. The subsequent earthquake and health challenges make it clear that we must rebuild our island in ways that are innovative, sustainable and will set us up for the future. We share the goal of moving quickly to build back Puerto Rico from Maria, and to protect against future storms. That is why we want to launch this program as soon as possible.

We were very happy to see the inclusion of Puerto Rico by Design in Puerto Rico's action plan two years ago and looked forward to partnering with this initiative. The program was based on the success of the *Hurricane Sandy Rebuild by Design Competition* and *National Disaster Resilience Competition*, a model that used disaster recovery funds to create new approaches to flood infrastructure. There are many elements in the Rebuild by Design Program that would benefit Puerto Rico:

- Highly adaptability to meet environmental, social and economic needs , timelines and goals.
- Include extensive community and local government engagements speeding up processes and acceptance of projects from the start. Additionally, it generates better designs and ultimately provides critical local support and legitimacy for building the projects.
- Interdisciplinary approaches to ensure that we do not build back the way we were before. Every investment should have co-benefits.
- Working with communities and local governments before projects are designed ensures that the end product is responsive to the communities' various needs and the infrastructure will be built with support.
- The use of the world's best practices and the most forward-thinking infrastructure solutions by the experts of the world with the input of communities and local government entities.
- A track-record of working with hundreds of community organizations and local professionals. This program can ensure that we build capacity locally by enabling local architects, engineers and designers to build their practices in Puerto Rico at the same time as educating our communities about future risks and possible solutions.
- Focus on implementation and take a multi-benefit approach, meaning that project proposals are both realistic and protect against vulnerability while also providing benefits during non-disaster times such as addressing our health, water transportation, economic development, future, etc.

The CDBG-DR funds are an opportunity to finally re-think how our communities can respond to the shocks and stresses of climate change. We should not let this opportunity go to waste.

Sincerely,

Zeyi

9 de octubre de 2020

Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Estimado Secretario:

Por este medio, yo, Israel Matos Mercado, como ciudadano de los EEUU, deseo informar mi oposición a la eliminación del programa ***Puerto Rico by Design*** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y María en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. También debemos considerar el impacto del Cambio Climático (con huracanes más frecuentes y más intensos, periodos de lluvias intensos más frecuentes con sus consabidos efectos y hasta periodos de sequías intensas y extensas) en nuestro entorno. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuros ciclones y/o eventos naturales a los que estamos vulnerables. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa ***Puerto Rico by Design*** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* y del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. El gobierno invirtió mucho esfuerzo y dinero en este programa de Puerto Rico by Design para que se utilizara en la recuperación de la Isla ante desastres y es sorprendente y lamentable, que no se tome en consideración ni se incluya en este Plan de Recuperación (CDBG-DR Recovery action Plan) propuesto. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que

brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.

- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Cordialmente,

Israel Matos,

Meteorólogo y pasado Director de la Oficina del Servicio Nacional de Meteorología de San Juan, PR

Re: Keeping the Puerto Rico By Design Program in the Disaster Recovery Action Plan

Dear Sir or Madam:

I believe that the future of our communities most likely to be impacted by natural disasters need a holistic and collaborative approach to policy, design, and research. Puerto Rico by Design, much like the highly celebrated, Rebuild by Design in the wake of Hurricane Sandy, will be that approach. By corraling the technical expertise, policy voices, design talent, and sociological awareness of the Island of Puerto Rico, this design program will create a vision and pathway to building a more resilient future for the Island. Therefore, I, Tyler Silvestro, am writing in opposition to the exclusion of the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan and ask for reconsideration of this important program.

Hurricane Maria was a wakeup call to Puerto Rico. The subsequent earthquake and health challenges make it clear that we must rebuild our island in ways that are innovative, sustainable and will set us up for the future. We share the goal of moving quickly to build back Puerto Rico from Maria, and to protect against future storms. **That is why we want to launch this program as soon as possible.**

We were very happy to see the inclusion of Puerto Rico by Design in Puerto Rico's action plan two years ago and looked forward to partnering with this initiative. The program was based on the success of the *Hurricane Sandy Rebuild by Design Competition* and *National Disaster Resilience Competition*, a model that used disaster recovery funds to create new approaches to flood infrastructure. There are many elements in the Rebuild by Design Program that would benefit Puerto Rico:

- Highly adaptability to meet environmental, social and economic needs , timelines and goals.
- Interdisciplinary approaches to ensure that we do not build back the way we were before. Every investment should have co-benefits.
- Working with communities and local governments before projects are designed ensures that the end product is responsive to the communities' various needs and the infrastructure will be built with support.
- The use of the world's best practices and the most forward-thinking infrastructure solutions by the experts of the world with the input of communities and local government entities.
- A track-record of working with hundreds of community organizations and local professionals. This program can ensure that we build capacity locally by enabling local architects, engineers and designers to build their practices in Puerto Rico at the same time as educating our communities about future risks and possible solutions.
- Focus on implementation and take a multi-benefit approach, meaning that project proposals are both realistic and protect against vulnerability while also providing benefits during non-disaster times such as addressing our health, water transportation, economic development, future, etc.

The CDBG-DR funds are an opportunity to finally re-think how our communities can respond to the shocks and stresses of climate change. We should not let this opportunity go to waste.

Sincerely,



B. Tyler Silvestro, PLA, ALSA
Partner – Landscape Architect
Marvel Architects, PLLC.

Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Estimad(o/a)_Departamento de Vivienda de Puerto Rico:

Por este medio deseo informar mi oposición a la eliminación del programa **Puerto Rico by Design** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa **Puerto Rico by Design** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Cordialmente,

Arquitecta Nianti Bird Ortiz, CAAPPR

8 de octubre de 2010

Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Para: Departamento de la Vivienda, PR
De: Dr. Fernando Abruña, Arquitecto

Por este medio nuestra organización Abruña & Musgrave, Arquitectos, desea informar nuestra oposición a la eliminación del programa **Puerto Rico by Design** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa **Puerto Rico by Design** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones. Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Saludos Sostenibles,



Dr. Fernando Abruña, FAIA
Abruña & Musgrave, Arquitectos
abrumus@gmail.com
www.abrunaandmusgrave.com

October 8, 2020

Re: Keeping the Puerto Rico By Design Program in the Disaster Recovery Action Plan

For: Department of Housing, PR:
From: Dr. Fernando Abruña, FAIA

I am writing on behalf of Abruña & Musgrave, Arquitectos to voice our opposition to the exclusion of the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan and ask for reconsideration of this important program.

Hurricane Maria was a wakeup call to Puerto Rico. The subsequent earthquake and health challenges make it clear that we must rebuild our island in ways that are innovative, sustainable and will set us up for the future. We share the goal of moving quickly to build back Puerto Rico from Maria, and to protect against future storms. That is why we want to launch this program as soon as possible.

We were very happy to see the inclusion of Puerto Rico by Design in Puerto Rico's action plan two years ago and looked forward to partnering with this initiative. The program was based on the success of the *Hurricane Sandy Rebuild by Design Competition* and *National Disaster Resilience Competition*, a model that used disaster recovery funds to create new approaches to flood infrastructure. There are many elements in the Rebuild by Design Program that would benefit Puerto Rico:

- Highly adaptability to meet environmental, social and economic needs , timelines and goals.
- Include extensive community and local government engagements speeding up processes and acceptance of projects from the start. Additionally, it generates better designs and ultimately provides critical local support and legitimacy for building the projects.
- Interdisciplinary approaches to ensure that we do not build back the way we were before. Every investment should have co-benefits.
- Working with communities and local governments before projects are designed ensures that the end product is responsive to the communities' various needs and the infrastructure will be built with support.
- The use of the world's best practices and the most forward-thinking infrastructure solutions by the experts of the world with the input of communities and local government entities.
- A track-record of working with hundreds of community organizations and local professionals. This program can ensure that we build capacity locally by enabling local architects, engineers and designers to build their practices in Puerto Rico at the same time as educating our communities about future risks and possible solutions.
- Focus on implementation and take a multi-benefit approach, meaning that project proposals are both realistic and protect against vulnerability while also providing benefits during non-disaster times such as addressing our health, water transportation, economic development, future, etc.

The CDBG-DR funds are an opportunity to finally re-think how our communities can respond to the shocks and stresses of climate change. We should not let this opportunity go to waste.

Sustainably Yours,



Dr. Fernando Abruña, FAIA
Abruña & Musgrave, Architects
abrumus@gmail.com
www.abrunaandmusgrave.com



270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
PO Box 364225
San Juan, Puerto Rico 00936
T 787.759.9292

October 10, 2020

Mr. Luis Carlos Fernández Trinchet
Secretary
Puerto Rico Department of Housing
PO Box 21365
San Juan, PR 00928-1365

Re: Comments to Fifth Substantial Amendment to Puerto Rico Disaster Recovery Action Plan for the Use of CDBG-DR Funds in Response to 2017 Hurricanes Irma and María

Dear Sirs:

We make reference to the Fifth Substantial Amendment (the “Fifth Amendment”) to the Puerto Rico Disaster Recovery Action Plan for the Use of CDBG-DR Funds in Response to 2017 Hurricanes Irma and María (the “Action Plan”)¹ published by the Puerto Rico Department of Housing (“PRDOH”) on September 10, 2020, and to the CDBG-DR Program Guidelines (the “Guidelines”) for the City Revitalization Program (the “City Revitalization Program”)² published on March 9, 2020. We are pleased to submit our comments to the Fifth Amendment regarding the City Revitalization Program and the Economic Development Investment Portfolio for Growth Program (the “Economic Development Portfolio”).

Pursuant to the Action Plan and the Guidelines, the purpose of the City Revitalization Program is to allow municipal governments and eligible entities to begin to address community recovery at the local level while also addressing regional needs through projects identified in a thoughtful planning process.³ The first goal of the City Revitalization Program is to restore infrastructure in downtown areas and key corridors that were impacted by the hurricanes, and to make these facilities more resilient to future events, so that residents will want to return to and make use of public urban areas and downtown districts.⁴ The second goal of the City Revitalization Program is to use funds to revitalize, modernize, and create green business districts in ways that can support and promote small business recovery and growth, while restoring or encouraging tourism.⁵ The third City Revitalization Program goal recognizes that the hurricanes devastated Puerto Rico’s natural resources, particularly its tree canopy, and without

¹ See, [https://cdbg-dr.pr.gov/en/download/action-plan-amendment-5-substantial-amendment/?ind=1599767012369&filename=Action%20Plan%20Amendment%205_Substantial_EN%20\(DRAFT%20FOR%20PUB LIC%20COMMENT\).pdf&wpdmdl=13941&refresh=5f7dd7c146e5e1602082753](https://cdbg-dr.pr.gov/en/download/action-plan-amendment-5-substantial-amendment/?ind=1599767012369&filename=Action%20Plan%20Amendment%205_Substantial_EN%20(DRAFT%20FOR%20PUB LIC%20COMMENT).pdf&wpdmdl=13941&refresh=5f7dd7c146e5e1602082753).

² See, https://www.cdbg-dr.pr.gov/en/download/city-revitalization/?ind=1583772372138&filename=INFRA_CRP_Guidelines_City%20Revitalization_EN_v1.pdf&wpdmdl=8763&refresh=5ebb18a59a7171589319845.

³ Id. at page 7.

⁴ Id. at page 11.

⁵ Id.

funding and coordinated action to revitalize it, significant long-term impacts may not be realized.⁶ Nevertheless, as recognized in the Action Plan, “[the] Municipal governments lack the financial resources to rebuild or enhance streets, plazas, and other districts that are vital to community recovery and revitalization.”⁷

In light of the forgoing, to assist the City Revitalization Program and Guidelines in achieving their respective objectives, we request that for-profit entities be (1) included as eligible applicants under the City Revitalization Program, (2) authorized to present development projects to the municipality to obtain their endorsement, and (3) allowed to apply for CDBG-DR funds as Program subrecipient or applicant for development projects, regardless of whether the endorsed project is included as part of the Municipal Recovery Planning Program (“MRP”). These requests will result in the timely development of projects endorsed by municipalities, but directly managed by the eligible for-profit applicant.

The Action Plan currently includes 21 programs, including the Economic Development Portfolio. Funding for the Economic Development Portfolio is pegged at \$800,000,000. It’s evident there are too many programs and as a result the CDBG-DR funds are going to be unnecessarily diluted, increasing the likelihood the funds will not be used in a timely basis and will not achieve the stated purpose in the Action Plan to address the urgent humanitarian needs of its residents while implementing a transformative recovery not only focused on the use of funds for rebuilding, but to stimulate economic growth in every affected community.

There’s a strong consensus in the private sector that the allocation to the Economic Development Portfolio at \$800,000,000 is underfunded. More funding is needed in the Economic Development Portfolio to develop the large-scale projects that will have a positive impact on Puerto Rico’s economy. Since the economic crisis of 2008 and ensuing events, including the insolvency of the government of Puerto Rico, impactful and lasting economic development has been nil, in large part because of the loss of billions of dollars in local capital as well as the loss of “936 funds” from the Puerto Rico banking and finance sector. In order to overcome these hurdles and make the Economic Development Portfolio truly effective, we request that funds be reallocated from other programs to the Economic Development Portfolio and suggest a target allocation of \$2,000,000,000.

I. Requests to be considered by PRDOH under the public comment period established for the Fifth Amendment

a. Inclusion of for profit entities as City Revitalization Program applicants

In the Fifth Amendment, the Program’s eligible activities include Economic Development Assistance to For-Profit Business under Section 105(a)(17),⁸ but for-profit entities are not eligible applicants under the City Revitalization Program. The applicants pursuant to the Fifth Amendment must be one of the following:

- (1) Unit of general local government (municipal governments);

⁶ Id.

⁷ Fifth Amendment at page 193.

⁸ Id. at page 194.

- (2) Non-governmental organization (501(c)(3)) or not-for-profit-entities; for example:
 - a. Faith Based or Community Based Organizations; and
 - b. Conservation of Natural Resource Organizations.
- (3) Public schools and/or institutions of higher learning to provide public services to the community; and
- (4) Other community-based governmental entities (collectively, the “Applicant(s)”); for example:
 - a. Public Housing Authorities and/or Public Health Facilities.⁹

For-profit-entities are not permitted to participate in the City Revitalization Program even in instances where for-profit entities have the necessary experience, resources and capacity to develop a project that timely meets City Revitalization Program objectives defined in the Action Plan.

As additional eligibility criteria, the Action Plan establishes that the Applicant has to comply with the following:

- (1) Municipal governments must agree to take part in the PRDOH led planning process.
- (2) CDBG-DR funds cannot be used for long-term operations and maintenance. Subrecipients must submit an Operations and Maintenance Plan (“O&M Plan”) for proposed projects to be funded through the City Revitalization Program, including daily operations.
- (3) All construction work, whether reconstruction, repairs or new, shall utilize the services of an architect or engineer, with a valid professional license to practice in Puerto Rico, to design the facilities and improvements in accordance with PRDOH and FEMA standards, and all applicable local codes and regulations.
- (4) Projects must be within city boundary, in designated downtown area or key growth corridor.
- (5) Demonstrate tie-back to the disaster.
- (6) Projects must be a CDBG-DR eligible activity.
- (7) Proponents of Community Resilience Centers must agree to be listed in a public registry and make the facility available to the public in future disasters and provide year round maintenance and pay operating expenses.

⁹ Id.



(8) Proponents of residential projects should clearly demonstrate that they will satisfy the LMI objective.¹⁰

The subrecipient model is the method of distribution for the City Revitalization Program and funding will be offered in three non-sequential rounds.¹¹ Pursuant to the Action Plan:

Applicants in each round will have a specified period of time to submit project concepts to PRDOH that meet program objectives. [The] City Revitalization goals for each round of funding of the City Revitalization Program will be publicly provided and posted to the PRDOH CDBG-DR website prior to the opening of the application period. At the close of each period, PRDOH will rank and score projects. PRDOH will then inform and work with the selected entities that have projects in each round of the City Revitalization Program.¹²

The process in the Action Plan to apply for CDBG-DR funds under the City Revitalization Program does not significantly differ from the process established in the method of distribution for the Economic Development Program.¹³ Then, why exclude for-profit entities as City Revitalization Program applicants? By including for-profit entities, PRDOH and the municipalities will have a larger pool of eligible applicants presenting a greater variety of development project concepts addressing the municipalities' necessities. For-profit entities are better equipped to respond promptly to municipal needs and offer numerous benefits not otherwise available. For example, for-profit entities can: (1) provide better infrastructure solutions working with municipalities than by having an initiative that is wholly public or wholly private, (2) obtain faster project execution and reduced delays by including a time-to-completion indicator as a measure of performance in their applications, (3) achieve a better return on investment for municipalities through efficient project development, (4) identify risks early on to determine project viability, (5) manage operational and project execution risks, (6) assist municipalities so their funds are redirected to other important socioeconomic areas, and (7) obtain and maintain greater efficiencies and high-quality standards through the project life cycle. Besides, the inclusion of for-profit entities as applicants does not waive the requirement that the applications must be approved and sponsored by the municipal government in question.¹⁴

Furthermore, the City Revitalization Program requires that Applicants or Subrecipients submit the O&M Plan.¹⁵ Municipalities across the island of Puerto Rico are currently facing severe fiscal constraints due to the economic situation of the Island, which has been exacerbated by the hurricanes, earthquakes and COVID-19. Even though large municipalities may comply with this requirement (which is not a given), it can be onerous for medium and small size municipalities. Medium to small municipalities (by population) face an added challenge due to their potential inability to comply with City Revitalization Program

¹⁰ Id. at pages 194-195.

¹¹ Id. at page 195. While we support the three non-sequential rounds for the City Revitalization Program proposed in the Fifth Amendment, as discuss herein, the requirement to comply with the MRP will needlessly delay funding for private sector, municipality endorsed projects.

¹² Id.

¹³ Id. pages 171-175.

¹⁴ Id. at pages 195-196.

¹⁵ Id.

requirements, as compared to larger municipalities. Smaller municipalities may lack the personnel, coverage, and infrastructure needed to undertake large projects. By permitting the participation of for-profit entities, the municipalities mitigate the risk of excess spending and lack of human capital.

If for-profit entities are included as applicants, the municipalities and private entities could work together on transformative projects, revitalizing key areas and corridors, bringing community business back on track and encouraging tourism. For development projects, the O&M for the infrastructure developed by municipalities will be their responsibility, as customary, and for-profit entities will be responsible for other O&M costs related to the project. By permitting private sector participation in the City Revitalization Program, CDBG-DR funds will not be used for long-term O&M costs, as required in the Fifth Amendment to the Action Plan. Furthermore, the for-profit entities development projects will create jobs and economic stimulus to local business during construction and operation of development projects which, in turn, create significant economic benefit to the municipalities.

If for-profit-entities are excluded, we fear the City Revitalization Program will fall short of meeting its objectives. For municipalities, the problem is two-fold, executing on the projects in a compliant, timely, cost effective manner and funding ongoing O&M costs related to municipal revitalization and expansion. We have no doubt municipalities are capable of developing projects. There are many examples around the Island. However, the O&M requirement presents the municipalities with a Hobson's Choice-refrain from developing a project because of the O&M burden or develop small scale projects that do not entail significant O&M costs. Neither alternative is conducive to satisfying City Revitalization Program goals. Large, transformative projects are the type of projects that will have a beneficial ripple effect on local economies and solve the O&M challenge.

The inclusion of for-profit entities as eligible applicants subject to municipal approval solves this conundrum. It gives municipalities a powerful tool to leverage CDBG-DR funding to promote revitalization and economic development. The requirement for municipal approval of a private initiative is critical to the success of for-profit participation in the City Revitalization Program as municipal officials know what's best for their municipality.

Finally, PRDOH should permit eligible for-profit applicants to retain program income generated from the use of City Revitalization Program funds. Otherwise, the for-profit sector will not be incentivized to work on city revitalization development projects and as a result, there is a strong likelihood the funds allocated to the City Revitalization Program will not be used, frustrating its intended purpose.

b. Exempt For-profit Entities from MRP

The City Revitalization Program provides CDBG-DR awards in the form of a grant, making funding available to municipalities and other eligible entities in three non-sequential rounds.¹⁶ According to the Fifth Amendment to the Action Plan, the non-sequential funding distribution rounds may be implemented as follows:

¹⁶ Id. at page 195.

Round 1: Projects to be selected based on recovery objectives and needs submitted from previous planning efforts by municipal governments and by eligible entities. PRDOH will work with eligible municipalities to determine which project(s) best fits one of the Puerto Rico recovery objectives. The municipal government will implement the projects with oversight from PRDOH.

Round 2: Will be conducted at the completion of the MRP planning process. Municipalities will be able to select and submit projects for PRDOH to consider from the resulting Individual Municipal Recovery Plan up to their municipal allocation. The municipal government will implement the projects with oversight from PRDOH.

Round 3: Projects in Round 3 will be determined via a competitive NOFA process. After PRDOH scores, ranks and selects projects after the NOFA closes, the municipal governments and other eligible entities will implement the projects with oversight from PRDOH. Applications will compete in three categories: General projects, Set-Aside projects and Community Resilience Centers projects. Eligible applicants will be required to submit evidence of their presence, knowledge and prior experience in providing services to the community where the proposed project will be implemented. Depending on the submission of proposals, PRDOH reserves the right to perform additional rounds or adjust the total funding of this round to assure the distribution of all funds.¹⁷

Pursuant to the Guidelines, which have not be amended since March 9, 2020, the municipal governments must agree to take part in the MRP to participate in second round of the City Revitalization Program.¹⁸ The MRP defines “planning” as a process by which local administrations collaborate with community residents, businesses, neighboring municipalities, and central government agencies to identify actions and projects necessary for holistic recovery from Hurricanes Irma and María.”¹⁹

In the guidelines issued for MRP, PRDOH stated that: “[m]unicipalities will have time and space to envision a potential future and to plan for Individual and Regional recovery and resilience for all populations.”²⁰ To that end, the “Individual Municipal Planning process is intended to commence immediately upon contract execution and will last for six (6) months. Municipalities will each envision a potential future and develop a plan for recovery and resilience for all populations within their Municipality.”²¹ After completion of the Individual Municipal Planning Process, the Regional Municipal Planning process will begin and will last for twelve (12) months.²² Through the Regional Municipal Planning process, “jurisdictions will work with their adjacent Municipalities to understand complex issues that extend beyond civic boundaries and identify solutions that are regional in nature.”²³

¹⁷ Id. at pages 195-196.

¹⁸ See, Guidelines at pages 7-8.

¹⁹ See, CDBG-DR Program Guidelines for the MPR at page 6.

²⁰ Id.

²¹ Id. at page 7.

²² Id. at pages 7 - 8.

²³ Id.

However, the planning requirement should not apply to for-profit entities or other eligible applicants that participate in the City Revitalization Program. In many instances, a government or municipal plan²⁴ may be unrealistic and/or be an obstacle to innovative ideas that were not addressed or contemplated at the time the plan was developed. For-profit entities are in a better position to quickly adjust plans that may be subsequently affected or altered as a result of changes in economic conditions or as a consequence of future events. Moreover, if the City Revitalization Program outcome is dependent solely on projects included in a municipal recovery plan, the timely disbursements and use of CDBG-DR funds will be in jeopardy. The Individual Municipal Planning process is intended to last six (6) months, meanwhile the Regional Municipal Planning process is intended to last another twelve (12) months. Even though the Fifth Amendment to the Action Plan says the rounds are now non-sequential, the Individual Planning process makes this moot because it will take a considerable amount of time before any projects can be selected and developed with the funds assigned to round 2 of the City Revitalization Program.

The Grant Agreement for the second tranche of CDBG-DR funds establishes that the period of performance is six years and the requirement to access funds in round two of the City Revitalization Program will delay compliance with the requirements in the Grant Agreement and result in a loss of funds. Participation by the for-profit sector diminishes the possibility of a loss of funds and provides a sustainable return on investment at the municipal level. Municipal savings resulting from for-profit entities' participation in the City Revitalization Program can be used by the municipalities to pursue planning and development of other projects. Therefore, working closely with the for-profit sector, municipalities will generate a more robust and timely response to the goals in the Action Plan.

As stated in the Action Plan, "Puerto Rico has had a number of planning processes occur in the post-María environment and total damages at the municipal level, while not finalized, have become clearer."²⁵ Three years have gone by after the passages of Hurricanes Irma and Maria and the total damages for the municipalities have not been finalized. The municipal developments needed for recovery should not suffer the same fate as the total damages assessments. For-profit entities can assist the municipalities in the process of executing timely developments that will implement integrated and innovative solutions to the problems facing their communities. But to do so, for-profit entities have to be included as eligible applicants under the City Revitalization Program and need to have the flexibility to present project concepts to municipalities to obtain their endorsement, without the necessity of their projects being included in plans developed under the MRP.²⁶ Moreover, the suggested modifications to these requirements are not intended to bypass compliance by for-profit entities with applicable federal, state and municipal regulations.

²⁴ Planning activities as defined by HUD include but are not limited to: (1) Comprehensive plans, (2) Community development plans, (3) Functional plans for housing/land use/economic development, (4) Mitigation plan or disaster resiliency plan, (5) Recovery action plans, (6) Costs associated with creating a plan, including data gathering, studies, analysis, and preparation of plans. Planning activities related to a specific project are Project Costs. See, Fifth Amendment at page 115.

²⁵ Fifth Amendment at page 197.

²⁶ Pre-development grants should be included in the Action Plan in the existing planning programs already identified in the Action Plan or as new program, to allow for-profit entities to apply for and use those grants to better serve future projects in the economic development, housing, and infrastructure programs in the Action Plan.

c. Expand Eligible Activities to Include more options for Affordable Housing

The Action Plan should clarify that Section 105(a)(4) of the City Revitalization Program Eligible Activities also includes the construction and/or acquisition of affordable housing in compliance with green building standards. Affordable housing was identified as a critical recovery priority by the municipalities in previous comments to the Action Plan. Since then, Puerto Rico continues to struggle with homelessness as affordable housing continues to be in short supply.²⁷ To that end, the Program Guidelines should incorporate similar requirements to those established for the CDBG-DR Gap to Low Income Housing Tax Credits Program (LIHTC) to address municipal housing needs. Puerto Rico should not limit the development of affordable housing to the CDBG-DR Gap to LIHTC. For-profit entities should be allowed to apply for grants and/or loans under the City Revitalization Program to prioritize the development of housing for elderly persons (age 65 and above), and access Section 8 funds and other federal programs to develop and operate economically feasible multifamily projects. The addition of affordable housing to the City Revitalization Program will represent an alternative for projects that do not meet the rent requirements for LIHTC.

In the Transformation and Innovation in the Wake of Devastation – An Economic and Disaster Recovery Plan for Puerto Rico (the “Recovery Plan”)²⁸, the municipalities were asked to share their visions for recovery and economic development and, although the responses varied, the following shared objectives emerged that can be addressed with the proposed modifications to the City Revitalization Program:

- (1) Invest in rebuilding and upgrading key infrastructure, including energy, telecommunications, water, and transportation;
- (2) Incentivize large manufacturers to stay in Puerto Rico;
- (3) Reduce labor shortages by both incentivizing workers to stay in Puerto Rico and allowing businesses (particularly agribusinesses) to bring in foreign workers on temporary visas;
- (4) Involve municipal authorities in identifying priorities for their region to support planning at the local level;
- (5) Ensure authority and funding at the local level for planning and implementation of development projects; and
- (6) Expand investment in projects related to the visitor’s economy and tourism to all municipalities in Puerto Rico - not just the traditional hotspots.²⁹

At the same time, one of the courses of action included in the Recovery Plan is to “[a]ssess municipal governments’ current capacity and skillset to apply for and manage federal and other grants and provide technical assistance and training to increase grant management capacity and skills. Strict compliance with the foregoing is [required as CDBG-DR and other

²⁷ Fifth Amendment at page 37.

²⁸ See, <https://recovery.pr/documents/pr-transformation-innovation-plan-congressional-submission-080818.pdf>.

²⁹ *Id.* at page 58.

funds flow to Puerto Rico for recovery related projects.”³⁰ For-profit entities have the resources and wherewithal to manage federal grants, while developing large scale projects endorsed by municipalities and mitigate grant management concerns. Interacting with their municipal counterparts is a viable alternative to ensure transfer of knowledge from the for-profit sector to municipalities.

In addition, the Recovery Plan states that “[...] where possible, structures will be repurposed by municipalities, for example, as economic development vehicles through public-private partnerships or municipal corporations to house and attract new businesses.”³¹ Likewise, the Fifth Amendment establishes that “[e]ligible revitalization projects should correlate to a larger strategy that targets downtown service and business districts or key corridors and supports and aligns with future public and private investments.”³² The foregoing clearly contemplates large scale developments. As an example, for-profit entities are the key to implementing the “...larger strategy that targets downtown service and business districts or key corridors and supports and aligns with future public and private investments.”³³ The Program cannot rely on success with the forgoing if the for-profit sector is limited to an advisory role. Unleashing the for-profit capacity to work in concert with municipalities in executing the “larger strategy” is the key to success.

d. Reallocation of CDBG-DR funds to the Economic Development Investment Portfolio for Growth Program

The Economic Development Portfolio is the cornerstone of the economic development goal of CDBG-DR. Most of the programs in the Action Plan address short term needs (i.e., Workforce Training Program, Small Business Financing Program, etc.) or critical problems that require urgent attention (housing under the Home Repair, Reconstruction or Relocation Program (“R3”). The Economic Development Portfolio needs to fund permanent “economic development infrastructure” such as, for example, building manufacturing plants, hotels and large scale projects that will create a higher economic multiplier effect and greater socioeconomic benefits for Puerto Rico.

Fortunately, there are numerous transformative projects “in the pipeline”. The need for a reallocation of funds to make these transformative projects a reality is exacerbated by the unwillingness of private financial institutions and investors in and outside Puerto Rico to provide financing. Puerto Rico’s risk profile is not conducive to investing. The most effective way to overcome the problem is to eliminate programs and reallocate funds to the Economic Development Portfolio. As projects are developed and the economy is stimulated, the degree of risk will diminish and financial institutions and investors will view investing in Puerto Rico in a different light. CDBG-DR will then have served its purpose to provide a bridge to lasting economic growth.³⁴

³⁰ *Id.* at page 210.

³¹ *Id.* at pages 133-134.

³² Fifth Amendment at page 196.

³³ *Id.*

³⁴ Although not covered in the Action Plan, we strongly suggest the guidelines for the Economic Development Portfolio not include a per project cap on funding. Each project is different and has its own needs. A per project cap is arbitrary and will lead to a number of projects being abandoned. PRDOH needs to have the flexibility to craft a financial solution for each project. Note PRDOH will score

The Action Plan is a unique historical opportunity for Puerto Rico to address long standing humanitarian needs and transform the island's economy. In sum, it is the catalyst for overcoming structural economic and socioeconomic issues that has reversed the progress achieved over the last fifty (50) years of the twentieth century.

In light of the foregoing, we request that Action Plan be amended to (a) include for-profit entities as eligible applicants under the City Revitalization Program authorized to directly apply for CDBG-DR funds as a Program subrecipient or applicant for municipality endorsed projects, and (b) exempt municipalities from complying with the Municipal Recovery Planning Program in the case of private sector municipality endorsed projects. Additionally, add as a Program Eligible Activity the construction and/or acquisition of affordable housing in compliance with green building standards. Lastly, we urge that CDBG-DR funds be reallocated to the Economic Investment Portfolio up to the amount of \$2,000,000,000.

If you have any questions, please do not hesitate to contact the undersigned directly at (787) 399-1613 or by email at hoc@mcvpr.com. We look forward to working with you and your team on these most important matters.

Sincerely,



Harry O. Cook

Cc: Mr. Raúl Márquez Hernández
Eng. Doel Muñiz
Eduardo Bonar, Esq.
Mr. Derek Negrón

each project according to well established criteria. Since there is no absolute right to funding, the application of qualifying criteria and the strong oversight on the use of all project funds means there's little risk of funding projects that are not viable.



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October 14, 2020

Hon. Luis C. Fernández Trinchet
Secretary
Puerto Rico Department of Housing (PRDOH)
CDBG-DR Puerto Rico Program
PO Box 21365
San Juan PR 00928-1365

Dear Secretary Fernández Trinchet:

Thank you for the opportunity to provide public comments related to the draft of the September 10, 2020 Substantial Amendment Five of the Action Plan for the Puerto Rico Community Development Block Grant Disaster Recovery that details disaster impacts, unmet needs, and identified projects.

Plaza Las Américas is the largest mall in Puerto Rico. Since it first opened its doors in 1968, we have implemented an ongoing corporate social responsibility program (CSR) that includes engagement of the private sector on external stakeholder groups, such as local communities and numerous non for profit organizations from all over the Island. In particular, we have forged a strong relationship with our neighbors at the Nemesio R. Canales Public Housing Complex.

The Nemesio R. Canales was established in 1956 with 1,150 housing units and more than 3,000 residents distributed in 88 buildings located in a 42-acre area. The last time it underwent a major renovation was around the year 1987. The incongruence between the housing program and its social and communal components is quite marked. The community leaders have for years reported high levels of physical deterioration of the housing units, communal facilities and the general infrastructure of the complex as well as precarious deficiencies in social services, communal facilities, and housing units adjusted to contemporary needs.

The needs of the community are very similar to those of hundreds of communities across Puerto Rico. They need resilient and reliable power grid, and sewage systems. The electrical system is overcharged and has resulted in fires that have destroyed apartments and displaced their residents. The modernization of the water supply is crucial, and a significant investment in the water treatment, supply, and distribution systems would fix a decades old problem. This situation extends to the outdated drainage and stormwater systems, that causes frequent events of flash flooding in the complex. Plaza Las Américas, as a close neighbor to the Nemesio Canales Complex, has also been frequently impacted by flooding events caused by the deteriorated and poorly maintained public storm water system in the area.

Pedestrian-focused improvements like sidewalks, streetscapes and lighting are needed as well in the Nemesio Canales Complex.

Transportation investments are needed on the streets, sidewalks and parking areas that require resurfacing. Data, telecommunications and technology infrastructure is required. Because of the pandemic, students are taking classes from home and many people are telecommuting. Major capital investments are needed for broadband connectivity to bridge the digital divide for the families in Nemesio R. Canales.

There is need to implement a capacity-building strategy focused on developing resilient power, improving housing conditions and overall infrastructure and increased local collaboration for sustainable community development with measurable outcomes.

This Action Plan represents but one element of Puerto Rico's broader recovery effort. It is imperative to coordinate these activities with the wide range of policy and program initiatives underway at the state and local level to complete the recovery while making the Island more resilient to natural disasters in the future. The extreme weather experienced by Puerto Ricans and the resulting floods and presidential declarations of disaster confirm that this work must continue.

We urge you to coordinate with leaders of the Nemesio R. Canales community specific actions vital to long-term recovery in the area as part of the City Revitalization Program. The GLO will provide training, written guidance, and forms to communities allocated funds under the local infrastructure program.

The stated purposes of the Action Plan prepared by the PRDOH are to "...rebuild families and communities, and must also generate a long-term investment in social capital, fortify the economy, and set the stage for stability and continuity in government modernization and efficiency for decades to come." By addressing the specific need of the Nemesio R. Canales Housing Project through state-wide infrastructure programs, giving local governments and NGO's in the impacted area the ability to seek funds for needed projects will go a long way in achieving the goals of the Action Plan.

Infrastructure is the backbone of any country, generating jobs, improving the quality of life for the poor and boosting economic growth. Addressing the needs of the area will exponentially benefit all the components of the Hato Rey area and surrounding communities. We are an important part of this community and as such are always ready to assist.

Sincerely,



Jaime L. Fonalledas
Executive Vice President

9 de octubre de 2020

Re: Puerto Rico CDBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Por este medio deseo informar nuestra oposición a la eliminación del programa ***Puerto Rico by Design*** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa ***Puerto Rico by Design*** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Cordialmente,

David José Acevedo Ramírez

October 9, 2020



Disaster Recovery Deputy Secretary Office
CDBG-DR Program

Subject: Amendment 5: Substantial Amendment

Action Plan CDBG - DR

To whom it may concern:

Mercy Corps is a leading international non-profit organization powered by the belief that a better world is possible. Our team of more than 6,000 humanitarians work in over 40 countries to help people triumph over adversity and build stronger communities from within. Together with local change-makers, international innovators, and people most affected by crises, Mercy Corps works to help vulnerable communities meet their most urgent needs, while building long-term solutions and forging new paths to prosperity in the face of injustice, instability, and climate change. Mercy Corps began work in Puerto Rico following the devastating impact of Hurricane Maria in 2017.

After an initial emergency response to Hurricane Maria, Mercy Corps transitioned to focus on longer-term recovery and community resilience. With generous support from corporate donors, Mercy Corps launched its **Resilience Hubs Program**, through which we equipped 17 community centers with varying combinations of permanent, high-capacity solar infrastructure, potable water storage, internet connectivity, agricultural resources, and disaster risk reduction expertise that have benefited more than 100K members of Puerto Rico's most vulnerable communities. Three years later, Mercy Corps has been working hand-in-hand with numerous local partners and communities in Puerto Rico, particularly in relation to "Resilience Hubs" which empower communities to support themselves in the aftermath of a natural disaster.

Modeled on the 17 established Hubs and lessons learned throughout the program—we provide the comments below aiming to contribute to the CDBG-DR Action Plan and its recent substantial amendment.

a. **The use of a specific Resilience Approach and Framework to fully operationalize resilience.** Mercy Corps defines resilience as the capacity of communities in complex socio-ecological systems to learn, cope, adapt and transform in the face of shocks and stresses. Mercy Corps supports a Resilience Approach that helps communities identify and address underlying vulnerabilities, minimize exposure to risks and strengthen resilience capacities to achieve positive, inclusive change.

Through NOFAs, guidelines, and other resources, the CDBG-DR Resilience Centers program area has the opportunity to use and share a defined resilience approach and framework to guide program participants and funding recipients projects.

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Mercy Corps Puerto Rico Resilience Program approach supports five different programmatic areas.



- b. **Ensuring resources go where most needed and community scale considerations** - The CDBG-DR Resilience Centers program area and the funding opportunity guidelines should give the opportunity to local NGOs and other organizations like Mercy Corps with advanced technical and administrative capacity to support smaller local community based organizations and community centers located in the most vulnerable areas on their path to recovery and resilience. Mercy Corps' Resilience Hubs Program was able to support over a dozen of community centers in their transition to become resilience centers. The program delivered results and measurable impact within the communities and regions. All 17 community centers continue to operate successfully on their own after their participation in the Program.
- c. **Building the capacity and strengthening communities connections** - Capacity building for community based organizations (CBOs) and community members is critical to the sustainability of the Resilience Hub Model. Mercy Corps proposes that part of the investment be directed to the technical capacity of CBOs managing future Resilience Hubs or Centers, and the communities they serve in order to foster sustainable impact and entrepreneurship in target communities. This program area becomes an opportunity to strength community connections with other communities, organizations and government related agencies. Mercy Corps recommends a comprehensive capacity building program component targeting community leaders, business owners, and vulnerable households in the communities surrounding Resilience Hubs.

- d. Coordination and internal alignment among CDBG programs** - We appreciated CDBG's steps towards internal program coordination. It is important to emphasize that several programs and funding opportunities should be linked and well coordinated with the Resilience Centers program area. Our experience shows it is important to have a comprehensive understanding of the dynamic and systems in place to secure and enhance the impacts of any recovery program.

Please do not hesitate to reach out if any further information is needed.

Best,



Karla Peña
Puerto Rico Director
Mercy Corps

10 de octubre de 2020

Hon. Luis Carlos Fernández Trinchet
Secretario
Departamento de Vivienda de Puerto Rico
PO Box 363188
San Juan, PR 00936-3188
infoCDBG@vivienda.pr.gov

Re: Comentarios de Hispanic Federation a la Quinta Enmienda Sustancial al Plan de Acción para el uso de los fondos CDBG-DR

Estimado secretario Fernández Trinchet:

El 10 de septiembre de 2020, el Departamento de la Vivienda de Puerto Rico (Departamento de la Vivienda) publicó la Quinta Enmienda Sustancial al Plan de Acción para el uso de los fondos CDBG-DR en respuesta a los huracanes Irma y María, en adelante "Plan de Acción"¹. Por esto, oportunamente, Hispanic Federation presenta sus comentarios a la enmienda.

Hispanic Federation² es una organización sin fines de lucro fundada en el año 1990 en el estado de Nueva York de los Estados Unidos, con el objetivo de apoyar y empoderar a las comunidades e instituciones hispanas a través de iniciativas en las áreas de educación, salud, inmigración, participación cívica, desarrollo económico, ambiente, entre otras. Durante años, la organización ha abogado por los derechos de los puertorriqueños y otras comunidades hispanas a nivel federal, estatal y local. Actualmente, la organización cuenta con oficinas en cinco estados, Washington, D.C. y luego del paso del Huracán María estableció operaciones permanentemente en Puerto Rico.

Al día de hoy, Hispanic Federation ha obligado más de 39 millones de dólares en sobre 130 iniciativas y grupos sin fines de lucros alrededor de Puerto Rico enfocadas en las

¹ Véase, Quinta Enmienda Sustancial al Plan de Acción para el uso de los fondos CDBG-DR en respuesta a los huracanes Irma y María, Departamento de Vivienda de Puerto Rico, [https://www.cdbg-dr.pr.gov/en/download/action-plan-amendment-5-substantial-amendment/?ind=1599767012369&filename=Action%20Plan%20Amendment%205_Substantial_EN%20\(DRAFT%20FOR%20PUBLIC%20COMMENT\).pdf&wpdmdl=13941&refresh=5f7b109846f001601900696](https://www.cdbg-dr.pr.gov/en/download/action-plan-amendment-5-substantial-amendment/?ind=1599767012369&filename=Action%20Plan%20Amendment%205_Substantial_EN%20(DRAFT%20FOR%20PUBLIC%20COMMENT).pdf&wpdmdl=13941&refresh=5f7b109846f001601900696)

²Hispanic Federation, https://hispanicfederation.org/about/mission_and_history/

áreas de recuperación, vivienda, agricultura, salud mental, energía, entre otras. Respecto al área de vivienda, ha designado un presupuesto de sobre \$4 millones para iniciativas que incluyen, pero no se limitan a, reconstrucción, servicios legales comunitarios y abogacía. Inclusive, somos miembros del **Movimiento de Vivienda Digna (MVD)**, un grupo de más de veinte organizaciones sin fines de lucro y comunitarias, en el que se han desarrollado grupos de trabajo para atender temas puntuales de vivienda, entre estos, el tema de los fondos CDBG-DR.

El tercer sector y las comunidades aspiran a ser una parte importante del desarrollo y diseño del futuro de Puerto Rico liderado por su gente, en especial durante el proceso de planificación y desarrollo económico que viabilizará la recuperación del país. Respecto a vivienda, Hispanic Federation promueve una política pública holística que reconozca y proteja el derecho fundamental a la vivienda digna, segura y asequible de las comunidades en Puerto Rico. En particular, el derecho a una vivienda digna requiere acceso a servicios básicos como techo, agua, energía eléctrica, educación, salud, entre otros. A su vez, Hispanic Federation tiene el compromiso de defender los principios básicos de justicia, transparencia, participación ciudadana real, sostenibilidad y la protección de derechos fundamentales.

I- **Resumen de los comentarios de Hispanic Federation al Plan de Acción en el 2018**

El 19 de octubre de 2018, Hispanic Federation presentó sus primeros comentarios al Plan de Acción. Entre otras cosas, explicó que ante la ausencia de una política pública comprehensiva sobre el tema de vivienda en Puerto Rico, no sólo es necesario articular una para este esfuerzo, sino igualmente desarrollar estrategias legislativas que atiendan los problemas de raíz. Algunos de estos problemas son: las disparidades en las necesidades de vivienda asequible en comparación a la oferta en el mercado, la gentrificación, el desparrame urbano, la burbuja inmobiliaria, la desigualdad y la proliferación de propiedades abandonadas. De esa forma, las medidas temporeras o de mitigación que se tomen como parte de este plan se complementarán con medidas integrales a largo plazo.

Entonces, Hispanic Federation recomendó y hoy reitera lo siguiente:

1. Incentivar claramente mediante programas el redesarrollo de viviendas en los centros urbanos usando el gran inventario de unidades actualmente vacantes, abandonadas y en desuso;
2. Otorgar mayor valor a la necesidad real, antes que a un análisis de rentabilidad, costo-efectividad o la presencia de fondos apalancados en proyectos diseñados previo a los desastres;
3. Una agenda más agresiva en el sector de la vivienda asequible, que no se limite a la distribución de "vouchers" de Sección 8 e incluya iniciativas de vivienda pública, control de renta, el uso de terrenos públicos para vivienda asequible, la introducción de requerimientos de asequibilidad en proyectos de nueva construcción o rehabilitación

en contextos urbanos, entre otras medidas ya identificadas por instituciones de investigación y grupos peritos en estos temas de diseño urbano.

4. Demostrar patentemente, de forma accesible, transparente y mediante el uso de los mejores datos disponibles la respuesta a las poblaciones más afectadas por los eventos de desastre, según requerido por el "Stafford Disaster Relief and Emergency Assistance Act" (en adelante, "Stafford Act");
5. Garantizar la inclusión de la ciudadanía en general a todos los niveles y en todos los procesos de toma de decisiones.

- II- **Resumen de los comentarios de Hispanic Federation a la Cuarta Enmienda Sustancial del Plan de Acción; resumen de la respuesta del Departamento de la Vivienda a dichos comentarios; y actualización de los comentarios de Hispanic Federation para ser considerados en la Quinta Enmienda Sustancial.**

RECOMENDACIONES POR PROGRAMAS PARTICULARES

VIVIENDA

Programa de Autorización de Títulos

1. Es desacertado el que se haya condicionado a través de un requerimiento local (no federal) a poseer un título de propiedad para poder recibir las ayudas disponibles.
 - o **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** *"El programa de Reparación, Reconstrucción o Reubicación (R3) ha establecido en sus guías métodos alternos para personas que no tienen un título perfeccionado. El Departamento de la Vivienda entiende que existen muchas personas sin documentación formal de titularidad. Para asegurar que la falta de tal documentación no afecte la asistencia bajo el Programa R3, se ha diseñado un programa flexible en cuanto a la evaluación de documentos de titularidad. De ninguna manera se requiere que un solicitante someta documentos formales de titularidad para ser declarado elegible. Sin embargo, para acomodar y asistir a estos solicitantes que no poseen documentos formarles de titularidad, el Departamento ha creado el Programa de Autorización de Títulos. Todo solicitante al Programa R3 que presente documentos informales como prueba de titularidad son automáticamente referidos al Programa de autorización de Títulos una vez se determina que son preliminarmente elegibles para el Programa R3. Los servicios de autorización de título son provistos sin costo para la mayoría de los casos. Las Guías del Programa de Autorización de Títulos están disponibles en la página www.cdbg-dr.pr.gov tanto en inglés como en español. Estas Guías describen en detalle los servicios disponibles para los solicitantes. **El Programa de Autorización de Títulos es necesario para que los hogares construidos por R3 estén debidamente autorizados con sus permisos en conformidad con el Reglamento Conjunto para la Evaluación y Expedición de Permisos Relacionados al Desarrollo, Uso***

*de Terrenos, y Operación de Negocios (Reglamento Núm. 9081 del 7 de junio de 2019).” (énfasis suplido)*³

- o **ACTUALIZACIÓN DEL COMENTARIO DE HISPANIC FEDERATION:** La Orden Ejecutiva 2020-063⁴, entre otras cosas, establece que “resulta imperativo flexibilizar los requisitos establecidos en el Reglamento Conjunto para agilizar los procesos de reconstrucción del Programa R3”. Por esto, en dicha orden se reconoce como “suficiente para cumplir con el requisito de legitimación activa presentar una Certificación de Titularidad que incluya el tiempo que el solicitante vivió en la propiedad afectada en el desastre y una explicación de las circunstancias que impiden verificación ordinaria de su titularidad. Dicha Certificación de Titularidad incluirá una certificación de que aplica una de las siguientes circunstancias: (1) no hay otra persona natural o jurídica que tenga el derecho de reclamar la propiedad; (2) la otra persona natural o jurídica con derecho a reclamar la propiedad también acuerda participar conjuntamente como solicitante en el Programa R3; o (3) las otras personas naturales o jurídicas con derecho de titularidad sobre la propiedad no se pudieron localizar, después de realizarse intentos razonables para contactarlos. La Certificación liberará de responsabilidad a Vivienda y OGPe de cualquier reclamación que surja sobre la propiedad.”⁵

El 17 de septiembre de 2020, el Departamento de la Vivienda adoptó la octava versión de las guías del Programa de Reparación, Reconstrucción o Reubicación (R3)⁶ para reconocer la **Certificación de Titularidad** creada bajo la orden ejecutiva. **Sin embargo, en la sección 6.2.1 de las guías requiere que la certificación esté acompañada de documentos adicionales, que no son requeridos en la orden ejecutiva.** En particular, dicha sección establece que “[l]a Certificación de Titularidad debe ir acompañada con documentos alternos de evidencia de titularidad. Los documentos que se considerarán incluyen los siguientes, sin limitarse a estos:

- Testamento autenticado por el Tribunal o testamento acompañado por Certificación de Vigencia;

³ Comentarios Públicos APA4, a la pág. 163.

https://www.cdbg-dr.pr.gov/download/borrador-revisado-sometido-a-hud-para-evaluacion-y-aprobacion-final/?ind=1594482527315&filename=1-A_Public%20Comments%20and%20Responses_ES.pdf&wpdmdl=12322&refresh=5f7b96bfa21601935039

⁴ OE-2020-063 del 20 de agosto de 2020,

<https://noticiasmicrojuris.files.wordpress.com/2020/08/oe-2020-063.pdf>

⁵ *Id.*

⁶ Guías del Programa R3 (V.8), a la pág. 20,

https://cdbg-dr.pr.gov/download/programa-de-reparacion-reconstruccion-o-reubicacion/?ind=1600963463286&filename=HSN_R3_Guidelines_Program%20Guidelines_v8.pdf&wpdmdl=6380&refresh=5f7b98689e0951601935464

- Evidencia de haber heredado
- Declaratoria de herederos;
- Orden Judicial o Sentencia concediendo la titularidad o algún interés propietario sobre la propiedad;
- Sentencia de divorcio concediendo la titularidad o interés propietario de la propiedad;
- Contrato privado de Compraventa: si la persona solicitante adquirió la propiedad mediante una venta privada por dueño, el contrato deberá confirmarse como satisfecho con documentos complementarios;
- Evidencia de contrato de usufructo;
- Evidencia de contrato de arrendamiento por 99 años;
- Evidencia de “permiso de uso” y/o “permiso de construcción” de acuerdo con las leyes y reglamentos aplicables;
- Certificado de defunción del propietario o certificación de nacimiento (para evidenciar que el solicitante es descendiente del propietario).
- Certificado de matrimonio;
- Si el propietario de la vivienda afectada por el/los huracán/es hubiese fallecido después del 20 de septiembre de 2017, el (los) heredero(s) pudiera(n) cumplir con los requisitos de titularidad siempre y cuando, el (los) heredero(s) pueda(n) proveer evidencia de su herencia y un Certificado de Defunción para el propietario fallecido.
- Correspondencia de FEMA cursada al solicitante mediante que acredite que el solicitante aplicó y recibió Asistencia Individual de FEMA por daños a la propiedad;
- Libreta de pagos de la hipoteca u otros documentos de la hipoteca;
- Seguro de propiedad que indique la dirección de la propiedad damnificada;
- Estado de cuenta expedido por CRIM; y/o
- Cualquier otra documentación será considerada y revisada caso a caso.”⁷

Hispanic Federation solicita que, como mínimo, el Departamento de la Vivienda enmiende el Plan de Acción y las guías del Programa de Reparación, Reconstrucción o Reubicación (R3) para cumplir con lo dispuesto en dicha orden ejecutiva, sin añadir requisitos adicionales que anularían el propósito de flexibilización de los requisitos de legitimación activa del Reglamento Conjunto. Esto, conforme lo exige la situación de emergencia y seguridad que confrontan miles de personas que a tres años del desastre no tienen un hogar digno para vivir.

A su vez, las guías del Programa R3 especifican que la Certificación de Titularidad sólo se utilizará para “brindarle legitimación activa al solicitante durante los trámites de permisos para permitir la continuidad de la obtención de los permisos de construcción.”⁸ Añaden, que “aquellos participantes que

⁷ *Id.*

⁸ *Id.*, a la pág. 66.

procedan con el proceso de permisos mediante la firma de una Certificación de Titularidad, **deberán continuar el proceso necesario para perfeccionar el título bajo el Programa de Autorización de Títulos.** El participante debe realizar todos los esfuerzos razonables a su alcance para cooperar en el proceso de obtener un título perfeccionado.⁹ Inclusive, **el Departamento de la Vivienda no clarifica si el acceso a la asistencia siempre estará condicionada a obtener un título de propiedad cuando admite lo siguiente:** “Aquellos casos de participantes que firmaron una Certificación de Titularidad y demostraron un interés propietario durante el proceso de permisos, y aun así no logren obtener un título perfeccionado por causas fuera de su control, serán considerados por Vivienda caso a caso.” **Por esto, Hispanic Federation reitera su comentario original.**

2. En aquellos casos en los que se obtengan títulos de propiedad, **el gobierno debe hacer un compromiso expreso de no expropiar o desplazar a la comunidad.**
 - **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** *“El Departamento de la Vivienda ha adoptado políticas para minimizar el desplazamiento, congruentes con las metas y los objetivos para las actividades de ayuda bajo la Ley HCDA. Estas políticas están contenidas y publicadas en la “Guía sobre Asistencia Uniforme de Reubicación & Plan de Relocalización y Antidesplazamiento Residencial del Departamento de la Vivienda de Puerto Rico.”*¹⁰
 - **ACTUALIZACIÓN DEL COMENTARIO DE HISPANIC FEDERATION:** Luego de revisar la Guía sobre Asistencia Uniforme de Reubicación & Plan de Relocalización y Anti-desplazamiento Residencial del Departamento de la Vivienda de Puerto Rico¹¹, no encontramos un compromiso expreso del gobierno de no expropiar en aquellos casos en los que se obtengan títulos de propiedad a través del Programa de Autorización de Títulos, por lo que **Hispanic Federation reitera su comentario original.**

⁹ *Id.*

¹⁰ Comentarios Públicos APA4, a la pág. 163.

https://www.cdbg-dr.pr.gov/download/borrador-revisado-sometido-a-hud-para-evaluacion-y-aprobacion-final/?ind=1594482527315&filename=1-A_Public%20Comments%20and%20Responses_ES.pdf&wpdmdl=12322&refresh=5f7b96bfafcf21601935039

¹¹ Guía sobre Asistencia Uniforme de Reubicación & Plan de Relocalización y Anti-desplazamiento Residencial del Departamento de la Vivienda de Puerto Rico,
<https://www.cdbg-dr.pr.gov/download/guias-ura-adp/?wpdmdl=9454&refresh=5f7bc741ee3c51601947457>

Programa de Reparación, Reconstrucción o Reubicación (R3)

3. Nos preocupa la incertidumbre a la que están expuestos los solicitantes de este programa.¹²
 - o **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** No fue atendido en los Comentarios Públicos APA4.
 - o **ACTUALIZACIÓN DEL COMENTARIO DE HISPANIC FEDERATION:** El 18 de junio de 2020, la gobernadora de Puerto Rico, Hon. Wanda Vázquez Garced, ofreció su mensaje sobre la situación del estado del país y presupuesto. Respecto al Programa R3), la gobernadora se comprometió a trabajar de 300 a 400 unidades de vivienda mensualmente. Por esto, EL 20 de julio de 2020, Hispanic Federation y veinticuatro (24) organizaciones endosantes enviaron una carta al Departamento de la Vivienda solicitándole **publicar mensualmente** información específica sobre el número de viviendas trabajadas bajo el programa.

El 11 de agosto de 2020, recibimos contestación del Departamento de la Vivienda en la que, entre otra información, indicó que había 313 casas en proceso de construcción y 43 casas completadas. Además, el Departamento de la Vivienda confirmó que aunaría esfuerzos para crear una plataforma en la que se publique información más precisa y clara sobre la implementación del Programa R3. Sin embargo, hoy en día dicha plataforma no existe.

Por esto, Hispanic Federation reitera su comentario original y solicita nuevamente al Departamento de la Vivienda la creación de una plataforma (“dashboard”) en la que se publique mensualmente la siguiente información:

SOLICITUDES EN GENERAL

- o Número de **solicitudes presentadas** por municipio.
- o Número de solicitudes **aprobadas** por municipio.
- o Número de solicitudes **denegadas** por municipio.
- o Número de solicitudes **referidas al Programa de Autorización de Títulos** de propiedad antes de poder obtener la ayuda del Programa R3, por municipio.
- o Número de viviendas en las que se ha **iniciado** la reparación, reconstrucción o reubicación, por municipio.
- o Número de viviendas en las que se ha **completado** la reparación, reconstrucción o reubicación, por municipio.
- o Número de viviendas **reparadas** por municipio.
- o Número de viviendas **reconstruidas** por municipio.
- o Número de **familias reubicadas** por municipio.

¹² NotiCel.com - [En el limbo programa que atendería las viviendas afectadas por María](#)

- o Número de **familias ubicadas en zonas de alto riesgo que fueron reubicadas** por municipio.
- o **Planes de mitigación considerados** para zonas de alto riesgo por municipio.

SOLICITUDES DE VIVIENDAS CON TOLDOS AZULES

- o Número de viviendas con toldos azules por municipio.
- o Número de viviendas con toldos azules que **solicitaron** asistencia bajo el Programa R3, por municipio.
- o Número de solicitudes de viviendas con toldos azules **aprobadas**.
- o Número de solicitudes de viviendas con toldos azules **denegadas**.
- o Número de viviendas con toldos azules **referidas al Programa de Autorización de Títulos** de propiedad antes de poder obtener la ayuda del Programa R3.
- o Número de viviendas con toldos azules en los que se ha **iniciado** la reparación, reconstrucción o reubicación, por municipio.
- o Número de viviendas con toldos azules en los que se ha **completado** la reparación, reconstrucción o reubicación, por municipio.

SOLICITUDES DE HOGARES CON PERSONAS VULNERABLES O DE ALTO RIESGO

- o Número de solicitudes de viviendas con personas vulnerables o de alto riesgo que **solicitaron** asistencia bajo el Programa R3, por municipio.
- o Número de solicitudes de viviendas con personas vulnerables o de alto riesgo **aprobadas**.
- o Número de solicitudes de viviendas con personas vulnerables o de alto riesgo **denegadas**.
- o Número de viviendas con personas vulnerables o de alto riesgo **referidas al Programa de Autorización de Títulos** de propiedad antes de poder obtener la ayuda del Programa R3.
- o Número de viviendas con personas vulnerables o de alto riesgo en los que se ha **iniciado** la reparación, reconstrucción o reubicación, por municipio.
- o Número de viviendas con personas vulnerables o de alto riesgo en los que se ha **completado** la reparación, reconstrucción o reubicación, por municipio.

4. Igualmente, la gran cantidad de contratos expedidos para la promoción de un programa que se llenó a sólo días de ser anunciado por la necesidad urgente de servicios aún necesita ser justificado.

- o **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** No fue atendido en los Comentarios Públicos APA4.

- HISPANIC FEDERATION REITERA COMENTARIO ORIGINAL

5. Las comunidades no deberían estar experimentando ninguna presión de desplazamiento, real o percibida. La forma en que el Programa R3 ha definido los requerimientos para acceder los recursos (i.e. daño estimado, tasación de la propiedad, designación de zona de riesgo) limitan sustancialmente las opciones ofrecidas a muchas personas que aún viven en una vivienda en condiciones inaceptables. Estas limitaciones no deben ser confundidas con decisiones voluntarias a relocalizarse.

Por ejemplo, el programa establece que si el estimado de daños a la propiedad sobrepasa de \$60,000 o el 50% del valor de la vivienda y está en zona inundable, la única opción será reubicarse. Dicha norma general atenta contra aquellas familias cuyas viviendas tengan el menor valor en el mercado, ya que mientras menor el valor de la vivienda, mayor la probabilidad de que los daños sobrepasen el 50% del valor. Además, la **única alternativa** ofrecida por el programa para estas personas o familias será reubicarse, lo que evidentemente **no es una decisión voluntaria** si la persona o familia no tiene el dinero para reconstruir y poder permanecer en su casa y/o comunidad.

- RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA: *"El Departamento de la Vivienda ha adoptado políticas para minimizar el desplazamiento, congruentes con las metas y los objetivos para las actividades de ayuda bajo la Ley HCDA. Estas políticas están contenidas y publicadas en la "Guía sobre Asistencia Uniforme de Reubicación & Plan de Relocalización y Antidesplazamiento Residencial del Departamento de la Vivienda de Puerto Rico."* ¹³

- HISPANIC FEDERATION REITERA SU COMENTARIO ORIGINAL

6. La alternativa de reconstruir en zonas de alto riesgo debe ser evaluada responsablemente caso a caso y a nivel de comunidad. La seguridad de las familias es primordial, pero para lograr dicha seguridad, en algunos casos, la reubicación no es la única alternativa. Los sobrevivientes y sus comunidades deben conocer las **alternativas de mitigación** que se hayan desarrollado en los Planes de Mitigación Municipales, el Plan de Mitigación Estatal y/o los proyectos de mitigación contenidos en los mismos. De hecho, se debe fomentar el que las comunidades participen durante el proceso de diseño, evaluación e implementación de estos planes. Además, el **Programa de Planificación Integral de la Resiliencia Comunitaria**

¹³ Comentarios Públicos APA4, a la pág. 163.

https://www.cdbg-dr.pr.gov/download/borrador-revisado-sometido-a-hud-para-evaluacion-y-aprobacion-final/?ind=1594482527315&filename=1-A_Public%20Comments%20and%20Responses_ES.pdf&wpdmdl=12322&refresh=5f7b96bfafcf21601935039

debe considerar dichos planes de mitigación y permitir la participación directa de las comunidades en su desarrollo e implementación.

Una vez los sobrevivientes conozcan las alternativas de mitigación en sus comunidades, tendrán la información completa y objetiva para poder decidir **voluntariamente** si permanecer (rehabilitar o reconstruir) o reubicarse. Hasta que dichas alternativas de mitigación no sean evaluadas responsablemente, el Departamento de la Vivienda no puede imponer la reubicación de vivienda como única alternativa en las zonas de alto riesgo.

- **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** *“Programas futuros, incluyendo aquellos a ser sufragados con la asignación de fondos de mitigación (CDBG-MIT), podrán considerar enfoques adicionales para el tema de reconstrucción en zonas de riesgo. El Departamento de la Vivienda reconoce que la planificación de actividades de mitigación es un esfuerzo colectivo. El Plan de Acción para los fondos CDBG-MIT será parte de procesos de participación ciudadana para asegurar la oportunidad de las comunidades y la ciudadanía en general de poder evaluar y proponer medidas de mitigación.”*¹⁴
- **ACTUALIZACIÓN DEL COMENTARIO DE HISPANIC FEDERATION:** El Departamento de la Vivienda ha hecho unos compromisos públicos respecto a considerar alternativas de mitigación en zonas de riesgo. Además de su respuesta a este comentario, en la octava versión de las guías del Programa R3, se establece lo siguiente: “Los participantes a los que se les concede una subvención para relocalización y que no deseen relocalizarse inmediatamente, pueden diferir la aceptación de la subvención bajo el Programa R3 para así permitir el desarrollo participativo del programa de mitigación de vivienda bajo la Subvención en Bloque para el Desarrollo Comunitario de Mitigación (CDBG-MIT, por sus siglas en inglés). Los participantes que opten por diferir la aceptación de la subvención para relocalización bajo el Programa R3 de CDBG-DR para participar en un programa de mitigación en el futuro, mantendrán la subvención del Programa R3 de CDBG-DR en pausa hasta se establezca un programa de mitigación de vivienda bajo CDBG-MIT”¹⁵

¹⁴ Comentarios Públicos APA4, a la pág. 164.

https://www.cdbg-dr.pr.gov/download/borrador-revisado-sometido-a-hud-para-evaluacion-y-aprobacion-final/?ind=1594482527315&filename=1-A_Public%20Comments%20and%20Responses_ES.pdf&wpdmdl=12322&refresh=5f7b96bfafcf21601935039

¹⁵ Guías del Programa R3 (V.8), a las págs. 71-72,

https://cdbg-dr.pr.gov/download/programa-de-reparacion-reconstruccion-o-reubicacion/?ind=1600963463286&filename=HSN_R3_Guidelines_Program%20Guidelines_v8.pdf&wpdmdl=6380&refresh=5f7b98689e0951601935464

Sin embargo, esta enmienda a las guías no aclara cómo se atendería la necesidad de vivienda temporera del solicitante que mantenga la subvención del Programa R3 en suspenso mientras evalúa las alternativas de mitigación. Además, tampoco se elimina la prohibición de reconstrucción en estas zonas una vez se desarrollen medidas de mitigación de riesgo. Por esto, **Hispanic Federation solicita que se atienda la necesidad de vivienda temporera de aquellos solicitantes que deseen permanecer en su comunidad mientras se evalúan alternativas de mitigación.** También, el Departamento de la Vivienda debe aclarar expresamente si en aquellos casos en que se logre mitigar en zonas de riesgo, se permitirá la reconstrucción en lugar de reubicación.

7. Por otra parte, este programa no atiende efectivamente la realidad de personas que no tienen título de propiedad. **No queda claro si finalmente será necesario obtener un título de propiedad para poder acceder a los beneficios del programa.** Según expresamos, es desafortunado el que se condicione a poseer un título de propiedad para poder recibir las ayudas.
 - o **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** Favor referirse a la discusión en el comentario número uno (1) de Hispanic Federation en esta sección, a las páginas 3 a la 6 de este escrito.
 - o **ACTUALIZACIÓN DEL COMENTARIO DE HISPANIC FEDERATION:** Favor referirse a la discusión en el comentario número uno (1) de Hispanic Federation en esta sección, a las páginas 3 a la 6 de este escrito.

COMENTARIOS NUEVOS DE HISPANIC FEDERATION EN PROGRAMAS DE VIVIENDA PARA LA QUINTA ENMIENDA SUSTANCIAL

Programa de Instalaciones Comunitarias de Resiliencia Energética y Abastecimiento de Agua

8. Coincidimos en que los efectos negativos causados por los huracanes Irma y María fueron catastróficos para las comunidades en Puerto Rico y que no ha mejorado en los siguientes tres años. No obstante, hay que establecer que no todos en Puerto Rico sintieron los mismos efectos. Por esta razón es de suma importancia que los programas de resiliencia se creen tomando en consideración a los más vulnerables para alcanzar justicia social. Por esto, **Hispanic Federation recomienda:**
 - o Comenzar la implementación del programa lo antes posible y hacerlo por las zonas donde el sistema eléctrico está más vulnerable. **Especialmente los últimos que fueron reconectados luego del huracán María.**
 - o Utilizar los fondos para sistemas de **energía solar con baterías, descentralizados, ubicados en techos**, que puedan operar durante emergencias y proveer energía mínima para garantizar la vida.
 - o Utilizar equipos que sean certificados por la Autoridad de Energía Eléctrica para realizar medición neta, pero dejarlo a discreción del beneficiario.

- o Crear mecanismos que cubran la **totalidad del costo** de los sistemas solares a las **familias de niveles socioeconómicos bajos y moderados**.
- o Dar prioridad a personas cuya vida dependa de máquinas como respiradores artificiales o equivalentes

PLANIFICACIÓN

Programa de Planificación Integral de la Resiliencia Comunitaria

9. Este programa representa una oportunidad para permitir que comunidades ubicadas en zonas de alto riesgo, **de así quererlo**, puedan permanecer en sus comunidades en lugar de ser relocalizadas, según ya explicamos en los comentarios al Programa R3. Sin embargo, **las guías del programa deben ser revisadas para que integren las recomendaciones de participación ciudadana** discutidas más adelante en este documento y considerar los proyectos de mitigación contenidos en los Planes de Mitigación Municipales y Plan de Mitigación Estatal. Además, el Departamento de la Vivienda debe **reasignar fondos para, además de planificar, implementar proyectos específicos de resiliencia comunitaria desarrollados por las propias comunidades bajo este programa.**
 - o **RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA:** No fue atendido en los Comentarios Públicos APA4.
 - o **ACTUALIZACIÓN DEL COMENTARIO DE HISPANIC FEDERATION:** El 27 de julio de 2020, Hispanic Federation y un grupo de organizaciones preguntaron al Departamento de la Vivienda ¿cómo se relacionan los proyectos de mitigación bajo el CDBG-MIT con los proyectos de mitigación que se deben planificar con las comunidades bajo el Programa de Planificación Integral de la Resiliencia Comunitaria del Plan de Acción para los fondos CDBG-DR? El Departamento de la Vivienda respondió: “Estamos de acuerdo que los esfuerzos de planificación tales como el Programa de Planificación Integral de la Resiliencia Comunitaria (WCRP) y el Programa para la Recuperación Municipal (MRP) serán herramientas valiosas para las comunidades y para identificar posibles proyectos y actividades de mitigación. En la medida que el cronograma de los programas de CDBG-DR lo permita, el desarrollo del Plan de Acción de CDBG-MIT y el desarrollo de sus programas incorporarán el trabajo valioso que actualmente se realiza a través de CDBG-DR asistiendo en la alineación e identificación de proyectos y actividades potenciales de mitigación. Aunque MRP y WCRP continuarán proporcionando resultados en el transcurso del ciclo de los fondos de mitigación, el DV continuará alineando los programas y proyectos financiados a través de CDBG-DR y CDBG-MIT, aumentando la naturaleza cooperativa de estas dos subvenciones.” Sin embargo, **no hay una asignación de fondos específica** para implementar los proyectos que se desarrollen con las comunidades bajo el Programa de Planificación Integral de la Resiliencia Comunitaria. Por esto, Hispanic Federation reitera su comentario original.

ECONOMÍA

Programa de Cartera de Inversión en Desarrollo Económico

10. En nuestros comentarios ofrecidos en octubre de 2018, recomendamos establecer límites o **adjudicaciones máximas por proyectos e iniciativas** y este es uno de los programas que nos inspira a insistir en dicha recomendación. Este programa tiene **\$880 millones** asignados, lo que representa la mayor cuantía de dinero asignada a un programa económico en el Plan de Acción. Reiteramos que el programa **debe incluir adjudicaciones máximas por proyecto e iniciativas y establecer criterios claros y equitativos** para que la distribución de fondos responda a las "necesidades no satisfechas" de las comunidades, según requerido por el "Stafford Act". A su vez, recomendamos una moratoria en la implantación de este programa hasta que se establezcan dichos criterios con la transparencia y participación pública que amerita.

- RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA: *"El Programa de Cartera de Inversión en Desarrollo Económico, una vez inicie, se publicará más información en la página <http://www.cdbg-dr.pr.gov>. Detalles sobre este programa, incluidos los objetivos y resultados del programa, también serán publicados en la página web."*¹⁶
- HISPANIC FEDERATION REITERA SU COMENTARIO ORIGINAL

Programa de Mercadeo de Turismo y Negocios

11. En cuanto al Programa de Mercadeo de Turismo y Negocios, reconocemos como un paso en la dirección correcta que el programa ha reducido su partida de \$100 millones a \$25 millones. Solicitamos que los fondos se inviertan en la calidad, restablecimiento, mejoramiento y desarrollo de nuestros destinos locales, en especial aquellos que ayudan a la conservación del ambiente, fomenten el desarrollo endógeno y promuevan el turismo interno.

- RESPUESTA DEL DEPARTAMENTO DE LA VIVIENDA: No fue atendido en los Comentarios Públicos APA4.
- HISPANIC FEDERATION REITERA SU COMENTARIO ORIGINAL

¹⁶ Comentarios Públicos APA4, a la pág. 164.

https://www.cdbg-dr.pr.gov/download/borrador-revisado-sometido-a-hud-para-evaluacion-y-aprobacion-final/?ind=1594482527315&filename=1-A_Public%20Comments%20and%20Responses_ES.pdf&wpdmdl=12322&refresh=5f7b96bfafcf21601935039

COMENTARIOS NUEVOS DE HISPANIC FEDERATION EN PROGRAMAS DE ECONOMÍA PARA LA QUINTA ENMIENDA SUSTANCIAL

Programa de Renacer Agrícola

12. El 14 de agosto de 2020, el Departamento de la Vivienda publicó las Guías del Programa Renacer Agrícola de Puerto Rico sin un proceso de participación ciudadana para su desarrollo y solo dos semanas antes de que el programa abriera para recibir solicitudes. Por esto, Hispanic Federation presenta sus recomendaciones en busca de mejorar y facilitar el **acceso justo** de estos fondos al sector agrícola.

- o Las guías reconocen que el 75% de agricultores en Puerto Rico tienen una venta anual de menos de \$10,000.00, por lo que alrededor del 80% de nuestros agricultores caen en el NIVEL 1 de subvenciones de \$25,000 hasta \$50,000. Por esto, para asegurar una distribución equitativa que cumpla con el objetivo nacional de beneficiar a las personas con ingreso bajo o moderado, **el 75% de los fondos de este programa se deben destinar a los pequeños agricultores que representan la mayoría del sector agrícola.**
- o Se debe definir lo que es una finca familiar pequeña en el contexto de Puerto Rico e identificar puntualmente quienes son prioridad para recibir estas subvenciones. Según el censo agrícola de 2012, existen alrededor de 13,159 fincas en Puerto Rico. De estas, 40% son de menos de 10 acres de tierra y 20% de sólo 10 a 20 acres.
- o Recomendamos sustituir el término “empresa agrícola” por agricultor o productor y/o pescador. Además, emitir instrucciones específicas para el sector pesquero.
- o **Proveer y maximizar la asistencia técnica** para asegurar que cualquier agricultor pueda completar el proceso de solicitud, incluyendo el plan de negocios, y los requisitos posteriores a la otorgación de la subvención.
- o Flexibilizar la documentación requerida para que los agricultores puedan comprobar la tenencia de las tierras donde mantienen su producción. Esto, al igual que se ha reclamado bajo el Programa R3. Además, enmendar el requisito de contrato de arrendamiento a 15 años y reducir dicho término para que responda al uso de la subvención y/o cosecha, si es permitido por el marco regulatorio.
- o Flexibilizar la evidencia requerida para comprobar la experiencia o capacidad en el manejo agrícola, ya que hay agricultores con vasta experiencia que nunca han tenido patrono y/o estudios formales. Posibles indicadores de experiencia agrícola son:

- Declaración jurada del agricultor explicando cómo ha obtenido su experiencia
- Certificaciones de clientes que han consumido el producto del solicitante y puedan dar fe sobre el tiempo que lo han consumido.
- Certificación de centros agrícolas u otro mercado en los que el agricultor compra los materiales e insumos para la operación de la finca. La certificación podría especificar el tiempo que lleva como cliente.
- “Vouchers” emitidos por el Departamento de Agricultura para la compra de materiales e insumos.
- Incentivos recibidos de otras agencias u organizaciones no gubernamentales
- Registro de la finca en Farm Service Agency
- Registro como agricultor bonafide
- Registro de comerciante como agricultor o elaborador, o cualquier otra categoría relacionada a la actividad agrícola.
- Certificación de mano de obra o trabajadores que han colaborado en la producción de la finca
- Certificación de los equipos, sistemas de contabilidad y administración que utiliza en su finca
- Registro de inventario y mantenimiento de equipo
- Registro de ventas y compras
- Evidencia de cualquier herramienta de mercadeo utilizada para promover la venta de su producción
- Certificación de otros agricultores que conozcan y puedan dar fe de la experiencia del solicitante.
- Afiliación a asociaciones y organizaciones de agricultores que puedan dar fe de su trabajo como productor agrícola.

La combinación de uno o más de estos u otros indicadores pueden comprobar la experiencia o capacidad en el manejo agrícola del solicitante.

- o Eliminar el requisito de puntaje de crédito, ya que la isla atraviesa por una crisis económica intensificada por los huracanes, terremotos y pandemia.
- o Garantizar la inclusión de las partes de interés del sector agrícola y pesquero para enmendar las Guías del Programa, en especial a los agricultores y pescadores, para así lograr que el programa responda a las necesidades reales del sector.

RECOMENDACIONES GENERALES REITERADAS POR HISPANIC FEDERATION EN LA QUINTA ENMIENDA SUSTANCIAL

Adjudicaciones máximas en todos los programas

Recomendamos que todos los programas tengan adjudicaciones máximas de fondos por proyecto o iniciativa con el fin de salvaguardar su uso responsable y la competitividad de organizaciones o entidades locales de base comunitaria al asignarlos. Esto, aunque los fondos estén distribuidos a través de otras agencias o entidades. Como mínimo, deben establecerse criterios o medidas que velen por el mejor uso de los fondos cuando sean administrados por otras agencias, entidades u organizaciones.

Los fondos de recuperación deben incentivar la economía local

El Departamento de la Vivienda debe priorizar la selección de organizaciones e instituciones locales al asignar fondos de recuperación para que la inversión permanezca en las comunidades de Puerto Rico. Otra prioridad, es buscar alternativas para **eliminar los requisitos de reembolso** que imponen los programas, ya que las organizaciones o compañías locales no tienen el dinero para hacer la inversión inicial.

Necesidades No Satisfechas

El Departamento de la Vivienda está en la obligación de identificar y utilizar “la mejor información disponible” para el diseño e implementación de los diferentes programas y la política pública contenida en este plan. La identificación de todo Puerto Rico como “Área Más Afectada” invisibiliza sectores que se vieron desproporcionalmente afectados y, en muchas ocasiones, ni siquiera figuran en los casos de la Administración de Pequeños Negocios, porque un préstamo no atendía sus necesidades. La **identificación real y efectiva de las áreas más afectadas y necesidades no satisfechas** es la responsabilidad principal del Departamento de la Vivienda antes de desarrollar e implementar este plan.

El análisis presentado en el Plan de Acción aún carece de un componente espacial necesario para desarrollar esta caracterización de la población más afectada y necesidades no satisfechas responsablemente. Los datos provistos por FEMA son información pública que debe estar accesible al público. Sin embargo, los datos agregados publicados se encuentran por código postal (zip-code), cuando dicha escala no es lo suficientemente específica para este tipo de análisis.

En este contexto, escalas más locales y comunitarias de los datos son necesarias para una distribución justa de los recursos disponibles. Los datos de necesidades no cubiertas deben sobreponerse en comparación al análisis de “Impacto en la Demografía” usando el Índice de Vulnerabilidad Social. Por esto, **solicitamos al Departamento de Vivienda que exija a FEMA y publique escalas más locales y comunitarias que le permitan identificar efectivamente las “Áreas Más Afectadas” y necesidades no satisfechas por los huracanes**

Irma y María en Puerto Rico. Esta es la única forma de lograr una distribución justa de los fondos de recuperación.

Rechazar la implementación injusta de las Zonas de Oportunidad

En febrero de 2020, Hispanic Federation endosó los comentarios públicos del **Movimiento de Vivienda Digna** sobre la implantación de las Zonas de Oportunidad en Puerto Rico y el Reglamento para implantar las disposiciones de las Secciones 6070.54-6070.69 de la Ley Núm. 60-2019, conocida como el “Código de Incentivos de Puerto Rico”, presentados ante el Departamento de Desarrollo Económico y Comercio. Entre otras cosas, los comentarios explican las siguientes deficiencias respecto a la implementación de dichas zonas:

“El 95% de Puerto Rico está designado una Zona de Oportunidad bajo los parámetros federales. Evidentemente, esta designación no prioriza el dirigir las inversiones a donde más se necesitan en el país. Por el contrario, esta designación generalizada garantiza la asignación de incentivos a lugares que actualmente no experimentan depresión económica alguna”.¹⁷

“La ley de zonas de oportunidad no establece mecanismos de transparencia y participación en los que se respeten los derechos e intereses de las comunidades impactadas. Por el contrario, según legislada, la lista de proyectos prioritarios se decide a puertas cerradas por el Comité de Proyectos Prioritarios (Comité) adscrito a la Oficina de la Gobernadora y sin tener que cumplir con la LPAU”.¹⁸

“Además, la ley establece un mecanismo “fast track” para aprobar los permisos de dichos proyectos ante la Oficina de Gerencia de Permisos (OGPe). Nuevamente, coartando la transparencia y participación pública”.¹⁹

A pesar de dichas deficiencias, en el Resumen Ejecutivo del Plan de Acción, a la página xvii, el Departamento de la Vivienda admite que apoya la implementación de las Zonas de Oportunidad. En particular, expresa lo siguiente:

“La legislación de Zonas de Oportunidad tiene el fin de atraer capital de inversión mediante una oportunidad singular de beneficio contributivo para invertir ‘ganancias de capital reconocidas’ en Zonas de Oportunidad Cualificadas. Con el Programa de Zonas de Oportunidad, los estados nominan comunidades de bajos ingresos para que sean designadas como zonas de oportunidad cualificadas que serán elegibles

¹⁷ Véase, los comentarios públicos del **Movimiento de Vivienda Digna** sobre la implantación de las Zonas de Oportunidad en Puerto Rico y el Reglamento para implantar las disposiciones de las Secciones 6070.54-6070.69 de la Ley Núm. 60-2019, conocida como el “Código de Incentivos de Puerto Rico”, presentados ante el Departamento de Desarrollo Económico y Comercio en febrero del 2020.

¹⁸ Id.

¹⁹ Id.

para el beneficio contributivo. En el caso de Puerto Rico, el 95% de la Isla se ha clasificado como una zona de oportunidad cualificada.

*Las zonas de oportunidad son designadas por el departamento del tesoro de los estados unidos y el servicio de rentas internas, y representan una oportunidad crucial para el renacer y la revitalización de la Isla. **En consonancia con este énfasis del plan de recuperación económica y de desastre, la primera enmienda sustancial incluye el apoyo para facilitar la implementación exitosa de estas zonas esenciales para apalancar eficazmente el capital privado y los fondos federales a fin de estimular la recuperación económica. Según los requisitos aplicables, dicho apoyo puede ser para proyectos discretos y 'aislados' o para facilitar, de forma más abarcadora, iniciativas de desarrollo económico, incluidas la creación de empleos, la eliminación de áreas deterioradas e iniciativas de infraestructura.**" (énfasis suplido)²⁰*

Por esto, solicitamos al Departamento de la Vivienda reconocer las deficiencias de las zonas de oportunidad y no apoyar su implementación hasta tanto sean subsanadas por la legislatura mediante un proceso transparente y participativo.

Transparencia y Acceso a la Información

El Departamento de la Vivienda tiene el deber de informar y educar al pueblo sobre los recursos disponibles para la recuperación, alternativas evaluadas y decisiones tomadas por la agencia. Además, debe identificar mecanismos efectivos de comunicación conforme a la realidad y diversidad de las comunidades.

Entre las prácticas de transparencia que recomendamos en el 2018, incluimos las siguientes:

- a. Publicación de todo contrato, con alguna información que la Oficina del Contralor no incluye como categorías de descripción del uso, justificación y producto de los fondos. Si está disponible, debe incluir un enlace a la página web del contratista.
- b. Publicación de toda subcontratación, ofreciendo la misma información que el contratista.
- c. Se deben publicar los documentos y criterios utilizados (técnicos y de política pública) para la selección de socios, propuestas y proyectos. Igual así, con cada decisión que afecte procesos.

²⁰ Véase, Quinta Enmienda Sustancial al Plan de Acción para el uso de los fondos CDBG-DR en respuesta a los huracanes Irma y María, Departamento de Vivienda de Puerto Rico, a las **páginas xv-xvi**.

[https://www.cdbg-dr.pr.gov/en/download/action-plan-amendment-5-substantial-amendment/?ind=1599767012369&filename=Action%20Plan%20Amendment%205_Substantial_EN%20\(DRAFT%20FOR%20PUBLIC%20COMMENT\).pdf&wpdmdl=13941&refresh=5f7b109846f001601900696](https://www.cdbg-dr.pr.gov/en/download/action-plan-amendment-5-substantial-amendment/?ind=1599767012369&filename=Action%20Plan%20Amendment%205_Substantial_EN%20(DRAFT%20FOR%20PUBLIC%20COMMENT).pdf&wpdmdl=13941&refresh=5f7b109846f001601900696)

- d. Se debe publicar una guía de criterios de elegibilidad para la posible participación en cada programa o iniciativa.
- e. Mantener un portal web con toda la información utilizada para el proceso de toma de decisiones incluyendo: reportes, estudios, tablas, capas de información geográfica, inventarios, etc. Esto debe identificar la fuente de la información.
- f. En los casos de Programas que su distribución funcionara con un Modelo de Sociedad, ofrecer detalles de las expectativas y modelos preliminares de los tipos de contratos que se ofrecerán y cómo será la relación entre contratados, socios y las agencias gubernamentales.
- g. Creación de plataforma virtual donde se pueda acceder al progreso de proyectos y se pueda comentar sobre el mismo.
- h. Desarrollo de videos y/o cápsulas educativas contestando preguntas frecuentes.

Reconocemos el progreso que el Departamento de la Vivienda ha tenido respecto a mantener un portal web con los contratos, guías de programas aprobadas, entre otra información. Además, reconocemos los esfuerzos recientes respecto a “webinars” informativos y reuniones con organizaciones y comunidades. Sin embargo, le exhortamos a continuar ampliando los esfuerzos de transparencia según recomendado en estos comentarios.

Basándonos en la experiencia de estos pasados años, deseamos añadir las siguientes recomendaciones en cuanto a este tema:

- a. Establecer un listado de costos unitarios por categoría que limite los costos añadidos en cambios de órdenes.
- b. Reglamentar topes porcentuales para cambios de órdenes. Estos topes deben estar incluidos a todos los niveles de la reglamentación (i.e. plan, definición de programas, guías, reglamentos, etc.).
- c. Establecer topes porcentuales de los fondos asignados a cada programa para gastos no-relacionados al servicio directo que pretende ofrecer el programa en sí, incluyendo los costos de diseño, promoción y manejo.

Participación Ciudadana

Las comunidades son los grupos de personas que mejor conocen sus necesidades y son el primer grupo de auxilio para sus residentes después de un desastre natural. Por esto, su conocimiento es crítico a la hora de establecer prioridades, objetivos y criterios para desarrollar un plan de recuperación, como lo es el Plan de Acción, Planes de Resiliencia Comunitaria, programas y guías de implementación. A su vez, es necesario que las **comunidades se apoderen e integren en los procesos de planificación y desarrollo de programas desde su génesis**, para que la inversión de fondos públicos sea sostenible a largo plazo.

Cada comunidad tiene una **composición única de personas de interés**, entre estos, residentes, comerciantes, organizaciones sin fines de lucro, municipios, etc. Las personas que serán afectadas por las decisiones del gobierno deben participar efectivamente en el proceso de toma de decisiones. Cada persona de interés tiene una perspectiva que aportar en la solución de problemas.

El gobierno tiene la **responsabilidad de identificar y utilizar los mejores mecanismos de alcance y comunicación para lograr que dichas personas se integren oportunamente en los procesos de toma de decisiones**. Los mecanismos de alcance deben ser aquellos que faciliten la **retroalimentación de la comunidad**.

Es necesario que el gobierno provea los **recursos y la asistencia técnica objetiva y necesaria para que las comunidades puedan emitir una opinión informada** en los procesos de planificación. Cuando hablamos de **información objetiva**, nos referimos a información que ayude a **comprender el problema, conocer todas las alternativas y retos que se deben considerar para solucionarlo**. Esto puede integrar mecanismos como reuniones directas, talleres de trabajo, visitas de campo o cualquier otro mecanismo remoto necesario para lograr el objetivo de informar.

Una vez la comunidad entienda el problema, las alternativas y exprese su voluntad, la agencia debe **diseminar los resultados y explicar cómo se está analizando y estructurando la información obtenida**. Los canales de comunicación deben ser constantes y transparentes. Que la comunidad sepa que son parte real en el proceso.

Luego de absorber y analizar la data, corresponde a las agencias **aplicar su peritaje y traducir dicha voluntad a propuestas técnicas fundamentadas en su conocimiento especializado y la discusión democrática obtenida a través de los procesos participativos**. La propuesta de la agencia debe presentarse nuevamente a la comunidad para validar que las necesidades y preocupaciones de la gente fueron atendidas responsablemente. **La decisión final de la agencia debe responder a la validación final de la comunidad y el peritaje de la agencia**.

El 1 de octubre de 2020, el Departamento de la Vivienda publicó la cuarta versión del **Plan de Participación Ciudadana**²¹, el cual por primera vez integra una descripción del **Comité de Asesoría Ciudadana para CDBG-DR y CDBG-MIT**. Hispanic Federation **advierte** al Departamento de la Vivienda que en las reuniones llevadas a cabo por la agencia para poder constituir dicho comité han surgido un sin número de cuestionamientos serios respecto al propósito, estructura, poderes y funcionamiento del colectivo. No es tan sencillo como establecer una estructura del comité unilateralmente por la agencia a través

²¹ Plan de Participación Ciudadana CDBG-DR,
<https://cdbg-dr.pr.gov/?wpdmdl=9455&ind=1601569002589>

de una enmienda al Plan de Participación Ciudadana. **Por esto, Hispanic Federation solicita al Departamento de la Vivienda atender de forma inmediata los reclamos presentados por las organizaciones, instituciones e individuos que han participado de las reuniones del comité.**

Además, solicitamos que el Departamento de la Vivienda reconozca que los miembros del comité no sustituyen a las voces de todas las comunidades alrededor de la isla. Aunque las voces de cada uno de los miembros del comité representan a ciertos grupos, es importante que el Departamento de la Vivienda trabaje directamente y de la mano con las comunidades. **Hispanic Federation recomienda que el comité tenga facultad para exigirle a la agencia formas o procesos que logren el trabajo directo y efectivo con las comunidades.**

A su vez, **recomendamos que se establezca un mecanismo para que el comité pueda solicitar la publicación de información, data y/o análisis para el beneficio de todas las comunidades, organizaciones e instituciones a nivel nacional.** Recientemente la agencia publicó unas guías o políticas para regular las solicitudes de información o documentos públicos que haga cualquier persona o entidad. Sin embargo, existe información pública que el pueblo tiene derecho a conocer y no debería estar sujeta a que una persona, organización o entidad la solicite. La verdadera transparencia permite el acceso a la información pública para todos por igual. El acceso a esta información facilita el análisis y los procesos de recuperación en el país.

Inclusive, **recomendamos establecer un mecanismo de rendición de cuentas para aquellos casos en que la agencia no adopte o apruebe las propuestas, solicitudes y requerimientos del comité.** Que no se quede en un comité proforma sin efecto real sobre las decisiones que impactan al país.

Por esto, Hispanic Federation **solicita al Departamento de la Vivienda enmendar el Plan de Participación Ciudadana integrando todas las recomendaciones de transparencia y participación ciudadana presentadas en estos comentarios.** Además, solicitamos que dicho plan se **enmiende para permitir que cualquier persona pueda proponer enmiendas sustanciales y no sustanciales al Plan de Acción.**

Los mismos requisitos de transparencia y participación ciudadana que se adopten por el Departamento de la Vivienda deberán ser impuestos a todas las agencias, organizaciones o instituciones que administren o tengan injerencia en los fondos federales de desastres. En particular, los requisitos deberán ser integrados en los Memorandos de Entendimiento que existan entre el departamento y dichas instituciones.

Durante todo el proceso de recuperación, el Departamento de la Vivienda debe tener la voluntad de estar en contacto directo con el pueblo. Que el Plan de Acción no sea un plan ajeno a la realidad de la gente que, a más de tres años de los huracanes Irma y

María, no han recibido la ayuda que necesitan y han tenido que enfrentar terremotos y pandemia en un estado de vulnerabilidad.

Política pública de no discriminación

Las emergencias y procesos de recuperación no deben ser subterfugio para discriminar. El Departamento de la Vivienda debe establecer una política pública expresa en el Plan de Acción de cero tolerancia ante cualquier forma de discrimen y adoptar mecanismos para implementarla. En específico, no se puede permitir que ninguna agencia, organización y/o institución que reciba y maneje fondos públicos para atender la recuperación discrimine de forma alguna contra una persona.

Conclusión

El proceso de enmienda al Plan de Acción es una oportunidad para que el Departamento de la Vivienda mejore las políticas públicas adoptadas en dicho plan. Esperamos que los comentarios aquí presentados sean de utilidad para lograrlo.

Cordialmente,

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October 8, 2020

Puerto Rico Department of Housing
CDBG-DR program

Re: Keeping the Puerto Rico By Design Program in the CDBG-DR Action Plan

To whom it may concern:

I am writing to urge the Puerto Rico Department of Housing and CDBG-DR program to keep the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan and hereby ask for reconsideration of this important program.

Hurricane Maria was a wakeup call to Puerto Rico. The subsequent earthquake and health challenges make it clear that we must rebuild our island in ways that are innovative, sustainable and will set us up for the future.

One lesson experts, officials and communities drew from the impacts of Hurricane María is that it would not be enough to simply repair damage or just follow traditional engineering technics/projects that could not withstand events like María which are becoming more and more frequent; it is imperative to rebuild with a holistic and innovative approach with an eye to a climate-changed future.

The inclusion of the Puerto Rico by Design in Puerto Rico's Action Plan for the CDBG-DR two years ago was a step in the right direction. The program was based on the success of the *Hurricane Sandy Rebuild by Design Competition* and *National Disaster Resilience Competition*, a model that used disaster recovery funds to create new approaches to flood infrastructure, economic development, and in creating resilient communities. The federal government has realized that even the best sustainability plans historically haven't been thinking comprehensively enough about the vulnerabilities cities, regions and islands face and has seen in the beforementioned models as a way to plan better in a more holistic and innovative fashion.

There are many elements in the Rebuild by Design Program that would benefit Puerto Rico:


- Highly adaptability to meet environmental, social and economic needs , timelines and goals.
- Include extensive community and local government engagements speeding up processes and acceptance of projects from the start. Additionally, it generates better designs and ultimately provides critical local support and legitimacy for building the projects.
- Interdisciplinary approaches to ensure that we do not build back the way we were before. Every investment should have co-benefits.
- Working with communities and local governments before projects are designed ensures that the end product is responsive to the communities' various needs and the infrastructure will be built with support.
- The use of the world's best practices and the most forward-thinking infrastructure solutions by the experts of the world with the input of communities and local government entities.
- A track-record of working with hundreds of community organizations and local professionals. This program can ensure that we build capacity locally by enabling local architects, engineers and designers to build their practices in Puerto Rico at the same time as educating our communities about future risks and possible solutions.

- Focus on implementation and take a multi-benefit approach, meaning that project proposals are both realistic and protect against vulnerability while also providing benefits during non-disaster times such as addressing our health, water transportation, economic development, future, etc.

We share the goal of moving quickly to build back Puerto Rico from Maria in a more holistic approach to protect the archipelago from future disasters. That is why it is imperative that the Puerto Rico By Design program is kept in the 5th Amendment of the CDBG-DR Action Plan and have the program launch as soon as possible. Many residents of Puerto Rico, communities, local governments, among many other local stakeholders are looking forward to partnering with this initiative.

The CDBG-DR funds are an opportunity to finally re-think how our communities can respond to the shocks and stresses of climate change. We should not let this opportunity go to waste. I respectfully request the Puerto Rico Department of Housing and CDBG-DR program to keep the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan.

Sincerely,

Hector Velez, Esq. 
San Juan, Puerto Rico



BARRIO ELÉCTRICO

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ALISON MASON
DIRECTOR OF TECHNOLOGY
BARRIO ELÉCTRICO
UTUADO, PUERTO RICO

OCTOBER 10, 2020

Department of Housing
Government of Puerto Rico
San Juan, Puerto Rico
infoCDBG@vivienda.pr.gov

Re: Barrio Eléctrico Comments on the 5th Amendment to CDBG-DR Action Plan for Puerto Rico

Barrio Eléctrico is a 501(c)3 nonprofit working to make resilient solar energy available to all Puerto Ricans under a community model to support residential installations. Our model leverages private investment, philanthropy, and community banking to lower the monthly payment to fit into each households' budget. Because Barrio Eléctrico was created by a handful of civic-minded individuals to address the lack of resilient energy systems that hurricane Maria exposed, we have a stake in the design of the CDBG-DR Action Plan and particularly the Community Energy and Water Resilience Installations Program. While we recognize the equal importance of water resilience, we focus our comments on electricity.

Since its inception, electricity infrastructure has been considered a public good, worthy of public funding and answerable to the public interest. In Puerto Rico, the twelve months that thousands of families suffered without electricity after hurricanes Irma and Maria have made the case that one model of electricity system outshines all others in efficacy, economy, and public benefit. That model is a battery-based solar system installed on each home. To be resilient, these systems must provide energy for the necessities of modern life – refrigeration, light, communication, and home medical equipment. To be affordable, these systems must be no larger than necessity dictates. To be effective, they must use quality components and be installed by qualified contractors. To satisfy their users, they must be accompanied by education and a community of support. These principles and concepts have been integrated into the Residential Solar Program of Barrio Eléctrico and offered to the families who are members of our community partners.

The Community Energy and Water Resilience Installation Plan described in the CDBG-DR Action Plan responds to the need, identified through inclusive stakeholder listening sessions, to implement solutions that immediately strengthen the access of vulnerable communities to electricity and water in their homes during ongoing and future natural disasters. It seems clear, and we agree, that the vulnerable communities with the highest priority are those that were left without power for the longest after hurricane Maria, contributing heavily to tragic loss of life.

The Action Plan correctly identifies these solutions as photovoltaic systems with battery storage, on an individual home level. This is important because if people have to leave their home in or after a natural disaster to access electricity, the disruption to their lives compounds the threat to their health and wellbeing and their ability to sustain economic activity and prosper.

Insofar as the proposed 5th amendment maintains the level of funding and clarifies eligibility for the funds, we find it to be logical and appropriate, as it streamlines the qualification process to current beneficiaries of PRDOH who, by definition, meet the test of being economically vulnerable. This is the population that will experience the greatest benefit from access to resilient solar energy in their homes.

It is important, however, that economically vulnerable families who have either not applied for or not qualified for housing assistance also be included in the public funding of resilient solar energy systems. This population includes many rural families who could form the backbone of a robust local economy and who contribute greatly to the island's prosperity when they are able to carry on with their daily activities because they have reliable daily access to electricity in their homes. If this population cannot be included in the Community Energy and Water Resilience Installations allocation of funds, then another source of public funds must be identified.

We identify five ways the Community Energy and Water Resilience Installations Program can deliver more value to the public for the allocated funds:

1. The photovoltaic systems should have enough capacity for a family to remain in their home and continue with their daily activities for months (since that is what has happened and is certain to happen again) – i.e. a system that only takes care of critical loads (as stated in the 5th amendment) is a poor use of funds because for a modestly larger investment, a full complement of necessary loads can be sustained and normal economic life can continue. The mental wellbeing that comes with possession of a reliable supply of electricity cannot be overvalued. We suggest that a PV system with a capacity of 2 kW be used as the standard and consider bigger systems if required by medical treatment.
2. The systems should be offered in only one size of 2 kW peak production and a limited variety of equipment models. This will bring down the cost of the system and streamline operation and maintenance of the systems in the long term.
3. The systems should be free to the recipient only in rare cases of extreme need. It is well understood that human nature leads us to care more for things we buy ourselves. The public funds should serve to reduce the monthly cost to the recipient to fit within their budget and below the cost of utility-provided power.

4. The public funds, supplied by the taxpayer, should be leveraged with private investment, allowing each dollar to go much further in reducing the vulnerability of the population to be served.
5. The funds should in every way work to make families more resilient, communities self-sufficient, and economies thrive; for this reason, the solar systems should be installed by a broad coalition of smaller installers scattered about the island. This also results in distributing solar know-how throughout the island and therefore with easier access to systems otherwise isolated by flooding and mudslides.

Smart allocation of public funds means expanding the reach of those public funds by matching with other sources of money. For example, \$100 million in public funding allocated to outright purchase of resilient solar-plus-battery systems meets most of the consumption of approximately 10,000 low and middle income (LMI) homes. That same \$100 million in public funding of Barrio Eléctrico's community-supported residential solar program leverages private investment to reach 40,000 homes.

Smart allocation of public funds means ensuring the systems deliver the energy needed the day they are installed and 20 years later. A system purchased outright often leaves the household confused and dissatisfied because they don't understand how to live within a solar energy budget. Those 40,000 Barrio Eléctrico households would receive a 20-year warranty with ongoing services and energy management counseling as well as insurance and technological updates.

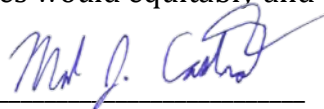
In short, the proposed 5th amendment to the Community Energy and Water Resilience Installations Program is well-intended and goes partway to meeting the need for island-wide energy resilience. Attention to the five points listed above and identification of funding for all of the 300,000 or so households that were left more than 4 months without power after the 2017 hurricanes would equitably and elegantly close the gap.



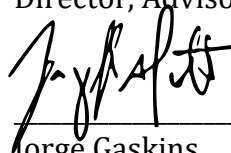
Dr. Fernando Abruña
Trustee, Advisor



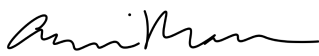
Lauren Rosenblatt
Trustee, Executive Director



Dr. Marcel Castro-Sitiriche
Director, Advisor



Jorge Gaskins
Director of Community Relations



Alison Mason
Director of Technology



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

October 9, 2020

Mitchelle Méndez Castañeda
Director of Disaster Recovery
Puerto Rico Department of Housing
Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, PR 00928-1365

RE: EPA Feedback to the CDBG-DR Substantial Amendment DRAFT of Action Plan 5

Dear Ms. Méndez Castañeda:

Thank you for your commitment and work assisting disaster survivors in Puerto Rico in the aftermath of Hurricanes Irma and María. As you may know, since the initial stages of the emergency, the U.S. Environmental Protection Agency (EPA) has been helping Puerto Rico respond to the damages caused by these hurricanes to ensure the protection of human health and the environment. Among our continuing key priorities, we have been actively engaged in life-sustaining efforts and temporary assistance in ensuring that the public has access to clean drinking water, minimizing illegal discharges of pollutants to the waterways and in collecting and disposing of orphan containers and household hazardous waste (HHW), among many other activities. EPA is also working in collaboration with FEMA, the Government of Puerto Rico, local authorities, non-governmental organizations (NGOs) and communities to ensure that all disaster related response and recovery activities result in a more resilient Puerto Rico and a safer, more sustainable society.

The federal government and local governments, for more than 45 years since the creation of the EPA, share the responsibility of protecting human health and the environment. This shared responsibility facilitates exchanges of best practices, expertise, and much more. An effective environmental protection between the federal and local governments is best achieved when they work together with communities in a spirit of trust, collaboration and partnership. To this end, we want to thank you for the opportunity provided to submit our feedback on the *CDBG-DR Substantial Amendment DRAFT of Action Plan 5* that proposes changes to streamline the Puerto Rico Community Development Block Grant-Disaster Recovery (CDBG-DR) program portfolio, and provides clarification and expansion of activities and description of programs.

EPA's Caribbean Division hereby provides comments to the *CDBG-DR Substantial Amendment DRAFT of Action Plan 5*, addressing public health, environmental, housing, infrastructure and economic development issues for the Puerto Rico Department of Housing's (PRDOH) consideration in developing the final Amended Action Plan 5 for the approval of the U.S. Department of Housing and Urban Development (HUD).

1. **Opportunities for improvements to solid waste infrastructure** – A strong infrastructure is needed for management of materials, debris and solid waste to bring resiliency and sustainability to communities. Possible assistance for solid waste infrastructure through FEMA funds is limited due to programmatic constraints and disaster-related damages that were not claimed or properly substantiated before FEMA. In 2018, EPA found that at least 31 municipalities in Puerto Rico had possible damages related to solid waste that were not claimed due to limited capacity in assessing solid waste infrastructure after Hurricanes Irma and Maria. The Critical Infrastructure Program provides great opportunities for municipalities to address solid waste infrastructure needs as the 2016 Puerto Rico Hazard Mitigation Plan considers landfills as critical infrastructure¹. However, EPA also values reducing the administrative burden for entities to implement faster, and more efficient activities that support a stronger and more robust infrastructure.

EPA's Caribbean Division recommends, for your consideration, further expanding the City Revitalization Program to allow municipalities to implement solid waste activities eligible under the CDBG-DR program. Comparable to the proposed expansion to create opportunities to establish Community Resilience Centers, eligible activities for solid waste improvements could have a dedicated budget under the City Revitalization Program. Since this program has already been deployed, further expansion to solid waste would expedite the implementation of solid waste activities. Investing in solid waste planning, infrastructure and economic development can help prevent or reduce the negative impacts of solid waste and debris before and after a disaster.

Through a FEMA Mission Assignment, EPA and the Puerto Rico Department of Natural and Environmental Resources (DNER) collected robust technical and budget information about the condition of solid waste landfills in Puerto Rico after Hurricanes Irma and Maria, which has been shared with the Puerto Rico Department of Housing. Also, a professional organization has documented detailed information about the status of solid waste in Puerto Rico². EPA recommends considering this information to update the unmet needs assessment to assist the scoping of the CDBG-DR programs.

2. **Transforming communities through creativity and innovation** – Locally led partnerships are the driving force to revitalize economies and improve environmental and human health outcomes across Puerto Rico. Embarking into a multi-stage, holistic rebuilding that looks across government services and considers the connections and interdependencies between infrastructure, social and economic systems at a regional scale is a challenging task. Nonetheless, the long-term benefits of such rebuilding approach are undeniable. In 2013, HUD launched a ground-breaking approach – the Rebuild by Design Competition – to promote innovation and creativity by developing regionally-scalable but locally-contextual solutions that increase resilience in the regions impacted by Hurricane Sandy. The competition model aimed to strengthen understanding of regional interdependencies, fostering coordination and resilience both at the local level and across regions. It also built the local capacity to a long-term endeavor, resulting in tangible opportunities for local job creation and reducing migration to other jurisdictions.

¹ Commonwealth of Puerto Rico. Agencia Estatal para el Manejo de Emergencias. (2016). *Puerto Rico Hazard Mitigation Plan*

² American Society of Civil Engineers. (2019). *Report Card for Puerto Rico's Infrastructure*. Available at: <https://www.infrastructurereportcard.org/wp-content/uploads/2019/11/2019-Puerto-Rico-Report-Card-Final.pdf> (Accessed: October 2 2020)

The Puerto Rico by Design Program provides a unique opportunity to rebuild alleviating long-term stressors (e.g., pollution, unemployment, lack of open space) from the bottom-up while other programs in the CDBG-DR portfolio increase resilience of existing infrastructure using a top-down approach. Traditional disaster recovery programs (such as FEMA Public Assistance and Hazard Mitigation) are currently evolving to support rebuilding rather than restoring communities as they were before a disaster. PRDOH can provide today a bottom-up, multi-sectorial planning, design and implementation opportunity to rebuild using innovation and creativity while spurring partnerships with local academia, private sector and communities to achieve everyday social, environmental and economic benefits. EPA's Caribbean Division recommends, for your consideration, keeping the Puerto Rico by Design Program in the PRDOH's CDBG-DR portfolio.

- 3. Comprehensive mapping tool and replicable framework** – Spatial data management (SDM) is a critical element for striving for environmental excellence. SDM can integrate regulatory and non-regulatory programs, guide resource planners, conserve program resources, highlight multiple environmental benefits, maximize watershed benefits, and is transparent and predictable to ensure resilience, sustainability and recovery.

A Watershed Resources Registry (WRR) is a tool that integrates multiple Sections of the Clean Water Act (CWA). The objective of the WRR is to map natural resource areas that are a priority for preservation or restoration. A major effort of the WRR process is a set of desirability analyses developed with sound science and the best professional judgment of regional experts, which will be used as a screening tool to target opportunity sites for the protection of high quality resources, restoration of impaired resources, and improvement of water resources.

The WRR can transform mitigation targeting away from a piecemeal approach, towards site selection based on the highest priority resource areas, those that offer the greatest benefit if preserved or restored. Each jurisdiction decides what qualities or factors are most desirable for each of the spatial analyses. For example, most jurisdictions would wish to encourage riparian restoration near impaired streams. Some jurisdictions would allow wetland restoration in forested areas while other jurisdictions would not. In this way, a WRR reflects each jurisdiction's priorities and values. A WRR also promotes collaboration between regulatory agencies at the jurisdiction and federal level, as well as between regulatory and non-regulatory agencies, and between the permit issuing body and the regulated agency or public.

Federal and local partners are working on a variety of SDM efforts and approaches under the recovery efforts. The PRDOH's CDBG-DR portfolio includes the Geospatial Program to work on SDM and other priorities. EPA's Caribbean Division recommends considering WRR to help enhancing collaboration by integrating SDM efforts and approaches between federal and local partners to protect human health and the environment.

- 4. Working to address an environmental and human health legacy issue** – Over 40 percent of the population living in Puerto Rico relies upon septic systems to dispose of domestic wastewaters. The prevalence of the septic systems is due to limited resources, soil conditions, and the lack of wastewater systems, including sewage piping and wastewater treatment plants. Septic systems are used to treat and dispose of relatively small volumes of wastewater, usually from houses and businesses located in suburban and rural locations not served by the centralized public sewer system (the Puerto Rico Aqueduct and Sewer Authority – PRASA).

Septic systems that are properly planned, designed, sited, installed, operated and maintained can provide excellent wastewater treatment. However, systems that are sited in densities that exceed the treatment capacity of regional soils and systems that are poorly designed, installed, operated or maintained can cause problems, which is the issue in Puerto Rico.

The PRDOH's CDBG-DR portfolio includes: the Home Resilience Innovation Competition Program, City Revitalization Program, Municipal Recovery Planning, Home Repair, Reconstruction, or Relocation Program, and Puerto Rico Geospatial Framework (GEOFRAME), to help affected communities, municipalities and local agencies to ensure resilience, sustainability, and recovery. EPA's Caribbean Division recommends considering septic systems as an unmet need and an area of improvement under the CDBG-DR portfolio.

EPA is committed to continue working with our federal and local partners in providing support to the Government of Puerto Rico in assuring that all disaster response and recovery efforts result in resilient, sustainable and transformative solutions for Puerto Rico. If you have any questions or need any additional information regarding our feedback, please do not hesitate to contact me at 787-977-5875 or guerrero.carmen@epa.gov.

I look forward to continuing our collaboration and commitment to ensure a short-term and long-term recovery for Puerto Rico and its residents.

Sincerely,

Carmen R. Guerrero Pérez
Director

From: [Carmen Rios](#)
To: [info CDBG](#)
Subject: Enmienda 5 del plan de acción del Departamento de la Vivienda
Date: Tuesday, October 6, 2020 4:46:52 PM

La enmienda 5 releva al Departamento de la Vivienda de varios programas, los cuales continuarán vigentes, pero no bajo ese Departamento; el objetivo es que Vivienda administre los fondos asignados para atender necesidades de planificación y construcción exclusivamente.

Debe aclararse qué agencia gubernamental tendrá a cargo los programas que quedarán fuera de Vivienda.

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From: [Kim Fernandez](#)
To: [info CDBG](#)
Cc: [Paul Saint Pier](#)
Subject: Duda sobre comentarios públicos de el plan de accion
Date: Friday, September 25, 2020 5:23:03 PM

Saludos,

Escribo referente a una duda sobre unos comentarios públicos sometidos a CDBG-DR plan de acción enmienda numero 4. Específicamente me quiero referir al comentario hecho por Paul Saint-Pierre

"Comment ID: 2020-05-29_E_PS_Arch Real Estate Holdings_Paul Saint-Pierre (1)"
page 100 of the [public comments and responses](#).

Quizás desconocemos la manera mas eficiente o correcta para someter o formatear nuestras cartas con comentarios o quizás nos puedan guiar mejor para poder someter los próximos comentarios a la 5ta enmienda de una manera mas conveniente para CDBG ya que sabemos que deben mantenerse bastante ocupados. Aunque agradecemos su gestión y tiempo dedicado a Puerto Rico, nos da la impresión de que el comentario con sugerencias no haya sido comprendido a juzgar por la respuesta recibida. Dicho comentario fue sometido luego de estudios y análisis con la intención de añadir valor y enriquecer aún mas el plan de acción y los problemas que intenta resolver. Arch tiene amplia experiencia en mercados capitales, finanzas, ingeniería y desarrollos de construcción. Entendemos los diferentes requerimientos de códigos y/o problemas de desarrollo. Entonces si comparamos un programa como lo que es R3 el cual es exponencialmente mas complejo en relación a las opciones sugeridas es un poco difícil entender la respuesta si nos basamos en soluciones rápidas, efectivas, seguras y de alta calidad para Puerto Rico.

En resumen mi preocupación sincera es el ver que hay una enmienda numero 5 activamente recibiendo comentarios públicos cuando el comentario sometido por Arch no fue estudiado o al menos indagado un poco para entender completamente la sugerencia de valor añadido a el plan de acción. Podemos concluir que nuestro comentario no fue estudiado si nos basamos en la respuesta que recibimos la cual no abunda ni hace referencia a nada en particular y mas bien es una advertencia de que las propiedades deben cumplir con códigos, lo cual tenemos presente y conocemos al dedillo como empresa de desarrollo.

Me gustaría dialogar cuál es el protocolo de análisis interno de estos comentarios. Y si quizás nuestro comentario pasó quizás un poco desapercibido por cuestión de el covid y cuanto nos tiene agobiados a todo en un océano de trabajo y complicaciones operacionales. Me pueden comunicar a este correo como también a mi celular al 305-240-9252.

Gracias por su atencion y tiempo,



--

Kim

■ (888) 272-4787 | (305) 240-9252
■ kfernandez@arch-techs.com



R Fernandez
COO
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Comentarios Públicos
5ta Enmienda al Plan de Acción (Substancial)

El Plan de Acción CDDBG-DR reconoce que solo un pequeño grupo de los hospitales en Puerto Rico pudo operar durante la primera parte de las emergencias Irma y María. Gran parte de los hospitales que se mantuvieron en operación fueron hospitales privados. De hecho, el modelo de salud en Puerto Rico depende sustancialmente de hospitales privados, y una parte considerable de estos son con fines de lucros, los cuales son parte importante en el ofrecimiento de servicios especializados y sub-especializados; además de la generación de miles empleos para la economía puertorriqueña.

El Plan de Acción CDBG-DR, en su primera mitad, reconoce la necesidad de programas dirigidos a la recuperación y fortalecimiento del sistema hospitalario. El documento precisa que los servicios hospitalarios juegan un rol primario para prevenir mayores daños y desarrollar la económica y la calidad de vida en las comunidades. Actualmente Puerto Rico solamente cuenta con una cuarta parte de la cantidad de camas en unidades de cuidado intensivo que tiene Estados Unidos por persona. No cuenta con suficientes camas especializadas, mientras que la población manifiesta un aumento en la probabilidad de sufrir enfermedades coronarias, infarto de miocardio, asma, hipertensión, entre otras condiciones.

Ante esto, se entiende que el Plan de Acción CDDBG-DR debe incluir asignaciones específica dirigidas a beneficiar y mejorar la calidad de vida en las comunidades, facilitar los servicios de salud, mejorar las unidades especializadas, y desarrollar las salas de emergencias de los hospitales.

Para esto proponemos lo siguiente:

El lenguaje propuesto en el Programa de Pareo de Partidas no Federales, alude al "Mejoramiento y protección de la salud". Aunque el lenguaje no es específico y contundente, se podría argumentar que los hospitales con fines de lucro podrían presentar propuestas que promuevan creación de empleos, y mejoras, renovación y expansión de instalaciones de atención médica que atiendan las necesidades de los puertorriqueños antes, durante y después de los desastres. No obstante, se plantean dos preocupaciones con este programa. Por un lado, el Plan limita la asignación de fondos a entidades que tengan algún acuerdo con FEMA u otra agencia federal que actúe como fuente primaria de fondos. Por lo general los hospitales con fines de lucro, no reciben ayuda de FEMA, por lo que estos no cuentan con fondos a ser parados. Esto limita la capacidad de los hospitales privados con fines de lucro a atender las necesidades relacionadas a la recuperación y fortalecimiento del sistema hospitalario. Por otro lado, el plan reconoce que cuenta con una limitada cantidad de fondos que obliga a Vivienda a priorizar el enfoque del programa, dejando fuera del programa a los hospitales con fines de lucro.

El Programa de Cartera de Inversión en Desarrollo Económico ofrece una oportunidad de asistir en el desarrollo, remodelación y expansión de hospitales agravados por el paso de los huracanes. Dada la naturaleza de la industria de hospitales en Puerto Rico, el Vivienda debería facilitar la asistencia de fondos siguiendo las guías nacionales del Programa. Para abordar las necesidades identificadas, Vivienda debería asignar una mayor cantidad de fondos para propuestas que se consideran propulsores claves dirigidas a beneficiar y mejorar la calidad de vida en las comunidades, facilitar los servicios de salud, mejorar las unidades especializadas, y desarrollar las salas de emergencias de los hospitales.

Finalmente, y como confirmación de la dimensión de la necesidad de programas dirigidos a la recuperación y fortalecimiento del sistema hospitalario. Los Hospitales HIMA•San Pablo juegan un rol primario para prevenir mayores daños y desarrollar la económica y la calidad de vida en las comunidades ante futuras emergencias. De forma específica, y como resultado directo de los daños causados por los huracanes Irma y María, el Departamento de Salud de Puerto Rico inició el desarrollo un plan de respuesta de emergencia conocido como "HUB or Spoke Regional Plans". El Plan es un conjunto que tiene como objetivo establecer un procedimiento coordinado de administración de recursos para los sistemas de salud en Puerto Rico. Los hospitales HIMA•San Pablo participan del plan como centros HUB en cinco de las regiones (Caguas, Bayamón, San Juan, Humacao, Fajardo). Las expectativas del plan de emergencia incluyen:

- o La preparación y mejora de la integración interregional de los proveedores de atención médica a lo largo de ejercicios de mitigación y actividades de planificación;
- o promover estrategias de comunicación y coordinación de los servicios de atención médica durante una respuesta a incidentes entre socios regionales y estatales;
- o proporcionar un mecanismo para la asistencia sanitaria; y
- o establecer procedimientos de priorización en la asignación de recursos que se utilizarán durante un aumento médico relacionado con una emergencia de salud pública.

Para esto es importante reconocer la necesidad de fortalecer el sistema hospitalario de cada región. Esto requiere la asignación de fondos para beneficiar y mejorar la calidad de vida en las comunidades, facilitar los servicios de salud, mejorar las unidades especializadas, y desarrollar las salas de emergencias de los hospitales participantes. Según las evaluaciones, estudios y estimados de costos para el desarrollo a la infraestructura de los 5 hospitales, HIMA•San Pablo se requiere una inversión aproximada de \$250,000,000.00.

Esta inversión permitirá elevar la capacidad y calidad de los servicios hospitalarios y que incorporen todos los elementos de resiliencia necesarios para enfrentar desastres naturales que no permite las estructuras actuales. Además, la inversión permitirá a pacientes de comunidades de ingresos bajos y moderados, que necesitan ser hospitalizados, el uso de facilidades con mayores estándares de seguridad y servicio antes, durante, y después de una emergencia.

Respetuosamente sometido,



Lcdo. Armando J. Rodríguez Benítez, MHA
Presidente/CEO
Grupo HIMA • San Pablo



9 de octubre de 2020

Lic. Luis Carlos Fernández Trinche
Secretario
Departamento de la Vivienda de Puerto Rico

Re: Puerto Rico CDBG-DR-MIT Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Estimado Lic. Fernández:

La Sociedad Puertorriqueña de Planificación (SPP) es una corporación sin fines de lucro fundada el 23 de noviembre de 1954 y registrada bajo las leyes del Estado Libre Asociado de Puerto Rico desde 1956. La SPP tiene el propósito de promover la práctica de la planificación como proceso fundamental en la toma de decisiones para el desarrollo del país y fortalecer la participación de los planificadores en asuntos relacionados con el mejoramiento de la calidad de vida en la Isla. A tales efectos, se hace necesario que la SPP exprese su posición con respecto al documento preparado por el Departamento de la Vivienda de Puerto Rico (DV), el cual presenta la 5ta Enmienda del Plan de Acción de los fondos *Community Development Block Grant – Disaster Recovery Mitigation* (CDBG-DR-MIT).

En términos generales, la SPP exhorta al DV a que considere la posibilidad real de identificar y contratar profesionales o corporaciones puertorriqueñas capaces de realizar los trabajos requeridos para la preparación de documentos como el Plan de Acción CDBG-DR-MIT. Puerto Rico cuenta con una amplia clase profesional experimentada para realizar trabajos de esa naturaleza. Los retos que impuso la devastación de los huracanes Irma y María deben de servir como oportunidad para que los profesionales y compañías puertorriqueñas asuman el liderato de los planes para la recuperación de Puerto Rico.

En términos específicos, la SPP entiende que fue un acierto del DV la inclusión, desde el inicio, del programa **Puerto Rico by Design** en el Plan de Acción de CDBG-DR-MIT. El programa venía respaldado por el éxito que se consiguió en la aplicación de este tras la tormenta Sandy en el estado de New York en el año 2008. En el caso de “*Sandy Rebuild by Design Competition and National Disaster Resilience Competition*” se utilizaron fondos de recuperación de desastres para promover nuevos enfoques para la planificación, diseño y construcción de proyectos de infraestructura, espacios públicos y otras facilidades. Todo ello sirvió para manejar inundaciones, promover la participación comunitaria, desarrollar estrategias de planificación y diseños participativos y contratar los planificadores locales para liderar el proceso.

Para la SPP resulta inexplicable que en las enmiendas presentadas al Plan de Acción CDBG-DR-MIT se elimine el uso del programa **Puerto Rico by Design** como herramienta de planificación. Esto ocurre tras decenas de presentaciones donde el personal contratado por el DV indicara que este programa sería utilizado como una herramienta clave al momento de planificar las intervenciones de mayor impacto en el proceso de reconstrucción.

La SPP le recuerda al DV las razones por las cuales las mejores prácticas de planificación recomiendan programas como el **Puerto Rico By Design**:

- Ofrece gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Promueve la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores planes y diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Utiliza enfoques interdisciplinarios para garantizar que desarrollen mejores proyectos.
- Trabaja con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- Promueve el uso de mejores prácticas y soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Desarrolla historial de trabajo con cientos de organizaciones comunitarias y profesionales locales.
- El programa garantiza que se desarrollen capacidades a nivel local al permitir que los planificadores, arquitectos, ingenieros, diseñadores locales, entre otros desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Considera la planificación y diseño de los proyectos en la etapa de implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- Promueve la competencia entre firma de planificadores y arquitectos, y el desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.
- Propicia una mayor coordinación con otros programas de planificación para la recuperación ante desastres y para la mitigación de peligros naturales.

Los fondos CDBG-DR-MIT para la recuperación de desastres constituye una gran oportunidad para la planificación, diseño y construcción de proyectos, y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente. Todo ello ayudará a repensar cómo nuestras ciudades y comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos a mantener el programa de **Puerto Rico By Design** en el Plan de Acción del CDBG-DR-MIT.

Cordialmente,



Plan. Federico Del Monte Garrido
Presidente
Sociedad Puertorriqueña de Planificación

From: [Pamela Silva](#)
To: [info CDBG](#)
Cc: [FURIA ,Inc.](#); [Nayda Bobonis](#)
Subject: Comentarios a Quinta Enmienda Susancial al Plan de Ac ción para la Recuperación ante Desasr es
Date: Saturday, October 10, 2020 7:41:36 PM
Attachments: [Ponencia CDBG-DR Centros resilientes FURIA INC..pdf](#)

Un saludo cordial de parte de FURIA, Inc.

Por este medio, presentamos la siguiente ponencia a modo de comentarios a la Quinta Enmienda Susancial al Plan de Accion para la Recuperacion ante Desasres para la utilizacion de fondos CDBG-DR en respuesta a los huracanes Irma y Mari'a (adjunta). De tener cualquier pregunta o si interesan conversar mas sobre ese o cualquier otro asunto, no dude en comunicarse por correo electronico a furia.puertorico@gmail.com o por teléfono al 787-210-6189.

Atentamente,
Pamela Silva Díaz
FURIA, Inc.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



9 de octubre de 2020

Hon. Luis C. Fernández-Trinchet
Secretario
Departamento de la Vivienda de Puerto Rico
PO Box 21365
San Juan, PR 00928-1365

Re: Comentarios para el Borrador de la 5ta Enmienda del Plan de Acción de los fondos CDBG-DR

Estimado Secretario:

Reciba un cordial saludo por parte del equipo de Ayuda Legal Puerto Rico. Acompañamos esta carta con nuestros comentarios sobre el Borrador de la 5ta Enmienda Plan de Acción referente al uso de los fondos CDBG-DR.

Aunque esa enmienda tiene cambios limitados a temas relacionados a vivienda, nos parece medular lograr las enmiendas para garantizar la mayor coherencia entre las nuevas guías del Programa de Recuperación, Reparación y Relocalización, la Orden Ejecutiva 2020-063 y lo que disponga el Plan de Acción. Así también, pedimos aclaración sobre el ámbito que tendrá el programa de Low Income Housing Tax Credit y las medidas de fiscalización que asumirá el Departamento para garantizar su buen funcionamiento. Por último, requerimos la incorporación en el Plan de Acción de un panel de monitoreo (*dashboard*) relacionado al manejo de los programas, como una medida transversal en el desenvolvimiento de la totalidad de los programas.

Desde ALPR, reiteramos nuestro compromiso con la colaboración que lleve a la recuperación justa de las comunidades.

Cordialmente,

/f Lcda. Ariadna Godreau-Aubert
Directora ejecutiva

/f Lcda. Paula Fournier del Valle
Abogada comunitaria

/f Lcda. Verónica González Rodríguez
Abogada comunitaria

/f Lcda. Nicole Díaz González
Analista de política pública



787-957-3105



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Comentarios de Ayuda Legal Puerto Rico
Borrador de la 5ta Enmienda del Plan de Acción para los fondos CDBG-DR

- I. Necesidad de enmienda al Programa de Reparación, Reconstrucción o Reubicación (Programa R3) para atender desfases entre la Cuarta Enmienda Sustancial, la octava versión de las guías de este programa y la normativa aplicable en lo relacionado al título de propiedad.

El 17 de agosto de este año entró en vigor la Cuarta Enmienda Sustancial del Plan de Acción CDBG-DR, donde se establece que:

"Aquellos participantes que sean elegibles para reubicación, pero que no deseen ser reubicados inmediatamente, pueden aplazar su aceptación de la asistencia provista por el Programa R3 para permitir el desarrollo participativo de un programa de mitigación de viviendas bajo el Programa CDBG-MIT. Los solicitantes que opten por aplazar su aceptación de la adjudicación de fondos de reubicación provista por el Programa R3 con el fin de participar en un futuro de un programa de mitigación de viviendas, permanecerán en estado de espera en el Programa R3, hasta tanto se establezca el Programa de Mitigación de Viviendas, bajo CDBG-MIT".

Un mes más tarde se publicaron las nuevas guías del Programa R3. Esta versión enmendada, aunque confusa aún, se acerca a facilitar el acceso a asistencia de las personas dueñas de sus casa que no cumplen con el requisito de titularidad formal en los casos de reconstrucción y reparación. Además de adoptar un mecanismo uniforme de Certificación de Titularidad, como exigió la OE-2020-063, se eliminó lo relacionado a la fijación de gravámenes en el Registro de la Propiedad para así salvaguardar el cumplimiento de las condiciones del Programa por parte de las personas participantes. Esta fue una decisión correcta. Es evidente que el establecimiento de gravámenes en el Registro requeriría tracto, lo que sólo se podría conseguir a través de la inscripción formal del dominio. Esto requeriría un título inscribible por parte de toda persona solicitante. Por ende, frustraría la política pública que se esboza en la mencionada orden ejecutiva y peor aún, excluiría de asistencia a personas necesitadas. No obstante, en la Quinta Enmienda se mantiene un lenguaje que obliga a la imposición de gravámenes, denominados "Hipotecas Directas" en relación a los procesos de reconstrucción y reubicación que no se encuentra en las guías del Programa R3 más recientes. Confiamos en que este desfase se debe a que la fecha de las enmiendas de las guías - 17 de septiembre - es posterior a la publicación de este Borrador - 10 de septiembre - y que se puede enmendar para eliminar tal requisito.



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Como hemos dicho anteriormente, toda vez que el dinero no llega directamente a las personas, sino que se canaliza a través de contratistas seleccionados y bajo el control del Departamento, no es necesario ni el título formal o la garantía registral para garantizar el uso adecuado de los fondos. El Departamento tiene métodos menos onerosos, como la inspección rutinaria y las certificaciones de ocupación, para salvaguardar el interés de que este Programa beneficie a familias residentes de hogares afectados por los huracanes Irma y María.

En relación a esto último, reiteramos nuestro llamado a que también se elimine el requisito de titularidad formal en los casos de reubicación. Las nuevas guías abren la puerta a contemplar la existencia de "circunstancias atenuantes" "caso a caso" en aquellas instancias donde la familia solicitante no puede demostrar su titularidad formal, pero si quiere y necesita ser relocalizada. Como sabemos, la relocalización debe estar limitada a aquellos casos donde las condiciones de emergencia no se puedan atender a través de otros métodos y cuando quien solicita así lo acepta. Se trata de casos precarios donde la mayor accesibilidad debe ser la norma. La correlación entre falta de título formal y esta necesidad es evidente, por lo que flexibilizar el requerimiento de título es indispensable para salvaguardar el derecho a una vivienda segura de conformidad a los objetivos del programa CDBG-DR. Celebramos la consideración de "circunstancias atenuantes" como otro paso afirmativo a no requerir el título como condición y solicitamos al Departamento a que haga extensiva una norma clara que establezca que "la falta de título formal" – probada la titularidad de forma alterna, conforme a la Certificación antes mencionada, por ejemplo – será política pública para la asignación de estos fondos.

Así también, considerando los cambios que han sufrido las guías y el Plan, insistimos en nuestro llamado a notificar al público general y a todas las personas solicitantes sobre este cambio en la política; enmendar las guías del Programa; aclarar que esto no afecta el derecho que tienen las personas solicitantes que estén en condiciones de emergencia o alto riesgo a pedir y obtener asistencia para la relocalización de forma libre y voluntaria; y establecer un programa de vivienda temporera que beneficie a las personas que desean esperar por el proceso de mitigación, pero que no deben permanecer en sus viviendas.

- **Acción requerida:** Eliminar del Plan de Acción toda mención a gravámenes o inscripciones en el Registro de la Propiedad, con relación al Programa R3, para promover la coherencia entre las normativas mencionadas.
- **Acción requerida:** Reabrir la solicitud del Programa R3 y asegurar que todas las personas que han sido denegadas por razones de falta de título formal o por la vivienda estar en zona de riesgo puedan pedir reconsideración bajo los nuevos criterios establecidos en la OE-2020-063.

- **Acción requerida:** Eliminar el requisito de título formal como condición para proceder con la relocalización de personas que tienen y desean optar por esta medida.
- **Acción requerida:** Establecer un programa de vivienda temporera que beneficie a cualquier solicitante cuya vivienda no esté en condiciones seguras (e.g. aún tienen toldos azules) y especialmente a las personas que desean esperar por el proceso de mitigación, pero que no deben permanecer en sus viviendas.

II. Necesidad de revisar la enmienda propuesta a los programas Créditos Contributivos para Viviendas de Ingresos Bajos (LIHTC) y de Pareo de Partidas No Federales a través de reasignaciones que podrían no beneficiar a familias afectadas por los huracanes Irma y María.

Entre los mayores cambios que se incluyen en la Quinta Enmienda Sustancial está la eliminación de algunos programas y la reasignación de \$1,000 millones a los Programas de Brecha CDBG-DR de los Créditos Contributivos para Viviendas de Ingresos Bajos (LIHTC) y de Pareo de Partidas No Federales.

El Programa de Brecha CDBG-DR de los Créditos Contributivos para Viviendas de Ingresos Bajos (LIHTC), al que originalmente se le asignaron \$100 millones y que ahora aumentan a \$713 millones, está dirigido a impulsar la construcción de vivienda asequible. Busca completar el financiamiento que necesitan proyectos que ya recibieron fondos a través de Créditos Contributivos para Viviendas de Ingresos Bajos (LIHTC, por sus siglas en inglés). Los LIHTC son una herramienta del gobierno federal para subsidiar la adquisición, construcción y rehabilitación de vivienda de alquiler para personas de ingresos bajos y moderados. Consiste en créditos contributivos que los gobiernos les conceden a desarrolladores, los cuales generalmente los venden a inversionistas a cambio de fondos para financiar la construcción.

Una vez el proyecto es completado, una porción de las unidades de vivienda construidas o rehabilitadas debe hacerse disponible para personas o familias de escasos recursos, mientras que el resto pueden venderse o alquilarse al precio del mercado. Desde 1988, en Puerto Rico se han construido o rehabilitado 231 complejos de vivienda con LIHTC. La mayoría de sus unidades están destinadas a personas elegibles para vivienda pública o subsidios de Sección 8 o para personas mayores de 62 años. De acuerdo al Plan de Acción, el Departamento planifica completar el financiamiento de proyectos a los que ya se le adjudicaron LIHTC y que aún no han obtenido suficientes fondos del sector privado para comenzar los trabajos.

Mientras tanto, el Programa de Pareo de Partidas No Federales está dirigido a proveer la aportación del gobierno de Puerto Rico requerida para los proyectos

financiados por FEMA, la cual equivale a hasta un 25% del valor. Esta enmienda aumenta la asignación a este programa a \$1,700 millones. Originalmente, se le habían asignado \$100 millones. Con estos fondos, el Departamento de la Vivienda planifica parear los costos incurridos por los programas de Asistencia Pública, Asistencia de Refugio Transicional (TSA, por sus siglas en inglés) y Mitigación de Riesgos (HMPG, por sus siglas en inglés) que se implementaron después del paso de los huracanes en el 2017. Entidades, agencias y municipios que ya hayan cualificado para estos programas de FEMA serán elegibles para la asistencia con el pareo.

Por otro lado, los programas eliminados, cuyos fondos serían reasignados a los de LIHTC y Pareo, son los de Préstamo Rotativo Comercial o de Construcción (Programa CCRL), Reconstrucción, Reparación y Resiliencia de Viviendas Multifamiliares (Programa R3 Multifamiliar) y Puerto Rico Se Diseña. Aún no se han publicado guías que indiquen cómo funcionarían estos programas o específicamente quiénes serían elegibles para solicitar asistencia. Lo que sí queda claro, sin embargo, es que una partida sustancial de dinero ahora sólo estará disponible para proyectos que ya han sido cualificados y seleccionados bajo otros programas federales.

Nos preocupa que el Departamento renuncie a crear incentivos y asistencias con reglas y procesos más flexibles y accesibles que las que imponen los créditos contributivos de bajos ingresos o los fondos para mitigación de FEMA. Al actuar así, se limita el acceso para quienes no participaron en la selección para esos programas, se reducen las posibilidades para organizaciones comunitarias y sin fines de lucro, así como pequeñas y medianas empresas que no cuentan con recursos para diseñar propuestas y proyectos u ofrecer garantías económicas al nivel requerido por el gobierno federal. En cambio, y como se puede observar ya en la selección de proyectos de vivienda con LIHTC, podrían resultar favorecidos grandes desarrolladores, dueños y administradores de vivienda subsidiada, los cuales a su vez tienen la posibilidad de disfrutar de amplios incentivos contributivos, como los concedidos a proyectos prioritarios en Zonas de Oportunidad, o de procesos expeditos de permisos, como ocurre con los Proyectos Críticos de acuerdo al Título V de PROMESA. Esto con pocas garantías de beneficio a largo plazo para las personas y comunidades de bajos ingresos.

- **Acción requerida:** Mantener o crear programas dirigidos al diseño e implementación de propuestas y proyectos de infraestructura desarrollados desde, con y para las comunidades afectadas por los huracanes, de acuerdo a sus deseos y necesidades.
- **Acción requerida:** Crear programas de asistencia o de incentivos que prioricen a empresas cooperativas y comunitarias que potencien un desarrollo económico sostenible que beneficie directamente a la comunidad.

→ **Acción requerida:** Establecer garantías para las personas residentes de las comunidades donde se desarrollarán proyectos con Créditos Contributivos para Viviendas de Ingresos Bajos, como reconocer su derecho a permanecer o retornar, establecer topes de renta para la totalidad de las propiedades de alquiler renovadas o de nueva construcción, proveer mecanismos de participación y de comunicación adecuados y accesibles para las residentes de comunidades circundantes o desplazadas durante los procesos de rehabilitación o construcción, garantizar la suficiencia de la infraestructura de servicios disponible en el área y requerir la mitigación de cualquier impacto ambiental.



October 9, 2020

VIA EMAIL: infoCDBG@vivienda.pr.gov;
lfernandez@vivienda.pr.gov

Luis Carlos Fernández Trinchet
Secretary
Puerto Rico Department of Housing
Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, PR 00928-1365

**COMMENTS TO THE PUERTO RICO DISASTER RECOVERY ACTION PLAN
SUBSTANTIAL FIFTH AMENDMENT DRAFT**

Honorable Secretary:

AMB


The Corporación del Proyecto ENLACE del Caño Martín Peña (ENLACE) and the Fideicomiso de la Tierra del Caño Martín Peña (Fideicomiso) are submitting comments concurrently to the Puerto Rico Disaster Recovery Action Plan Substantial Amendment 5 (Action Plan) proposed by the Puerto Rico Department of Housing (PRDOH) through this letter. ENLACE, the Fideicomiso, and the Grupo de las Ocho Comunidades aledañas al Caño Martín Peña, Inc. (G-8), as well as the public policy PR Law 489-2004 and the Caño Martín Peña Special Planning District's Comprehensive Development and Land Use Plan (District's Plan) were designed as a result of 700 participatory planning-action-reflection activities carried out over a period of two years, between 2002 and 2004. Our organizations have over sixteen (16) years of experience designing and implementing innovative and sustainable solutions to the challenges faced by the communities surrounding the Caño Martín Peña (CMP). Among these challenges are the growing environmental crisis caused by the conditions of the CMP, avoiding displacement and gentrification of the residents of these communities by ensuring collective land tenure, as well as providing affordable and sustainable housing opportunities for all those who wish to stay in the Caño Martín Peña Special Planning District (District). This work occurs in parallel with the social and economic development of the communities and with citizen participation at the forefront.

The comments in this letter are subscribed within the framework of the public policy established by the Government of Puerto Rico in the Joint Resolution No. 118 of November 19, 2019 (RC 118-2019, by its Spanish acronym). The actions mandated by RC 118-2019 to the PRDOH include the following:

1. Allow the construction, rehabilitation and/or reconstruction of homes currently located in flood zones around the CMP.
2. In the case of the District, any acquisition of land made by the Government of Puerto Rico through these funds must take into consideration its transfer to the Fideicomiso, in accordance to Puerto Rico Law No. 489 of September 24, 2004, as amended, known as the Comprehensive Development of the Caño Martín Peña Special Planning District Act (PR Law 489-2004).
3. Establish viable alternatives to the adverse effects that flood insurance requirements would have on the eight (8) communities surrounding the CMP.¹

Background Information

About the Corporación del Proyecto ENLACE del Caño Martín Peña (ENLACE)




ENLACE is a public corporation created under PR Law 489-2004 in charge of the implementation of the public policies and projects contained in the Comprehensive Development and Land Use Plan for the Caño Martín Peña Special Planning District (District Plan). The District Plan includes the Caño Martín Peña Ecosystem Restoration Project (CMP-ERP), which seeks to improve the tidal connection between the San José Lagoon and San Juan Bay through the dredging and channelization of the CMP. The CMP-ERP has had congressional authorization since 2007 through Section 5127 of the Water Resources Development Act. Since the approval of the Feasibility Report for the CMP-ERP in 2016, ENLACE and the U.S. Army Corps of Engineers (USACE) Jacksonville District has been working in the pre-construction, engineering and design (PED) phase for the initial construction contract of the CMP-ERP. PED activities have resulted in the development of the plans and specifications of the initial substantial contract of the CMP-ERP, with the original estimated cost of \$2.5 million already allocated. In addition, the District Plan includes the storm water, sanitary and potable water infrastructure needed to make the CMP-ERP feasible. Finally, the implementation of the District Plan will address public health issues and mitigate flooding, as well as the relocation of families located within projects' footprint into decent, safe and sanitary housing. To make all this possible, ENLACE was created with an institutional design that allows it to work in partnership with the public and private sector, and with a high degree of citizen participation. ENLACE has over 100 partnerships and alliances both in and outside Puerto Rico, and over 400 volunteers. Over 45 new allies and collaborators and over 800 volunteers have joined the efforts immediately after hurricane María. This has allowed us to have significant achievements, despite budgetary limitations to accomplish our objectives.

¹ See, R.C. 118 of November 19, 2019.

About the Fideicomiso de la Tierra del Caño Martín Peña (Fideicomiso)

Winner of the 2016 United Nations World Habitat Award for its innovation in housing, the Fideicomiso is a private, non-profit community land trust, with independent juridical personality, created under Act 489-2004 as an instrument to regularize land tenure through collective land ownership in perpetuity of over 200 acres of land, and through individual surface rights. Such individual property rights over the structure and surface rights, together with the collective property rights to the land, are inheritable and recognized through deeds that are recorded at the Puerto Rico Property Registry. The Fideicomiso is also an instrument to prevent gentrification and involuntary displacement. Collective land tenure, in turn, prevents the displacement of the residents in these communities and ensures long-term housing affordability. The Fideicomiso is also working towards developing environmentally conscious housing. These housing opportunities are mainly focused on providing options for the families that currently live on the relocation zone related to the CMP dredging and other infrastructure projects.

About the ENLACE Project



The ENLACE Project, whose main contents are included in the District Plan, is extremely relevant for the development of not only the communities surrounding the CMP but for the entire country. The work carried out by the project is crucial for reducing the vulnerability of thousands of families to recurrent flooding filled with wastewater, and their exposition to diseases related to the environmental degradation of the CMP. It also provides the possibility of transforming the city as we know it. It is an innovative environmental justice and social transformation initiative that pursues a livable, inclusive and resilient city. Some of the ways the project expects to achieve this goal are the ecosystem restoration of an estuarine channel in the heart of San Juan, Puerto Rico, affordable and safe housing, adequate infrastructure, and quality public spaces. Partial estimates indicate that each 100 year recurrence flooding incident causes an approximately \$700 million in losses for the country. On the other hand, the ENLACE Project would inject \$587 million into the economy, providing further tourism and real estate benefits. Restoring the CMP would reconnect the lagoons and channels of the San Juan Bay Estuary, recreation and tourism opportunities, revaluation of urban land, and economic development.

Despite their central location in the heart of the San Juan Metropolitan Area, the CMP communities have a long history of poverty, urban overcrowding, unsafe living conditions, exposure to environmental and health hazards, and marginalization. The eastern half of the 3.75-mile long CMP, historically between 200 and 400 feet wide and navigable, is currently clogged with sediments, debris, trash, and water polluted with fecal matter. This has affected public health, safety, and increased flood risks for the residents of neighboring communities. Additionally, it compromises critical infrastructure nearby, such as the Luis Muñoz Marín International Airport, which receives close to 9 million visitors per year. Research conducted in the District shows that exposition to flood water leads to an increased risk of gastrointestinal diseases and a higher prevalence of chronic diseases, such as bronchial asthma and atopic dermatitis."²

² Sheffield PE, Agu DP, Rowe M, Fischer K, Pérez AE, Rodríguez LN, Avilés KR. (2014). Health Impact Assessment of the Proposed Environmental Restoration of Caño Martín Peña. San Juan, Puerto Rico.

As a result of Hurricanes Irma and María, approximately 70% of the communities were flooded with wastewater, in some areas for up to four days. Approximately 1,200 homes lost their roofs, either partially or totally and over 75 homes were destroyed in their entirety. These events exacerbated the public health and safety hazards highly prevalent in the area. Through the sense of empowerment and solidarity that has always characterized these communities, the ENLACE Project propelled an effective grassroots disaster relief and recovery. Just one month after the hurricane, with the support of over 620 volunteers, the following relief and recovery activities, among others, were conducted: distribution of over 800 tarps; removal of approximately 2,565 cy of vegetative material blocking access; assistance to over 682 families applying for the Federal Emergency Management Agency Individual Assistance Program; and distribution goods, food, water, mosquito repellents, mosquito nets, among other donations which resulted in an immediate benefit for the communities.

Another issue of great importance to the CMP communities is the growing housing crisis. Three years after the devastating passage of Hurricanes Irma and María, housing conditions in Caño Martín Peña and the surrounding communities have greatly deteriorated. In a recent count of homes that remained with a blue roof, more than 150³ structures were still partially or completely covered with tarps. Even more revealing of the issue is the decline in available housing in compliance with Housing Quality Standards (HQS) in the District. According to the ACS 2013 5 Year Estimates, in 2013 there were approximately 1,741 vacant homes in the District. The most recent data shows that this number has gone up to approximately 1,974 vacant homes in 2018 (ACS 2014-2018). The rental vacancy rate has gone up by 4% in the same period of time.

According to the 2014-2018 American Community Survey, there are approximately 13,236 residents in the District. US Census 2010 data (USCB 2010), U.S. American Community Survey 2014-2018 (ACS 2015) and ENLACE's own studies ⁴ provide a striking profile of the poverty prevalent in these communities and their pervasive socio-economic needs. The median household income for families living in the CMP District is \$12,925 and 58.72% of the District's residents live under poverty level (ACS 5 Year Estimates)^{5,6} Besides, 19.73% of the District's residents are 65 years or older and 45.3% do not have a high school diploma or its equivalent.

The ENLACE Project will address the issues described above while contributing to long-term climate change mitigation, adaptation, and resilience. Investment of CDBG-DR funds in the ENLACE Project will provide an opportunity for a just and equitable disaster recovery, without community displacement and gentrification and ensuring the community participation.

References of public policies and related documents

- PR Law 489-2004⁷
- District Plan⁸

³ This count presents the information collected during street-to-street visits made by Corporation personnel. The visits were ocular so the occupation of the property could vary.

⁴ Proyecto ENLACE, Primer Informe Socioeconómico, 2002, Estudios Técnicos (CPE 2002).

⁵ USCB 2010, ACS 2014-2018 & CMP Studies.

⁶ American Community Survey 5-year estimates.

* Calculated using the median formula for obtaining the Median from grouped data: $L + \frac{(n/2 - B)}{G} \times w$

⁷ http://www.presupuesto.gobierno.pr/af2009_2010/Tomo_II/suppdocs/baselegal/264/ley489.pdf

⁸ <http://app.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx> under Regulation #7469

- Reglamento General para el Funcionamiento del Fideicomiso de la Tierra del Caño Martín Peña⁹
- Final Feasibility Report and Environmental Impact Statement for the CMP-ERP¹⁰
- Build Back Better Puerto Rico: Request for Federal Assistance for Disaster Recovery¹¹
- RC 118-2019¹²

COMMENTS, QUESTIONS, AND SUGGESTIONS:

Main Comments

Overall, the amended Action Plan is still not compatible with the public policies set forth in the District Plan nor the recent policies adopted by the Government of Puerto Rico through RC 118-2019, critical to reduce flood and storm risks in the San Juan Metropolitan Area. To address this, we recommend incorporating the actions described in the comments submitted by ENLACE and the Fideicomiso on October 21, 2018 and subsequently on May 29, 2020. Copies of both letters are included as Appendix I and Appendix II respectively as a recommendation that is sustained and that may be taken into consideration for this Fifth Amendment.

Among the main concerns, stand out that many of the changes suggested by this Substantial Fifth Amendment consist of merging programs, the elimination of programs, and the reallocation of monies awarded under other programs. Also noteworthy among the suggested changes is the elimination of some agencies as allies or co-administrators of the programs without an explanation of the institutional capacity of the PRDOH to manage the remaining programs on their own. Three (3) years after the passage of Hurricanes Irma and Maria, there are still programs that are in their initial phase or for which the guidelines are unfinished or ambiguous. It is urgent that CDBG-DR funds begin to have the expected effect on the economy and community development so that there is a fair recovery.

Furthermore, this amendment to the Action Plan does not establish the criteria used for the reallocation of funds in the programs. Therefore, it remains doubtful whether the funds actually meet the most urgent needs based on the demand of the programs or other considerations associated with increases in estimated costs, etc.

Comments to the new Action Plan amendments

Housing Programs

1. *Multifamily Reconstruction, Repair, and Resilience Program (Multifamily R3)*. The elimination of this program, assuming that its function will be served by the LIHTC Program, not only confuses the objective of reconstruction and the new construction of houses, but could also imply the involuntary displacement of individuals and families, putting at risk the social fabric and support networks that are created in community. ENLACE suggest that, taking into consideration the necessary adjustments that we have

⁹ <http://app.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx> under Regulation #7587

¹⁰ <https://usace.contentdm.oclc.org/digital/collection/p16021coll7/id/2302/>



¹¹ https://nlhrc.org/sites/default/files/Build_Back_Better_PR_Request_94B.pdf

¹² <https://noticiasmicrojuris.files.wordpress.com/2019/11/resoluciocc81n-conjunta-118.pdf>

discussed in the previous amendment processes, the program remains and is streamline to meet the needs of citizens.

2. *Community Energy and Water Resilience Installations Program.* New requirements or eligibility criteria reduce the eligible population that could benefit from this program to only those who participate or have received benefits from other CDBG-DR programs. Consequently, this excludes individuals or organizations from accessing the benefits of this program because, having not participated in any other of the CDBG-DR programs, they could not participate according to the proposed amendments. We understand that if the goal of the program is that individuals, businesses, and public facilities can benefit from energy production and storage and water storage systems to promote health and safety, the eligibility criteria cannot be exclusive or limited in such a way. We suggest that PRDOH establish other eligibility criteria that allow prioritizing the population and communities most vulnerable to blackouts and lack of clean water.

Economic Recovery Programs

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3. *Construction and Commercial Revolving Loan Program.* The complete elimination of this program, in the post-disaster context and a weakened economy due to another series of factors post Hurricane Irma and María such as earthquakes and the COVID-19 pandemic, may be detrimental to what is theoretically intended to achieve with this program. The local construction industry does not necessarily have the capital or credit necessary to assume the costs associated with reconstruction, which in many cases are implemented through reimbursement processes. This puts an advantage on foreign companies, weakens the local industry and concentrates all efforts and resources in external construction industry. We suggest refocusing the program on local industry to ensure a fair recovery. In addition, we recommend that if the elimination of the program persists, the priority in the redistribution of the funds should be given to the Small Business Financing Program instead of the reallocation proposed by this amendment.
 4. *Tourism and Business Marketing Program.* The current situation due to the COVID-19 Pandemic casts doubt on whether the monies allocated to this program will in fact have the expected performance according to the current situation of tourism worldwide, especially in the United States jurisdiction. While recognizing the need, we suggest that PRDOH re-focuses this program and reallocates the monies reserved for it under other larger economic development programs with a greater possibility of yielding the expected result.

Multi-Sector Initiatives

5. *City Revitalization Program.* The PRDOH has decided to merge under this program the Community Resilience Centers Program. As mentioned in comments to previous amendments, the PRDOH must establish priority in allocating funds to places of greater vulnerability. Grassroots and community-based organizations, such as the G-8, often are entrusted with the task of setting up, establishing, and maintaining community aid centers after disasters, providing much needed relief and aid. If there are prohibitions on granting these funds in flood zones, PRDOH should request from HUD the necessary waivers to

achieve mitigation in these spaces and make them more resilient. The spaces to be considered should include the public schools facilities that were closed by the Department of Education after the impact of hurricanes.

Infrastructure Coordination Programs

6. *Non-Federal Cost Share Match.* According to the action plan, the main goal is to provide a source of matching funds for recovery projects with FEMA being the priority in these funds. The guides for this program were published on September 11, 2019. In the case of public agencies as of August 4, 2019, only 48 out of 89 public agencies had been registered. The Action Plan proposes to increase the funds allocated to this program and also to expand its scope. Consequently, we understand the PR-DOH has to clarify how the proposed amendments will maintain consistency with already selected projects. The proposed amendment incorporates new language stating the following:

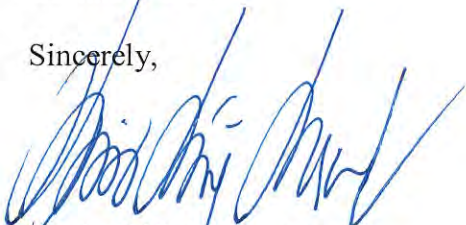
"First, PRDOH will only match 25% of the final HMGP amount approved by FEMA, and secondly, the primary program for HMGP Global Match project implementation will be the CDBG-MIT program. The NFMP will be used as a secondary source of funds should project funding be necessary and eligible for disbursement ahead of CDBG-MIT funding availability." (P. 183)

This poses a substantial challenge to mitigation projects that have been pre-selected by COR3 under the Hazard Mitigation Grant Program (HMGP) and that already have a defined schedule. Changing the non-federal cost share match funding source from CDBG-DR to CDBG-MIT to be the primary source of matching funds for FEMA's Hazard Mitigation Grant Program projects, may result in serious consequences to projects already submitted to the HMGP. The PRDOH must clarify how it will guarantee that all funds will be available under the Non-Federal Match Program (NFMP) so that it will not result in project implementation delays as the process for CDBG-MIT funding availability is just beginning. The PRDOH must also clarify if projects receiving matching funds from CDBG-MIT will be required to comply with any additional requirements that this funding source may have.


On the other hand, among the problems that have already been pointed out to this program is the poor coordination between COR3, FEMA and PRHOD. As established in the guidelines and the action plan for this program: "Applicants must have been accepted into a Federal agency disaster recovery program and have been determined by the lead Federal agency to have eligible work to participate in this program." (p.183). However, the federal Grants application program processes require entities to certify that they have matching funds before they are accepted by the Federal agency. For example, applicants for HMGP-FEMA projects pre-selected by COR3 have been required to certify funds without necessarily having any guarantee that they will receive an allocation of funds under this CDBG-DR program.

We are available to provide further information as needed via email mnunez@martinpena.pr.gov or 787-729-1594.

Sincerely,



Mario Núñez Mercado
ENLACE



Sarah J. Delgado Brayfield, Esq.
Fideicomiso

c. G-8, Grupo de las Ocho Comunidades Aledañas al Caño Martín Peña, Inc.



May 29, 2020

VIA EMAIL: infoCDBG@vivienda.pr.gov

The Honorable Luis Carlos Fernández Trinchet
Secretary
Department of Housing
Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, PR 00928-1365

**COMMENTS TO THE PUERTO RICO DISASTER RECOVERY ACTION PLAN SUBSTANTIAL
FOURTH AMENDMENT DRAFT**

Honorable Secretary:

The Corporación del Proyecto ENLACE del Caño Martín Peña (ENLACE) and the Fideicomiso de la Tierra del Caño Martín Peña (Fideicomiso) resent our comments concurrently to the Puerto Rico Disaster Recovery Action Plan Substantial Amendment 4 (Action Plan). The Community Development Block Grant – Disaster Recovery Program (CDBG-DR) funds present a unique opportunity to impact Puerto Rico's development in the years to come, in a meaningful way. Our comments are based on more than fifteen (15) years of experience, as organizations that were designed as instruments to implement innovative solutions to issues of sustainability, risk management, affordability, land tenure, and strong community organizing in the context of eight low-income communities, many of which originated as informal settlements. We strongly believe that the internationally renowned ENLACE Caño Martín Peña Project (ENLACE Project) has the credibility, trajectory, and policy / institutional framework to demonstrate that a just, equitable, and participatory recovery for Puerto Rico is possible. The ENLACE Project is also key to transform the San Juan Metropolitan Area, generating wealth, jobs, and new economic development opportunities by recovering its bodies of water while reducing flood risks in the Caño Martín Peña Special Planning District (District), the Luis Muñoz Marín International Airport and communities surrounding the San José Lagoon.

The comments in this letter are subscribed within the framework of the public policy established by the Government of Puerto Rico in the Joint Resolution No. 118 of November 19, 2019 (RC 118-2019, by its Spanish acronym). The actions mandated by RC 118-2019 to the DV include the following:

1. Allow the construction, rehabilitation and/or reconstruction of homes currently located in flood zone areas around the CMP.

2. In the case of the District, any acquisition of land made by the Government of Puerto Rico through these funds must take into consideration its transfer to the Fideicomiso, in accordance to Puerto Rico Law No. 489 of September 24, 2004, as amended, known as the Comprehensive Development of the Caño Martín Peña Special Planning District Act (PR Law 489-2004).
3. Establish viable alternatives to the adverse effects that flood insurance requirements would have on the eight (8) communities surrounding the CMP.¹

Background Information

About the Corporación del Proyecto ENLACE del Caño Martín Peña (ENLACE)

ENLACE is a public corporation created under PR Law 489-2004 in charge of the implementation of the public policies and projects contained in the Comprehensive Development and Land Use Plan for the Caño Martín Peña Special Planning District (District Plan). The District Plan includes the Caño Martín Peña Ecosystem Restoration Project (CMP-ERP), which seeks to improve the tidal connection between the San José Lagoon and San Juan Bay through the dredging and channelization of the CMP. The CMP-ERP has had congressional authorization since 2007 through Section 5127 of the Water Resources Development Act. Since approval of the Feasibility Report for the CMP-ERP in 2016, ENLACE and the U.S. Army Corps of Engineers (USACE) Jacksonville District has been working in the pre-construction, engineering and design (PED) phase for the initial construction contract of the CMP-ERP. PED activities have resulted in the development of the plans and specifications of the initial substantial contract of the CMP-ERP, with the original estimated cost of \$3.85 million already allocated. In addition, the District Plan includes the storm water, sanitary and potable water infrastructure needed to make feasible the CMP-ERP and to address public health issues and mitigate flooding, as well as the relocation of families located within projects' footprint into decent, safe and sanitary housing. To make all this possible, ENLACE was created with an institutional design that allows it to work in partnership with the public and private sector, and with a high degree of citizen participation. In an ordinary year, ENLACE has over 100 partnerships and alliances in and outside Puerto Rico, and over 400 volunteers. Since Hurricane Maria, over 45 new allies and collaborators and over 800 volunteers have joined the efforts. This has allowed us to have significant achievements, despite budgetary limitations, to accomplish our objectives.

About the Fideicomiso de la Tierra del Caño Martín Peña (Fideicomiso)

Winner of the 2016 United Nations World Habitat Award for its innovation in housing, the Fideicomiso is a private, non-profit community land trust, with independent juridical personality, created under Act 489-2004 as an instrument to regularize land tenure through collective land ownership in perpetuity of over 200 acres of land, and through individual surface rights. Such individual property rights over the structure and the surface rights, together with the collective property rights to the land, are inheritable and are recognized through deeds that are recorded at the Puerto Rico Property Registry. The Fideicomiso is also an instrument to prevent gentrification and involuntary displacement as an unintended consequence of the implementation of the District Plan, ensuring long-term housing affordability. It develops environmentally conscious housing as well, mainly focusing on providing options for the families that currently live on the relocation zone

¹ See, R.C. 118 of November 19, 2019.

related to the Dredging or the planned infrastructure works. ENLACE, the Fideicomiso, and the Grupo de las Ocho Comunidades aledañas al Caño Martín Peña, Inc. (G-8), as well as the public policy PR Law 489-2004 and the District Plan for the area were designed as a result of 700 participatory planning-action-reflection activities carried out over a period of two years, between 2002 and 2004.

About the ENLACE Project

The ENLACE Project, whose main contents are included in the District Plan, is extremely relevant and important for the development of Puerto Rico. It is crucial not only for reducing for thousands of families their vulnerability to recurrent flooding filled with wastewater, and their exposition to diseases related to the environmental degradation of the CMP, but it also provides the possibility of transforming the City. It is an innovative environmental justice and social transformation initiative that pursues a livable, inclusive and resilient city through the ecosystem restoration of an estuarine channel in the heart of San Juan, Puerto Rico, affordable and safe housing, adequate infrastructure, and quality public spaces. Partial estimates indicate that each 100 year recurrence flooding incident causes an approximately \$700 million in losses for the country, while on the other hand, the ENLACE Project would inject \$587 million into the economy, and provide further tourism and real estate benefits. Restoring the CMP would reconnect the lagoons and channels of the San Juan Bay Estuary, recreation and tourism opportunities, revaluation of urban land, and economic development.

Despite their central location in the heart of the San Juan Metropolitan Area, the CMP communities have a long history of poverty, urban overcrowding, unsafe living conditions, exposure to environmental and health hazards, and marginalization. The eastern half of the 3.75-mile long CMP, historically between 200 and 400 feet wide and navigable, is currently clogged with sediments, debris, trash, and water polluted with fecal matter. This has affected public health, safety, and increased flood risks for the residents of neighboring communities. Additionally, it compromises critical infrastructure nearby, such as the Luis Muñoz Marín International Airport, which receives close to 9 million visitors per year. Research conducted in the District shows that exposition to flood water leads to an increased risk of gastrointestinal diseases and a higher prevalence of chronic diseases, such as bronchial asthma and atopic dermatitis."²

As a result of Hurricanes Irma and María, approximately 70% of the communities were flooded with wastewater, in some areas for up to four days; approximately 1,200 homes lost their roofs, either partially or totally; and over 75 homes were destroyed in their entirety, thus exacerbating public health and safety hazards. Through the sense of empowerment and solidarity that has always characterized these communities, the ENLACE Project propelled an effective grassroots disaster relief and recovery. Just one month after the hurricane, with the support of over 620 volunteers, the following relief and recovery activities, among others, were conducted: distribution of over 800 tarps; removal of approximately 2,565 cy of vegetative material blocking access; assistance to over 682 families applying for the Federal Emergency Management Agency Individual Assistance Program; and distribution goods, food, water, mosquito repellents, mosquito nets, among other donations which resulted in an immediate benefit for the communities.

In addition to the disaster relief and recovery efforts of the ENLACE Project, funds are required to address the public health, housing, and infrastructure unmet needs exacerbated by the hurricane. This is a critical issue for CMP communities because of their high population density.

² Sheffield PE, Agu DP, Rowe M, Fischer K, Pérez AE, Rodríguez LN, Avilés KR. (2014). Health Impact Assessment of the Proposed Environmental Restoration of Caño Martín Peña. San Juan, Puerto Rico

According to the 2010 U.S. Census, there are approximately 26,000 residents. US Census 2010 data (USCB 2010), U.S. American Community Survey 2010-2015 (ACS 2015) and ENLACE's own studies³ provide a striking profile of the poverty prevalent in these communities and their pervasive socio-economic needs. The District's population density is almost three times the rate for the Municipality of San Juan and 25 times that of Puerto Rico (USCB) and the median household income for families living in the CMP's District is \$10,836. (ACS 5 Year Estimates).^{4,5} The ENLACE Project will address the issues described above while contributing to long-term climate change mitigation, adaptation, and resilience. Investment of CDBG-DR funds in the ENLACE Project will provide an opportunity for a just and equitable disaster recovery, without community displacement and gentrification and ensuring a democratic community participation.

References of public policies and related documents

- PR Law 489-2004⁶
- District Plan⁷
- Reglamento General para el Funcionamiento del Fideicomiso de la Tierra del Caño Martín Peña⁸
- Final Feasibility Report and Environmental Impact Statement for the CMP-ERP⁹
- Build Back Better Puerto Rico: Request for Federal Assistance for Disaster Recovery¹⁰
- RC 118-2019¹¹

COMMENTS, QUESTIONS, AND SUGGESTIONS:

Main Comments

Overall, the amended Action Plan is still not compatible with the public policies set forth in the District Plan nor the recent policies adopted by the Government of Puerto Rico through RC 118-2019, critical to reduce flood and storm risks in the San Juan Metropolitan Area. To address this, we recommend incorporating the actions described in the comments submitted by ENLACE and the Fideicomiso on October 21, 2018, in addition to the following recommendations:

1. The Home Repair, Reconstruction, or Relocation Program (R3) Program should allow for the reconstruction, rehabilitation of substantially damaged and/or construction of homes within the floodplain in compliance with RC 118-2019.

According to the Federal Emergency Management Agency (FEMA)'s April 2018 flood maps, approximately 89% of the District is classified as a floodplain. As a result, the restrictions on construction, reconstruction, and rehabilitation of substantially damaged homes within a floodplain imposed by the PRDOH will promote displacement, contrary to the objectives of CDBG-DR and PR Law 489-2004. In addition, such restrictions are contrary to the U.S. Department of Housing and Urban Development (HUD)'s directives and the PRDOH's certification stating that the Action

³ Proyecto ENLACE, Primer Informe Socioeconómico, 2002, Estudios Técnicos (CPE 2002).

⁴ USCB 2010, ACS 2014 & CMP Studies.

⁵ American Community Survey 5-year estimates.

* Calculated using the median formula for obtaining the Median from grouped data: $L + (n/2 - B)/G \times w$

⁶ http://www.presupuesto.gobierno.pr/af2009_2010/Tomo_II/suppdocs/baselegal/264/ley489.pdf

⁷ <http://app.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx> under Regulation #7469

⁸ <http://app.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx> under Regulation #7587

⁹ <https://usace.contentdm.oclc.org/digital/collection/p16021coll7/id/2302/>

¹⁰ https://nihc.org/sites/default/files/Build_Back_Better_PR_Request_94B.pdf

¹¹ <https://noticiasmicrojuris.files.wordpress.com/2019/11/resoluciocc81n-conjunta-118.pdf>

Plan should “minimize displacement of persons or entities [...]”¹² The Housing Program Guidelines developed by other grantees to implement their CDBG-DR Disaster Recovery Action Plans do not contain the same heightened restriction that is contained in the Action Plan. In addition, unlike the PRDOH, the grantee agencies in Texas, Florida, and the U.S. Virgin Islands state that mitigation measures, such as the reconstruction and elevation of eligible homes in the floodplain, may receive funding.

The Texas General Land Office (GLO) is the official grantee of CDBG-DR funds for the State of Texas.¹³ The GLO administers the Homeowners Assistance Program (HAP) and permits eligible applicants to repair, rehabilitate, and reconstruct homes, including measures to “elevat[e] the homes above the flood level” to improve resiliency.¹⁴ This suggests that the certification contained in the State of Texas Action Plan is compatible with repair, rehabilitation, and reconstruction measures *including funding to elevate homes in compliance with HUD regulations*. The Florida Department of Economic Opportunity (DEO) is the official grantee of CDBG-DR funds for the State of Florida.¹⁵ The DEO’s Single Family and Mobile/Manufactured Housing Guidelines offer financial aid to elevate homes “to comply with the elevation requirements governed” by HUD standards (at two feet above the 100-year floodplain level).¹⁶ The guidelines state that homes within the floodplain with a “substantial damage determination” may be “reconstructed and elevated.”¹⁷ FEMA defines “substantial damage” as “damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”¹⁸ Thus, the DEO’s program guidelines suggest that the certification contained in the Florida Action Plan is compatible with reconstruction and mitigation measures, including funding to reconstruct and elevate homes within the floodplain.

The Housing Finance Authority (HFA) is the official grantee of CDBG-DR funds to the U.S. Virgin Islands.¹⁹ The HFA’s Disaster Recovery Action Plan, approved on March 1, 2019, aims to support residents “directly affected by the storms by rehabilitating or replacing housing units, including mitigation enhancements.”²⁰ According to the U.S. Virgin Islands Action Plan “all structures, as defined at 44 CFR 59.1, designed

¹² Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recovery Grantees, 80 Fed. Reg. 28,5850 (Feb. 9, 2018).

¹³ State Action Plans: Hurricane Harvey, TEXAS GENERAL LAND OFFICE, <http://recovery.texas.gov/actionplans/hurricane-harvey/index.html> (last visited March 21, 2019).

¹⁴ Homeowner Assistance Program, TEXAS GENERAL LAND OFFICE, <http://recovery.texas.gov/individuals/programs/homeowner-assistance/index.html> (last visited March 21, 2019).

¹⁵ Office of Disaster Recovery, Florida Department of Economic Opportunity, <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-andorganizations/disaster-recovery-initiative> (last visited March 21, 2019).

¹⁶ FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, REBUILD FLORIDA HOUSING REPAIR & REPLACEMENT PROGRAM (2018), 11, <http://www.floridajobs.org/docs/default-source/2015-community-development/communityrevitalization/dri/irmahousingrepairreplacementguidelinessinglefamilyenglish.pdf?sfvrsn=2>.

¹⁷ *Id.* at 13.

¹⁸ 44 C.F.R. § 59.1

¹⁹ Disaster Recovery, VIRGIN ISLANDS HOUSING FINANCE AUTHORITY, <https://www.vihfa.gov/disaster-recovery> (last visited May 20, 2020).

²⁰ Disaster Recovery Action Plan, VIRGIN ISLANDS HOUSING FINANCE AUTHORITY, <https://www.vihfa.gov/sites/default/files/USVI%20Disaster%20Recovery%20Action%20Plan%203.1.19.pdf> (last visited May 20, 2020).

principally for residential use and located in the 1 percent annual (or 100-year) floodplain that receive federal assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two to three feet above the 1 percent annual base floodplain elevation as determined by best available data.”²¹

It is also important to highlight that the flooding conditions in the District are mainly the result of the environmental degradation of the CMP and the lack of adequate pluvial and sanitary infrastructure. These projects are already contained in the District Plan and ENLACE is carrying out the necessary hydrology and hydraulic studies to show how the implementation of these projects will help to significantly reduce the flood footprint within the District. For example, on May 4, 2020, the Hydrologic-Hydraulics Analysis for the CMP-ERP (H-H Study) commissioned by ENLACE as part of the CMP-ERP's PED activities, reviewed and approved by the USACE, concludes that the CMP-ERP will reduce the flooding footprint in the areas surrounding the CMP and Laguna San Jose within the 100-yr Flood Zone.²² In some of the areas monitored as part of the H-H Study the difference in Water Surface Level (WSE) between existing conditions and proposed conditions (i.e. CMP-ERP) is -0.23, -.026 and -.029 meters (negative numbers indicate a decrease in water level when compared to existing conditions).²³ In addition, the dredging and channelization of the CMP will improve the flow of water at the mouth of the Juan Mendez creek that converges with the CMP which could benefit other communities such as San José in San Juan. Overall, the H-H Study concludes that the CMP-ERP will reduce and/or mitigate flood risks associated to 2 to 100-yr events in the communities surrounding the CMP and San José Lagoon, and the Luis Muñoz Marín International Airport. In addition, ENLACE is projecting to conduct a comprehensive water infrastructure master plan for the northern and southern region of the CMP which will provide additional data and analysis about how the critical storm-water and sanitary infrastructure projects will help prevent or reduce flooding within the District.

In view of the aforementioned, current flooding conditions within the District can be significantly reduced once the CMP-ERP and associated infrastructure projects are implemented, reducing flood damage to homes located in the District. Allowing the investment of CDBG-DR funds in the District for construction, reconstruction and/or rehabilitation of homes is critical to support the CMP-ERP and the additional mitigation measures contained in the District Plan.

Comments to the new Action Plan amendments

Program Requirements

1. *Housing Impacts.* The amended Action Plan reports that, to date, of the 26,951 applications received under the R3 Program, 6,000 or 24% have been deemed eligible for assistance and that housing construction will begin in 2020 (P.73). ENLACE and the Fideicomiso hereby requests the following information pertinent to the District:
 - a. The number of applications originating from residents of the District;

²¹ *Id.*

²² GLM Engineering Group. *Hydrologic-Hydraulic Analysis for the Caño Martín Peña Ecosystem Restoration Project*, Corporación del Proyecto ENLACE del Caño Martín Peña, 2020 (unpublished).

²³ *Id.*

- b. which of the applications originating from the District, if any, have been approved and which have been denied by the PRDOH; and
 - c. the number of housing units, if any, planned to be built within the District.
 2. *PRDOH CDBG-DR Management Distribution Models*. The amended Action Plan still states that “[f]or-profits may only be included as sub recipients when assisting with economic development and micro-enterprise activities, unless otherwise waived by HUD.” (P.99). The PRDOH should describe in the Action Plan the mechanisms through which sub-recipients can request from the agency any applicable waivers under federal laws and HUD regulations.
 3. *Program Income*. The Action Plan establishes that “Puerto Rico anticipates it may generate program income as part of the activities allowed under this allocation. Should any funds be generated, recovery of funds including program income, refunds, and rebates will be used before drawing down additional CDBG- DR funds.” However, it does not specify in which areas such income is foreseen, it does not contain projections of income, nor of redistribution thereof, if it would be destined to the same program that generates the income or could be redistributed to another different program to reach more people when these programs have a budget with more limitations.
 4. *Performance Schedule*. The Action Plan establishes that “Projections for expenditures and outcomes will be submitted to HUD with the Action Plan and will be amended as needed throughout the life of the grant.” (P.104) The PRDOH should include in the Action Plan the projections of income projected redistribution plan for each program, including milestones, deadlines, application process, eligibility, and evaluation criteria for applications. This information should be available for public comments.

Planning Programs

5. *Overall*. The Action Plan does not contain information on the applicability of the planning programs to the Special Planning Districts (SPD) adopted by the Puerto Rico Planning Board (PRPB). SPD are critical to address situations in geographic areas or communities with certain characteristics that distinguish them from others. The PRPB determined to designate the District in order to fulfill and safeguard the environmental, socioeconomic, institutional, mobility, transportation, and tourism development objectives particular to the communities surrounding the CMP, identified as a result of an extensive participatory design and consultation processes. The PRDOH must clearly state what mechanisms will be established to ensure that the implementation of the programs contained in the Action Plan does not contravene the public policies and projects established for SPD and/or ensure that the Action Plan programs are implemented by, or in close coordination with, the entities in charge of implementing their respective development plans, including ENLACE.
6. *Whole Community Approach*. There is a prevailing inconsistency between the Whole Community approach and the rest of the programs included in the Action Plan. The PRDOH must detail the measures that will be taken to ensure effective and real community participation in the decision-making process regarding the Whole Community Resilience Planning Program, with special consideration to community participation in relocations and structure demolition processes, prioritizing community cohesion and on-site mitigation when feasible. The PRDOH must also define the criteria to choose the communities that will participate in this program.

Housing Programs

7. *Overview.* In the general description of the programs, it is established that “[n]o funding has been committed to public housing at this time as FEMA assistance is still in development and the true unmet need is being assessed. Public Housing may be addressed with HUD’s second allocation of CDBG-DR funding.” (P.127) It has been almost three years since Hurricanes Irma and Maria passed through Puerto Rico and despite the assistance provided by FEMA to date there are hundreds or thousands of families, particularly tenants, who still do not have safe, decent, sanitary and permanent housing or that are in transitional housing. It is critical that PRDOH include funding for Public Housing independent of FEMA’s assistance process so that these families have additional housing options.
8. *Duplication of Benefit (DOB).* The Action Plan states that “Puerto Rico will implement policies and procedures to ensure no individual receives duplication of benefit for the same purpose and / or effect to recover from the hurricanes.” It also that “Federal law prohibits any person, business concern, or other entity from receiving Federal Funds for any part of such loss as to which he has received financial assistance under any other program, from private insurance, charitable assistance, or any other source.” (P.131). The Action Plan should describe:
 - a. How the PRDOH will provide assistance to families that received disaster assistance aid from other federal agencies (e.g. FEMA) but that were not sufficient to cover the total damage caused by the hurricanes. Families whose damages were not fully covered by disaster assistance received by other federal agencies and/or who did not have private or federally funded insurance at the time of the disaster are extremely vulnerable families. In addition, the PRDOH must stipulate and request the pertinent flexibilities to compensate the time elapsed between the hurricane period and the operational functionality of the programs as well as, the situations established above.
 - b. Whether FEMA Individual Assistance (FEMA IA) Funds or assistance received as part of the STEP Program (“Tu Hogar Renace”) are considered when ensuring an individual does not receive duplication of benefit in general, an in particular, in the context of the Homeowner Repair, Reconstruction, or Relocation Program and of each of the other housing programs proposed in the Action Plan.
 - c. Shall FEMA IA, STEP or both benefits have to be considered, please describe how this will affect the ability of moderate, low income, and very low income families, as well as that of other disadvantaged populations, to benefit from each of the housing programs, and the measures that will be taken to fill the gaps.
9. *Displacement of Low Income and other Disadvantaged Communities.* In the Action Plan, PRDOH states that Puerto Rico must use funds not simply to rebuild homes, but to “rebuild families and communities . . . generate a long-term investment in social capital, fortify the economy, and set the stage for stability and continuity in government modernization and efficiency for decades to come.” (P.v) The Action Plan also contains an affirmation of PRDOH’s anti-displacement goals: “All CDBG-DR funded activities will be designed to or minimize the occurrence of displacement. Puerto Rico will minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds.” (P.127) However, the PRDOH imposes additional restrictions beyond the HUD-mandated restrictions. The Action Plan specifies that homes in the floodplain are not “eligible for reconstruction in place.” It goes on to prohibit the use of funds for “rehabilitation” on projects which qualify as “substantial improvements” and

indicates that such homes will receive funds for “relocation assistance” out of the floodplain. Under these heightened restrictions, only households that are not “substantially damaged” are eligible for rehabilitation and no homes in the 100-year floodplain would be eligible for reconstruction in place. Other CDBG-DR grantees have all implemented programs that permit funding for repair, rehabilitation, reconstruction, and mitigation efforts within the floodplain for eligible households. The restrictions included in the Action Plan may lead to the displacement of low income and other disadvantaged communities, we recommend the following actions:

- a. Disaster management literature has demonstrated, and the Action Plan recognizes, that community cohesion, social relations, the state of institutions are critical indicators when analyzing vulnerability and the ability of a community to respond after a disaster. The SOVI methodology does not take these into consideration. These factors should be included in the vulnerability analysis.
 - b. The PRDOH must detail how the policies and programs proposed in the Action Plan strengthen social cohesion rather than weakening such critical aspects for disaster response. In particular, discuss how the requirement to repair and rebuild outside of high-risk areas where mitigation alternatives such as elevated structures and infrastructure improvements are feasible, affects community cohesion and promotes displacement.
10. *Uniform Relocation Act.* The Action Plan states that “Puerto Rico accepts the HUD waiver of the Section 104(d) requirements, which assures uniform and equitable treatment by setting the URA and its implementation regulations. Efforts to conduct voluntary buyouts for destroyed and extensively damaged buildings in a floodplain may not be subject to all provisions of the URA requirements.” (P.128) The Action Plan must:
- a. Discuss if families that will be relocated, in accordance with the Action Plan, will be considered to be “displaced persons” per the URA.
 - b. Explain how the eligibility criteria of “ownership of property structure (alternate method)” complies with URA criteria regarding displaced persons and eligible occupants.
 - c. Explain how the eligibility criteria for the Homeowner Repair, Reconstruction, or Relocation Program complies with URA, including relocation assistance rights under URA. For example, URA states that an owner occupant has the right to replacement housing if he/she has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations, among other requirements. The Action Plan states as an eligibility criterion: “Must have occupied the property as a primary residence at the time of the storm.” (P.130) The PRDOH should explain how these criteria will be harmonized, and the implications for families that were occupying the structure at the time of the storm and had to move afterwards. Furthermore, adverse effects for the District Plan are foreseeable. All relocation process required for the feasibility and fair implementation of the District Plan are carried out under the rigorous standards of the URA. Implementing relocation programs, even when your character is voluntary, will cause a dislocation between the benefits and perceptions of families affected by the District Plan.
 - d. Clarify what constitutes a “demonstrable hardship” for the purposes of the Action Plan, policies and procedures.
 - e. Establish the concrete steps Department of Housing will take to prevent families from becoming homeless persons once the “Tenant-Based Rental Assistance” and CDBG-DR funds are completed.

- f. The PRDOH should amend the Action Plan to incorporate the provisions set forth in RC 118-2019.
11. *R3 Program*. As part of the R3 program, the Action Plan states that "[d]amaged properties acquired by PRDOH will be demolished and vacant lots will be maintained as green space." (P.133) In accordance with PR Law 489-2004 and RC 118-2019, land acquired by the PRDOH within the District shall be considered for transfer to the Fideicomiso in coordination with this entity. In addition, the PRDOH should implement the amendments included in RC 118-2019 and establish the mechanisms to be implemented to ensure the long-term maintenance of green spaces and to prevent that these spaces become illegal dumping sites or abandoned areas that represent a risk to public health and safety. The Action Plan also states that "the homeowner must agree to own the home and use it as their primary residence for a period of 15 years after reconstruction or successful relocation, as secured through a Sworn Grant Agreement in compliance with Rule 35.4 of the Puerto Rico Civil Procedure Rules, 32 LPRA Ap. V, R.35.4 (Entry of Judgement by Confession), and a Direct Mortgage Deed with Imposition of Restrictive Covenants, which shall be recorded in the Puerto Rico Property Registry." (P.131) These restrictions can be detrimental to the socio-economic development of the homeowner. As reported in *El Vocero* on May 25, 2020, "[t]he economic losses caused by the spread of the [Coronavirus] virus on the island will exceed \$10 billion, while a total of 417,000 jobs or 46.8% of the 870,800 existing jobs on the island will be directly affected. [...] a second migration wave of 300,000 people could occur between 2020 and 2022, which would reduce the population to 2.7 million people. This is in addition to the more than 600,000 people who have left from 2010 to 2019 as a result of the protracted economic stagnation."²⁴ Considering the pervasive economic situation of Puerto Rico compounded by the COVID-19 pandemic, the PRDOH should take into consideration the adverse effect that the Sworn Grant Agreement and Direct Mortgage Deed with Imposition of Restrictive Covenants requirements may have if an eligible homeowner participating in the R3 program is forced to move within, or migrate out of, Puerto Rico in the near future in search of better economic opportunities and/or living conditions. If said requirements are HUD-mandated, we recommend that the PRDOH request a waiver.
12. *Method of Distribution*. The Direct Distribution Model does not allow sub-recipients such as ENLACE, which has carried out acquisition and relocation processes for the past 15 years, to participate in this Model to ensure that it aligns with its relocation processes and that it complies with laws and/or regulations such as URA, applicable to relocation processes in the District. In addition, the voluntary character of the program becomes academic when aid programs are not flexible enough to include real and existing housing options.
13. *Property Title*. The Action Plan states that "Due to the extent of undocumented informal construction on unregistered land, reform to the parcel registry is paramount to restructuring the housing market. Parcel registry is important for clarifying and preventing boundary disputes". (P.51) Puerto Rico has a longstanding history of informal settlement and/or housing, particularly in economically disadvantaged communities. As reported by the American Bar Association, "[t]he Society for Puerto Rican Planners, David Carrasquillo

²⁴ Segarra, G. (2020, May 25). Coronavirus disparará migración en la Isla. Retrieved May 27, 2020, from https://www.elvocero.com/economia/coronavirus-disparar-migraci-n-en-la-isla/article_4e8296d2-9ecc-11ea-b68f-13c7b245a477.html (translation supplied).

estimates that 260,000 homes in Puerto Rico do not have titles or deeds.”²⁵ These has led to advocacy organizations such as the National Low-Income Housing Coalition (NLIHC) and the Disaster Housing Recovery Coalition (DRHC) question the utility of said restrictive policies that may prevent thousands of people from getting much needed assistance.²⁶

14. *Options for the regularization of land rights.* The Action Plan focuses the strategy to regularize land rights in providing support to families in the process of obtaining fee simple titles. However, there are other alternatives that further advance the goals of avoiding the displacement of communities, promoting “whole communities” and ensuring long-term affordability. The Action Plan should:
 - a. Provide real opportunities for communities to analyze options according to their priorities and choose how they want to address land tenure. Alternatives to individual land titles should be offered, such as community land trusts (CLTs), which help to ensure long-term affordability, community cohesion, prevent gentrification; reduce the rate of foreclosures, among other benefits. The Fideicomiso is available to support this process.
 - b. Support the transfer of public lands to allow for the creation of CLTs as well as using funds to buy private lands where necessary to regularize land tenure (i.e., when acquisitive prescription is not applicable).

15. *Process to regularize land rights.* The process to recognize and document land rights is complex. In areas where the government has issued land titles, there is lack of adequate documentation as to which titles were issued, as well as conflictive documentation between the Registry, documentation provided by the families and/or the information publicly available. In addition, in Puerto Rico registration of a title at the Registry is not a legal requirement thus non-registered deeds are accepted. In view of the aforementioned:
 - a. The Action Plan must establish a legal assistance program, or provide funds to law school clinics and/or pro bono programs, and/or other legal assistance and aid organizations, to assist families in the title regularization process, including how to obtain the declarations of heirs or other succession documents. These funds should also contemplate legal fees and costs. Similar strategies were implemented in Louisiana after Hurricane Katrina.
 - b. The Action Plan should contemplate how the PRDOH will assist or guide families in the process of seeking pertinent documentation from other local agencies, such as the Puerto Rico Department of Treasury, the Child Support Administration (ASUME, by its Spanish acronym) and/or the Municipal Revenue Collection Center (CRIM, by its Spanish acronym).
 - c. Funding should be made available to the Puerto Rico Department of Treasury and the Office of Notarial Inspection (ODIN, by its Spanish acronym) to be able to expedite the process to issue the *Estate Tax Return* (“Planilla del caudal relicto”), and the Negative Certification of Non-Contentious Cases (“Certificación negativa de asuntos no contenciosos”), respectively.
 - d. The PRDHO should support CLTs work to regularize land tenure, providing funds to conduct title investigations, surveys, databases, and others necessary to issue surface rights deeds to families living in CLT land, where necessary.

²⁵ The Lack of Proof of Ownership in Puerto Rico Is Crippling Repairs in the Aftermath of Hurricane Maria. (n.d.). Retrieved May 27, 2020, from https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--44--no-2--housing/the-lack-of-proof-of-ownership-in-puerto-rico-is-crippling-repair/

²⁶ *Id.*

16. *Program Caps.* The R3 Program limits the maximum award to \$185,000 for rebuilding, and for a homeowner to purchase a replacement home and make any required improvements; and to \$60,000 for repairs. The Action Plan should:
 - a. Describe the methodology and criteria used to establish the \$185,000 and the \$60,000 caps in benefits. Describe, if there is a gap that families need to cover, how it will be financed and how the cap is compatible with the URA. Describe whether the cap takes into consideration:
 - i. Actual and projected construction costs;
 - ii. Property market predictions and/or potential decrease in property's values;
 - iii. Demolition costs; and
 - iv. Any applicable Leadership in Energy and Environmental Design (LEED) and Fortified Home™ standards.
17. *Title Clearance Program.* The Action Plan states that "title services will not be provided for applicant properties located in the floodplain or floodway; or an area considered high-risk due to engineering, soil or slope conditions as verified by engineering inspections". (P.136) As reported by the *Centro de Periodismo Investigativo* and highlighted by multiple legal aid and assistance organizations, proving property ownership "is one of the main obstacles that prevents federal government assistance from reaching those who need it"²⁷. Many families that face issues proving ownership of their home due to lack of title are located within the floodplain or floodway, or an area considered high-risk. However, these families could legitimately own, or have property rights to, their homes although it is located on a high-risk area and/or that they lack title. These families could benefit from multiple programs contained in the Action Plan and the PRDOC should not prevent them from accessing the title services provide through the Title Clearance Program.
18. *Housing Counseling.* The Action Plan focuses on much needed housing counseling services for disaster recovering. However, it does not delineate how these individual choices will be linked to the Whole Communities planning and strategies, so that individuals are made aware of any mitigation and on site reconstruction opportunities and have the opportunity to stay in their communities and avoid displacement. The Housing counseling activities should be intertwined with existing grassroots community organizing and participatory planning. In addition, according to the redevelopment incentive section "participants may receive an additional \$5,000 in assistance if they choose to purchase a home in a designated urban and/or redevelopment zone as defined in the Program Guidelines procedures." (P.157) The PRDOH should take into consideration the possibility of encouraging community displacement and the breakdown of social cohesion of vulnerable communities, when implementing this type of incentive.

Economic Recovery Programs

19. *Construction and Commercial Revolving Loan Program.* The Action Plan establishes that "Providing local contractors access to start-up and mobilization capital will build local reconstruction capacity and maximize the amount of funds recirculated into the Island's economy." (P.162) The PRDOH should describe the current projections on the income that would be generated given the interest accrued on the loans and disclose how this

²⁷ Banuchi, R. (2018, February 05). Lluieven las denegatorias de asistencia por parte de FEMA en Puerto Rico. Retrieved May 29, 2020, from <https://periodismoinvestigativo.com/2018/02/llueven-las-denegatorias-de-asistencia-por-parte-de-fema-en-puerto-rico/> (translation supplied).

revenue would be used or reinvested, and what the proposed distribution of funds would be. In addition, the PRDOH should take into consideration the possibility of encouraging community displacement and the breakdown of social cohesion of vulnerable communities, when implementing this type of incentive.

Small Business Financing Program

20. One of the projected accomplishments of this program is the “[j]ob creation and retention through the recovery and growth of businesses damaged and/or disrupted by the hurricanes, and the growth of start-up businesses established after the hurricanes.” (P.164) The PRDOH and the Department of Economic Development and Commerce (DEDC), as administrator of the program, should amend the Action Plan and guidelines to prioritize existing and hurricane-affected small businesses over external, newly established business. The PRDOH and DEDC should provide mechanisms to prioritize community-based enterprises and business.

Small Business Incubators and Accelerators Program

21. The initiative included in the Action Plan considers new and startup businesses in need of support to participate in the economic rebirth of the Island. According to the Action Plan, “PRDOH will oversee this program and will fund incubator and accelerator activities with units of local government, non-profit organizations or governmental agencies with proven experience in the implementation of business incubators and accelerators.” (P.169) ENLACE and the Fideicomiso should be partners for the implementation of this initiative within the District, recognizing that they have been implementing a new business incubation initiative for years as part of their Community Economic Development Program.

Workforce Training Program

22. Training is essential to develop long-range economic recovery and prosperity. This program prioritizes job training and emphasizes the construction industry in the face of a shortage of skilled labor. The PRHD and DEDC as administrator of the program should consider other capacity development areas that in addition to the construction industry.

Infrastructure Coordination Programs

23. *Community Resilience Centers Program.* The Action Plan seeks to accomplish the creation of “known network of clearly identified and registered community resilience centers across the Island to support communities during disasters with provision of critical functions and increasing social resilience through potential expansion of year-round day-to-day functions.” (P. 196) In Puerto Rico, organized communities serve as first responders in most cases throughout the Island. Grassroots and community-based organizations, such as the G-8, often are entrusted with the task of setting up, establishing, and maintaining community aid centers after disasters, providing much needed relief and aid. The PRDOH must establish priority in the granting of funds to places of greater vulnerability. If there are prohibitions on granting these funds in flood zones, PRHD should request from HUD the necessary waivers to achieve mitigation in these spaces and make them more resilient. The spaces to be considered should include the public schools’ facilities that were closed by determination of the Department of Education after the impact of hurricanes

Multi-Sector Initiatives Program

24. Through this program, the PRDOH seeks to promote multi-sector initiatives that "incorporate aspects of or provide benefits in each of the four sectors: economic development and revitalization, infrastructure, planning, and housing." (P.199) The PRDOH must recognize the policies and instruments, such as the District Plan, that are already in place, so that funds are focused on moving forward the work that will ultimately mitigate risks and address public health and safety issues.

City Revitalization Program

25. The Action Plan should recognize the District Plan's initiatives as they align with the objectives of promoting "widespread re-greening (green infrastructure, etc.) efforts across the island to provide multiple benefits to communities. prioritizes funding for projects with higher levels of leverage investments." (P.201) In addition, the PRDOH should expand the eligibility of this program to public corporations whose main mission is based on community development or to clarify whether these types of public partnerships are recognized within the group identified as "Other community-based governmental entities". In addition, the PRDOH shall amend the Action Plan to allow the implementation of this program in accordance with the legal framework of planning in Puerto Rico, specifically the provisions on development plans for SPD such as the District Plan.

Public Participation

26. The emergency caused by Coronavirus disease (COVID-19) and the security measures implemented by the Governor of Puerto Rico may significantly affect the public's ability to participate in the public comment process. In view of the emergency as well as the technological challenges traditionally faced by the most disadvantaged communities, the PRDOH must implement public participation initiatives beyond the public comment period to afford "stakeholders (those that have an interest or stake in an issue, such as individuals, interest groups, communities) the opportunity to influence decisions that affect their lives"²⁸ The PRDOH shall provide additional time and additional platforms for individuals to submit their comments. In view of the implications of the Action Plan to disadvantaged communities, to ensure an inclusive, meaningful, efficient, and effective public participation.

Translation

27. The Action Plan and its amendments should be concurrently published in both Spanish and English considering that 96.4%²⁹ of the population speak a language other than English at home (mostly Spanish). The PRDOH must ensure that both translations contain the same data and information to avoid misinformation among the public.

²⁸ The Lack of Proof of Ownership in Puerto Rico Is Crippling Repairs in the Aftermath of Hurricane Maria. (n.d.). Retrieved May 27, 2020, from

https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--44--no-2--housing/the-lack-of-proof-of-ownership-in-puerto-rico-is-crippling-repair/

²⁹ ACS 2014-2018.

Discussion of data

28. The Action Plan still maintains discrepancies in various instances where relevant information is discussed. For example, the enumeration of the tables and graphs used, and the enumeration and reference to the annexes. These issues continue to limit the fluid reading of the document and therefore affect its understanding and the ability to submit comments.

Deferral or Definition of Policies, Concepts, Actions

29. The Action Plan continues to establish that certain policies will be adopted in future documents and processes. However, the public should have knowledge of these policies to make a comprehensive assessment of the impacts that the implementation of the Action Plan may have. A few of the policies that should be described in the Action Plan are the “[d]etailed policies and procedures for assessing Duplication of Benefit” (P.101), critical to properly assess which families or individuals are eligible for assistance and what type of assistance they’re entitled to, and the “[p]rojections for expenditures and outcomes” (P.104), information that will help sub-recipients plan in advance the itinerary and milestones for the use of CDBG-DR funds taking into account the projections of the PRDOH.

We are available to provide further information as needed.

Sincerely,

Mario Núñez Mercado

Mario Núñez Mercado
Executive Director

c. G-8, Grupo de las Ocho Comunidades Aledañas al Caño Martín Peña, Inc.



May 25, 2018

VIA EMAIL: infoCDBG@vivienda.pr.gov

The Honorable Fernando Gil Enseñat
Secretary
Department of Housing
Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, PR 00928-1365

COMMENTS TO THE PUERTO RICO DISASTER RECOVERY ACTION PLAN

Dear Mr. Gil Enseñat:

The *Corporación del Proyecto ENLACE del Caño Martín Peña* (ENLACE) and the *Fideicomiso de la Tierra del Caño Martín Peña* (Fideicomiso) present our comments concurrently to the Puerto Rico Disaster Recovery Action Plan (Action Plan). The CDBG-DR funds present a unique opportunity to impact Puerto Rico's development in the years to come, in a meaningful way. Our comments are based on our experience, as organizations that were designed as instruments to implement innovative solutions to issues of sustainability, risk management, affordability, land tenure, and strong community organizing in the context of eight low income communities, many of which originated as informal settlements. We strongly believe that the internationally renowned ENLACE Caño Martín Peña Project (ENLACE Project) has the credibility, trajectory, and policy / institutional framework to demonstrate that a just, equitable, and participatory recovery for Puerto Rico is possible. The ENLACE Project is also key to transform the San Juan Metropolitan Area, generating wealth, jobs, and new economic development opportunities by recovering its bodies of water while reducing flood risks in the District and in the Luis Muñoz Marín International Airport.

Our institutions are the result of a highly participatory planning – action – reflection process that also led to the creation of the Comprehensive Development and Land Use Plan for the Caño Martín Peña Special Planning District (District Plan). We have been working together with the grassroots coalition *G-8, Grupo de las Ocho Comunidades Aledañas al Caño Martín Peña, Inc.* (G-8), which enable a protagonic role of the 26,000 residents in eight communities in policy and project design and implementation, as well as strong partnerships with over 100 universities and businesses from Puerto Rico and abroad, and a tradition of volunteer work. It is from that

experience that we present our comments, in the hopes that we contribute to inform the decisions of the Puerto Rico Department of Housing (PRDOH) and the US Department of Housing and Urban Development (HUD) regarding the development of the Action Plan.

After a brief description of both institutions and our work, we present comments pertaining the planning, housing, infrastructure, and economic development proposed strategies, as well as others related to public participation strategies.

Background information

About the Corporación del Proyecto ENLACE del Caño Martín Peña (ENLACE)

Puerto Rico Act Number 489 of September 24, 2004, as amended (Act 489-2004), known as the Comprehensive Development of the Caño Martín Peña Special Planning District Act, created ENLACE as a government corporation to implement the District Plan, coordinate and implement actions related to the environmental restoration of the Caño Martín Peña, and improve the urban and socioeconomic landscape of the District and the quality of life of their residents. The District Plan includes the Caño Martín Peña Ecosystem Restoration Project (CMP-ERP), whos through the dredging and canalization of said body of water (Dredging). As the non-Federal sponsor for the CMP-ERP, the Corporation has received under the Water Resources Development Act of 2007 approval of \$150 million for the project; conducted and received approval for the CMP-ERP Environmental Impact Statement and Feasibility Report; and the Dredging is already in the design stage. This also includes the required rainwater, sanitary, and potable water infrastructure, as well as the indispensable relocation of families in homes that are decent, safe, and sanitary within the community. To make all this possible, the corporation was created with an institutional design that allows it to work in partnership with the public and private sector, and with a high degree of citizen participation. In an ordinary year, the Corporation has over 100 partnerships and alliances in and outside Puerto Rico, and over 400 volunteers. Since Hurricane Maria, over 45 new allies and collaborators and over 800 volunteers have joined the efforts. This has allowed us to have significant achievements, despite budgetary limitations to accomplish our objectives.

About the Fideicomiso de la Tierra del Caño Martín Peña

Winner of the 2016 UN World Habitat Award for its innovation in housing, the Fideicomiso is a private, non-profit community land trust, with independent juridical personality, created under Act 489-2004 as an instrument to regularize land tenure through collective land ownership in perpetuity of over 200 acres of land, and through individual surface rights. Such individual property rights over the structure and the surface rights, together with the collective property rights to the land, are recognized through deeds that are presented to the Puerto Rico Property Registry. The Fideicomiso is also an instrument to prevent gentrification and involuntary displacement as an unintended consequence of the implementation of the District Plan, ensuring long term housing affordability. It develops housing as well, mainly focusing on providing options for the families that currently live on the relocation zone related to the Dredging or the planned infrastructure works. The Corporation, the Fideicomiso, and G-8, as well as the public policy PR Act 489-2004 and the Comprehensive Development and Land Use Plan for the area were designed as a result of 700 participatory planning-action-reflection activities carried out over a period of two years, between 2002 and 2004.

About the ENLACE Project

The ENLACE Caño Martín Peña Project (ENLACE Project), whose main contents are included in the District Plan, is extremely relevant and important for the development of Puerto Rico. It is crucial not only for reducing for thousands of families their vulnerability to recurrent flooding with waste infested water, and their exposition to diseases related to the environmental degradation of the Caño Martín Peña, but it also provides the possibility of transforming the City. It is an innovative environmental justice and social transformation initiative that pursues a livable, inclusive and resilient city through the ecosystem restoration of an estuarine channel in the heart of San Juan, Puerto Rico, affordable and safe housing, adequate infrastructure, and quality public spaces. Partial estimates indicate that each 100 year recurrency flooding incident causes an approximately \$700 million in losses for the country, while on the other hand, the ENLACE Project would inject \$587 million into the economy, and provide further tourism and real estate benefits. Restoring the Caño would reconnect the lagoons and channels of the San Juan Bay Estuary, recreation and tourism opportunities, revaluation of urban land, and economic development. It will also reduce vulnerability of the Luis Muñoz Martín International Airport to extreme weather events and flooding.

Before hurricanes Irma and Maria, Caño communities were facing serious risk situations. Recurrent flooding with waste infested water is caused by the fact that the Caño, originally navigable and between 200 and 400 feet wide, is currently clogged with sediments, debris, and waste; the rainwater systems are collapsed and have been receiving untreated waste water because of the lack of sanitary sewer systems. This situation's impacts on public health and the environment have been widely documented. It's been demonstrated that there is a correlation between coming into contact with flood water and gastrointestinal and skin diseases; between living next to the Caño and high rates of asthma in the pediatric population and the prevalence of leptospirosis. Residents are exposed to vector borne diseases carried by mosquitos. Before the hurricane, ENLACE Project was positioned to be a solution to these problems, which together with comprehensive development, would allow the informally originated community to remain in site and reduce significantly its risks to disaster, disease, while benefitin from of the area's economic development. The District Plan reduces risks and adapts to climate change. We know that the clogged state of the Caño not only affects over 25,000 (USCB 2010) Caño community residents, who have a median income of \$12,700 (ACS 2016), but that it has also increased the risk to flooding in other areas of the city, in the areas surrounding the San José Lagoon, and the international airport. Before Maria, Puerto Rico had invested over \$100 million in housing and infrastructure. Over 600 families had been relocated 160 by the Corporation; but over 880 families still need to be relocated, and several infrastructure projects still need to be implemented, including storm, sanitary, and potable water systems.

Maria worsened significantly the housing situation in Caño communities. Approximately 1,200 homes were left without a roof, and at least 100 were completely destroyed. Seventy percent of the community was flooded with waste infested water, in many areas for up to four days. The Caño was covered by vegetative material, which clogged it even more. During the first month after Maria, there were four floods. An already precarious situation turned much worse.

Now the ENLACE Project is more necessary than ever. It not only provides mitigation and a contribution to long-term climate change adaptation and resilience, but it is also an equitable, but also an opportunity for a post-Maria recovery and reconstruction project that is equitable, just, without gentrification and with democratic community participation.

Caño Martín Peña Land Trust

The *Fideicomiso de la Tierra del Caño Martín Peña* (Fideicomiso) is a community land trust created under PR Law 489-2004, as a private, nonprofit organization with independent juridical personality. It manages 200 acres of land collectively owned in perpetuity by its members for the benefit of all residents in densely populated, very low to moderate income communities that comprise the District located along the Caño Martín Peña, and next to San Juan's financial district. The Caño is a 3.75 mile long, highly polluted tidal channel, site of the EPA's Urban Waters Federal Partnership and part of the San Juan Bay Estuary, the only tropical estuary within the EPA's National Estuary Program. The Fideicomiso is an innovative instrument designed by community residents to regularize land tenure and avoid gentrification as an unintended consequence of the Caño Martín Peña Ecosystem Restoration Project (CMP-ERP).

Through the *Fideicomiso*, approximately 2,000 families collectively own, in perpetuity, 200 acres of strategically located land that was previously government-owned, and individually own surface rights. Such property rights are recognized in public deeds. The land cannot be sold, whereas surface rights can be inherited, sold, and mortgaged. The Fideicomiso retains the first right of refusal. Collective ownership ensures that the environmental restoration work renders environmental justice for the families that have suffered for over 50 years the hardships associated with frequent wastewater floods that affect their health and material possessions. It guarantees affordable housing and promotes equitable development, as the increase in land value and profits from the development of its real estate will be reinvested in the community to help finance the ongoing comprehensive development ENLACE Caño Martín Peña Project, and eventually, will become a source of income for the residents. Together with the grassroots G-8, Group of the Eight Communities Adjacent to the Caño Martín Peña, Inc., and the public corporation, *Corporación del Proyecto ENLACE del Caño Martín Peña* tasked with implementing the comprehensive development plan, the Fideicomiso is part of a governance structure that ensures strong participation and partnerships across sectors.

Out of the 25,000 residents in the communities along the Caño, 18,000 live within the Caño Martín Peña Special Planning District, throughout which the Fideicomiso's lands are scattered. Approximately 40% of those live within the Fideicomiso.

Reference public policy and related documents

Throughout the comments, we will reference the following key public policy documents:

- Law 489 of September 24, 2004, as amended (Law 489-2004)¹
- Comprehensive Development and Land Use Plan for the Caño Martín Peña Special Planning District (District Plan)²
- Reglamento General para el Funcionamiento del Fideicomiso de la Tierra del Caño Martín Peña (Fideicomiso Regulations)³
- Feasibility Report and Environmental Impact Statement (FR-EIS) for the Caño Martín Peña Ecosystem Restoration Project (CMP-ERP)⁴
- Build Back Better Puerto Rico: Request for Federal Assistance for Disaster Recovery⁵

¹ <http://www2.pr.gov/presupuestos/PresupuestoAprobado2016-2017/PresupuestosAgencias/suppdocs/baselegal/264/ley489.pdf>

² <http://app.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx> under Regulation #7469

³ <http://app.estado.gobierno.pr/ReglamentosOnLine/ReglOnLine.aspx> under Regulation #7587

⁴ <https://usace.contentdm.oclc.org/digital/collection/p16021coll7/id/2494/rec/1>

⁵ http://www.cdbg-dr.pr.gov/wp-content/uploads/2018/03/Buildbackbetter_Puerto_Rico.pdf

Undoubtedly, CDBG-DR funds will drive land use, housing, and overall development in the next years. Our comments and suggestions are geared towards ensuring that disaster recovery policies drive a more equitable, just, and participatory development,

COMMENTS, QUESTIONS, AND SUGGESTIONS:

Compatibility with public policy applicable to the Caño Martín Peña

Overall concerns

- The Action Plan is not compatible with the public policy set forward for the District.
- The Action Plan does not make feasible the ecosystem restoration of the Caño Martín Peña.
- *Compliance with relevant public policy regarding the ecosystem restoration of the Caño Martín Peña Special Planning District*
- The Action Plan does not support the flood protection / ecosystem restoration (dredging) of the Caño Martín Peña and is not congruent with the public policy for the District's development.

Planning

The Action Plan includes a description of the Hurricane's impact to demographics, infrastructure, and the economy. However, the document fails to discuss impacts to stormwater, sanitary, and potable water infrastructure, roads, sanitary landfill systems, and natural resources.

Recommendation

- (a) Impacts to stormwater, sanitary, and potable water infrastructure, roads, sanitary landfill systems, and natural resources should be discussed.

The Action Plan does not establish a mechanism through which CDBG funds will be made available. However, PRDOH personnel have established in public presentations that the funds will be made available through reimbursements. Given that these funds are directed at benefitting very low- to medium-income residents and the fact that some of the programs are proposed at the individual level (direct distribution), many beneficiaries will lack the income or resources to cover initial expenses and then wait to be reimbursed.

Recommendations

- (a) The Plan should clearly indicate the mechanism through which funds will be made available.
- (b) The Plan should specify how this applies to each one of the programs, particularly to those initiatives aimed at very low-, low-, or medium-income beneficiaries.

On page 81, the Action Plan establishes that “[p]rojections for expenditures and outcomes will be submitted to HUD with the action plan and will be amended [sic] as needed throughout the life of the grant.” These projections are not included in the Plan.

Recommendations

- (a) Publishing the projections for expenditures and outcomes and providing additional time for public comment.
- (b) The Action Plan should clearly establish: (a) an itinerary of deadlines; (b) the procedure for presenting applications, particularly for those proposed uses where funds are

accessible to sub-recipients and partners; and (c) eligibility and evaluation criteria for applications to each one of the programs.

Citizen Participation in the Public Comments Process of March 5-10 of 2018 regarding *Community Development Block Grant Disaster Recovery 2018 Huracanes Irma y María*:

In pages 121-123, the Action Plan includes a list of the municipalities, agencies, NGOs, and other entities, as well as individual citizens, who submitted comments during the public comments process of March 5-10. Regarding this issue, we establish the following:

- (a) Corporación del Proyecto ENLACE del Caño Martín Peña is a public corporation created through Act 489-2004, as amended. Through its Executive Director, ENLACE gave an oral presentation during a public hearing and later submitted comments in writing. ENLACE is included under "Non-Governmental Agency Comment Submitted" on page 122 of the Action Plan as "Proyecto Enlace Caño Martín Peña."
- (b) The Caño Martín Peña Community Land Trust, as well as Grupo de las ocho comunidades aledañas al Caño Martín Peña, Inc. (G8), also submitted comments during the March 5-10 process but were not included under the "Non-Governmental Agency Comment Submitted" list.

Recommendations

- (a) The Action Plan should be amended to reflect the Corporation's correct name, "Corporación del Proyecto ENLACE del Caño Martín Peña", and include said name under the correct list of participants, "Government Agency Comment Submitted."
- (b) The "Non-Governmental Agency Comment Submitted" list should be corrected to include these two entities, and the entire list of participants should be reviewed to ensure that all participants are included.

Page 153 of the digital Spanish version of the Action Plan includes the following text: "*Nota: Comentarios públicos completos público, registro y respuestas están consolidados en un documento anejo.*" (Note: Complete public comments public [sic], registry and responses are consolidated in an annexed document). The referenced annex was *not* available for evaluation and public comment. The English version does not include this note.

Recommendation

- (a) The referenced document should be included, along with the comments received by the Puerto Rico Department of Housing and the answers provided for each comment

Public, particularly community, participation in the elaboration of the Action Plan

Page 13 of the Action Plan mentions the existence of a Puerto Rico Housing Task Force "comprised of government leaders" that collaborate and advise on critical issues, including informal and substandard housing solutions and flood zone impact; and that said Task Force meets on a regular basis to discuss "in depth environmental conditions on the ground in Puerto Rico, drivers of resilience and policy solutions, and deliver actionable solutions for Puerto Rico's recovery." PRDOH and COR3 are mentioned as participants in this process of policy development.

Recommendations

- (a) The Action Plan should clarify who comprises the Task Force and what other persons or entities have participated in the development of the policies proposed in the Action Plan

for implementation through the use of CDBG-DR funds. These participants have been involved in the elaboration of policy regarding issues (housing, flood-prone areas) that could potentially have an enormous impact on certain communities. As such, it is important to know who said participants are and whether the relevant communities have been allowed to participate in these processes.

- (b) Particularly, **how** community groups participated in the elaboration of the Action Plan should be detailed in said document.

Whole Community Approach

- (a) Specify the measures that will be taken to ensure effective and real community participation in the decision making process regarding the Whole Community Resiliency Planning Program, in particular with decisions related to relocations.
- (b) Specify the criteria to choose the communities that will participate in this program.
- (c) There is a lack of consistency between the Whole Community approach with the rest of the programs included in the Action Plan. Whole Community requires participation and planning at a community wide scale. However, while such a process takes place, other programs that promote relocation of families and communities will be happening, affecting the possibilities to take advantage of the CDBG-DR funds for a well thought strategy that prioritizes on site mitigation, when feasible, above displacement, and that allows communities to decide how to address high risk areas. Thus, there might be a tension among two processes with different objectives.

Planning processes and its relation to future land uses

The Action Plan establishes a Whole Community approach to planning. Between pages 85 and 88, among the information provided for "Whole Community Resilience Planning" and "Agency Planning Initiatives (GIS, Planning Integration)", general references are made regarding planning processes previously established in Puerto Rico. In the case of Resiliency Planning, the Action Plan establishes on page 85 that the program will result in "comprehensive community recovery plans, the benefit of which will allow communities to develop policy, planning, and management capacity so that they may more rationally and effectively determine their needs, set long-term goals and short-term objectives, devise programs and activities to meet goals and objectives, evaluate the progress of such programs in accomplishing these goals and objectives, and carry out management, coordination, and monitoring of activities necessary for effective planning implementation." Further, on page 86, the Plan establishes the following: "The Puerto Rico Department of Housing will be the administering agency and will receive the community applications and final plans, as outlined in forthcoming guidelines. The Puerto Rico Planning Board will be consulted by PRDOH in the development of program guidelines to ensure consistency and a coordinated approach. Plans will lay the groundwork for effective and expedient housing, infra- structure and social investments as long-term recovery programs are funded."

Recommendations

- (a) The Action Plan should clarify how these planning processes will be carried out, given that they are meant to be participative, but they will initially be managed by municipalities (Phase 1) and later through sub-recipients (Phase 2). Accordingly, we pose the following questions:
 - o How is "participation" defined?
 - o What is expected of the participative process?

- (b) The Action Plan should clarify how the strategies proposed therein will be considered or integrated vis-à-vis the Special Planning Districts designated by the Puerto Rico Planning Board, particularly the Caño Martín Peña Special Planning District.
- (c) It is also important to clarify how these new plans will relate to existing plans, including the Puerto Rico Land-Use Plan and municipal land use plans. In particular, we are interested in knowing how they will relate to the Comprehensive Development and Land-use Plan for the Caño Martín Peña Special Planning District.

Caño Martin Peña

The NOFA requires coordination with other local and regional planning efforts to ensure consistency. The Action Plan states that “Communities, like Caño Martin Peña, are encouraged to submit holistic plans for recovery to include items such as land use, relocation, acquisition, and resilience measures.” As we have explained, there is already a comprehensive development plan in place that addresses these issues, and that needs urgent funding to continue implementation. There are also studies, designs, and shovel ready projects mentioned in our comments during the initial comment process, that must be constructed as soon as possible.

Recommendations:

- (a) We urge the PRDOH to recognize the policies and instruments that are already in place, so that funds are focused on moving forward the work that will ultimately reduce risks for the San Juan Metropolitan Area, and address public health and safety issues. The District Plan already recognizes relocation areas, and so far, over 600 families have been relocated, many within the District, into safe and decent housing.
- (b) Please discuss how the Action Plan supports the implementation of the District Plan, complies with the public policy laid out in Law 489-2004, and supports the Government of Puerto Rico request for CDBG-DR funds for the Caño Martin Peña as laid out in the document “Build Back Better Puerto Rico: Request for Federal Assistance for Disaster Recovery”. A request of \$1B in both CDBG-DR and USACE funds was included. Finally, discuss how the Action Plan supports the public policy regarding the role of ENLACE, the Fideicomiso, and the G-8 in the implementation of the District Plan.

Housing

Duplication of Benefits

The Action Plan states that Puerto Rico must ensure that no individual receives duplication of benefit for the same purpose and/or effect to recover from the hurricane (p. 79). It states that “Federal law prohibits any person, business concern, or other entity from receiving Federal Funds for any part of such loss as to which he has received financial assistance under any other program, from private insurance, charitable assistance, or any other source.

Recommendations

- (a) Clarify whether FEMA Individual Assistance (FEMA IA) Funds or assistance received as part of the STEP Program (“Tu Hogar Renace”) are considered when ensuring an individual does not receive duplication of benefit in general, and in particular, in the context of the Homeowner Repair, Reconstruction, or Relocation Program and of each of the other housing programs proposed in the Action Plan.

- (b) Shall FEMA IA, STEP or both benefits have to be considered, please describe how this will affect the ability of moderate, low income, and very low income families, as well as that of other disadvantaged populations, to benefit from each of the housing programs, and the measures that will be taken to fill the gaps.

Property Title

In Page 49, the Action Plan refers to concerns regarding clear ownership records or property records. After discussing the implications on FEMA assistance, the Action Plans states that "Due to the extent of undocumented informal construction on unregistered land, reform to the parcel registry is paramount to restructuring the housing market. Parcel registry is important for clarifying and preventing boundary disputes.

Property rights vs. property title

- (a) The Action Plan should recognize that under PR law, there is a difference between property rights and property titles. Not having documents that prove ownership does not imply that there are no property rights, nor that occupants are not in good faith. These nuances are important for the determination of eligibility.

Options for the regularization of land rights

The Action Plan focuses the strategy to regularize land rights, to help families obtain fee simple titles. However, there are other alternatives that further advance the goals of avoiding the displacement of communities, promoting "whole communities" and ensuring long term affordability.

Recommendations

- (a) Provide real opportunities for communities to analyze options according to their priorities and choose how they want to address land tenure. Alternatives to individual land titles should be offered, such as community land trusts (CLTs), which help to ensure long term affordability, community cohesion, prevent gentrification, reduce the rate of foreclosures, among other benefits. The Fideicomiso is available to support this process.
- (b) Support the transfer of public lands to allow for the creation of CLTs as well as using funds to buy private lands where necessary to regularize land tenure (i.e., when usucaption or an acquisitive prescription ("*usucapión*") is not applicable).

Process to regularize land rights

The process to recognize and document land rights is complex. In areas where the government has issued land titles, there is lack of adequate documentation as to which titles were issued, as well as conflictive documentation between the PR Property Registry, the documents that families have, as well as the information available in reports, files, and maps in government agencies and municipalities.

Recommendations

- (a) Low income families need to have access to lawyers that represent them in the process to obtain a declaration of heirs and clear succession issues. Funds should be made available to law school clinics and legal aid entities such as the *Sociedad para Asistencia Legal*, *Ayuda Legal Huracán María*, among others, so that they can have

sufficient resources to provide assistance to low and very low income families that need to obtain a declaration of heirs prior as a critical step to regularize land tenure. Also, funds should be made available to pay for other related costs in the courts, or to obtain documents from government agencies, for example. These strategies were used in Louisiana after Hurricane Katrina.

- (b) In our experience, families also need assistance and guidance in the process to obtain the support documents from government entities. Therefore, funding should take that into account, and cover for staff to accompany the families in the process.
- (c) Funding should be made available to the PR Treasury Department and the *Office of Notarial Inspection* (“Oficina de Inspección de Notaría”; ODIN, for its Spanish acronym) to be able to expedite the process to issue the *Estate Tax Return* (“Planilla del caudal relicto”), and the Negative Certification of Non-Contentious Cases (“Certificación negativa de asuntos no contenciosos”), respectively.
- (d) Support CLTs work to regularize land tenure, providing funds to conduct title investigations, surveys, databases, and others necessary to issue surface rights deeds to families living in CLT land, where necessary.

Uniform Relocation Act

- (a) Discuss if families that will be relocated, in accordance with the Action Plan, will be considered to be displaced persons as per the URA.
- (b) Explain how the eligibility criteria of “ownership of property structure (alternate method) complies with URA criteria regarding displaced persons and eligible occupants.
- (c) Explain how the eligibility criteria for the Homeowner Repair, Reconstruction, or Relocation Program complies with URA, including relocation assistance rights under URA. For example, URA states that an owner occupant has the right to replacement housing if he/she has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations, among other requirements. The Action Plan states as an eligibility criteria: “Must have occupied the property as a primary residence at the time of the storm.” Please explain how these criteria will be harmonized, and the implications for families that where occupying the structure at the time of the storm and had to move afterwards.

Displacement of Low Income and other Disadvantaged Communities

The Action Plan recognized the CDBG-DR requirement that activities must be designed to eliminate or minimize the occurrence of displacement. However, some of the proposed activities, as explained in the Action Plan, might lead to displacement. For example, the NOFA allows “alternatives strategies, such as demolition of substantially-damaged structures with reconstruction of an elevated structure on the same site, property buyouts, or infrastructure improvements to prevent loss of life and mitigate future property damage”. However, the Action Plan focuses on buyouts and relocation outside of high risk areas excluding elevation of structures and infrastructure improvements, which could prevent displacement.

Community cohesiveness

Recommendations

- (a) Disaster management literature has demonstrated, and the Action Plan recognizes that community cohesion, social relations, the state of institutions are critical indicators when analyzing vulnerability and the ability of a community to respond after a disaster. The

SOVI methodology does not take these into consideration. These factors should be included in the vulnerability analysis.

- (b) Explain how the policies and programs proposed in the action plan strengthen social cohesion rather than weakening such critical aspects for disaster response. In particular, discuss how the requirement to repair and rebuild outside of high risk areas where mitigation alternatives such as elevated structures and infrastructure improvements are feasible, affects community cohesion and promotes displacement.

High Risk Areas

When describing compliance with program requirements regarding elevation standards, the Action Plan states the following:

“As applicable, PRDOH will apply the elevation standards for new construction, repair of substantially damaged structures, or substantial improvements to residential structures in flood hazard areas, such that the lowest floor is at least 2 feet above the 1 percent annual floodplain elevation, as outlined in 83 FR 5850 and 83 FR 5861.”

One of the priorities of the Homeowner Repair, Reconstruction, or Relocation Program is to relocate families in hazard zones, defined as areas situated in the floodplain, floodway, or areas vulnerable to landslides.

Recommendations

- (a) Specify which maps will be used to determine hazard zones and provide access to those maps. For example, regarding the extent of the 1% annual floodplain elevation, 89% of the District is within the advisory base flood elevations (ABFE) as defined by FEMA in 2018. In contrast, 73% of the District is within the national flood hazard layer (2018).
- (b) The Action Plan should include (a) a map and list the communities with average income below the 80% Area Median Family Income, that are located in high risk areas as defined in the Action Plan, where residents will not be able to reconstruct in place; and (b) a map identifying high risk areas where affected families will not be able to relocate to, and specify the sources of information and methodology. The scale of these maps should allow people to identify communities. Such maps will help understand the implications of the proposed programs in terms of displacement of communities, promote engagement and participation in the process to develop and implement the Action Plans, whole community resilience planning activities, and in defining acceptable risk reduction measures.
- (c) The Action Plan should (a) estimate the number of families that will not be allowed to reconstruct in place or relocate within their communities; (b) list the communities that will be impacted by relocation activities.
- (d) The Action Plan should not limit repairs and reconstruction to areas that are not deemed “high risk”, where in high risk areas mitigation activities can be implemented to reduce risk as to minimize displacement and preserve community cohesion. Incorporate as a policy that where such risk mitigation activities are feasible, on site housing construction and reconstruction that meets the elevation standards, where applicable, will be allowed. Other policies to minimize displacement, recognizing that risk management measures can be implemented to reduce vulnerability, should be included.
- (e) The District Plan acknowledges that according to a hydrologic hydraulic study, dredging the Caño n will provide control of the regulatory flooding produced by discharge of surface water bodies, reducing substantially, even totally, the susceptibility of the structures that are now vulnerable. The Plan recognizes the intermediate period

between the relocation of families, implementation of infrastructure strategies and dredging, and to protect community cohesion, it promotes the elevation of structures within the current floodplain. The Action Plan must be made compatible with this policy.

- (f) Both the Feasibility Report and Environmental Impact Statement for the CMP-ERP approved by the Assistant Secretary of the Army for Civil Works as per the WRDA-2007 and the 8 step process carried out in accordance with the Executive Order on the 8 step process demonstrate that there will be a reduction of the flood risk in the communities along the Caño Martin Peña once the ERP is completed. Also, studies carried out by ENLACE demonstrate that replacing the storm water infrastructure and providing sewer systems, will significantly reduce flood risk in the District. In view of this fact, homeowners living in the communities along the Caño and within the current 1% annual floodplain should not be required to move and leave their communities to be able to benefit from reconstruction in place, repair, or relocation within the communities.

Relocation for families in hazard zones

- (a) ENLACE should be partner; by direct distribution for relocation of families in the District.
- (b) PRDOH should assign administrative funds to Partners entities.

Buyouts

The Action Plan should discuss what will happen to the empty lots that will result from buyouts, who will be responsible for the maintenance, the effects of buyouts in urban areas and scattered sites and whether they will promote blight. It should also discuss the measures taken to address those issues, and to ensure that buyouts do not end up facilitating gentrification, and making lands available for development in the future.

Maximum award

The Homeowner Repair, Reconstruction, or Relocation Program limits the maximum award to \$120,000 for rebuilding, and for a homeowner to purchase a replacement home and make any required improvements; and to \$48,000 for repairs.

Recommendations

- (a) Explain the methodology and criteria used to establish the \$120,000 and the \$48,000 caps in benefits. Explain if there is a gap that families need to cover and how it will be financed. Explain how will this cap is compatible with URA.
- (b) We are concerned about the hike in construction costs, the low property values, and how the gap will be covered, so that it is feasible for low and very low income families. ENLACE is currently spending up to \$160,000 in relocations, when considering all costs. This does not include demolition costs, and mitigation for the original home.
- (c) How will the LEED and Fortified Homes requirements affect affordability, and increase the gap between construction costs and the cap?
ENLACE has been acquiring and relocating families into safe and decent housing for a long time. According to Law 489-2004, all relocations within the District must follow URA standards, regardless of the sources of funding. Our relocation program includes the LEERDs for the CMP-ERP, which we must carry out as part of our responsibilities

Long term affordability

Migration, gentrification, and displacement of communities are a significant issue in Puerto Rico. In New Orleans, gentrification is occurring at a significant scale due to the fact that close to 90,000 displaced residents were unable to return and that long term affordability measures were not implemented. Low income families have limited access to affordable housing. The Action Plan addresses affordability measures, but does not address what will happen with housing units developed with CDBG-DR funds once the affordability period ends.

Recommendations

- (a) The Action Plan should consider promoting measures to reduce the stock of affordable housing lost to hikes in value, and thus to reduce the need for subsidized housing in the future. The Action Plan should promote the creation of community land trusts (CLTs), housing cooperatives, and other models that have proven to be successful in addressing long term affordability for homeowners and renters, and community stabilization, particularly in areas that are prone to real estate pressures, gentrification, and displacement, or at risk of losing the affordable housing stock. This can be done by establishing a minimum percentage of new housing for homeowners and renters that must be developed with long term affordability measures.
- (b) With regards to the Caño Martín Peña Special Planning District and according to the FIDEICOMISO REGULATIONS, all new housing built with CDBG-DR funding built within the lands that belong to the Fideicomiso, or which are developed by the Fideicomiso, must remain affordable. An equity limitation formula is implemented at the time of the sales, and The Action Plan should change the method of distribution of the Homeowner repair, reconstruction, or relocation program to allow CLTs such as the Fideicomiso, its development subsidiary, Desarrollos Martín Peña, Inc., and the Río Piedras CLT to develop new housing, and to repair and reconstruct housing.

Housing counseling

The Action Plan focuses on much needed housing counseling services to recovering services. However, it does not delineate how these individual choices will be linked to the Whole Communities planning and strategies, so that individuals are made aware of any mitigation and on site reconstruction opportunities and have the opportunity to stay in their communities and avoid displacement.

Recommendation

- (a) Housing counseling activities should be intertwined to grassroots community organizing and participatory planning, to that the housing assistance provided to individual homeowners and renters.

Low Income Housing Tax Credits

- (a) *Recommendation* We strongly suggest that the LIHTC developments include measures to allow renters to buy the housing units ones the credits expire, as a measure to stimulate community stability and homeownership.
- (b) The Action Plan states that the PRDOH will request a waiver to shorten the 20 year affordability period to allow alignment with the 15 year affordability period required by LIHTC.

- (c) LIHTC developments should also incorporate measures to ensure connections with economic development strategies that promote local jobs and community based businesses. For example, they can include mix use, provisions to hire maintenance locally, among others.

Renters

- (a) Please discuss how the proposed programs will address the needs for renters, according to URA standards.
- (b) ENLACE and the Fideicomiso want to be part of program implementation, and due to the current set up for construction and repairs, that will not be possible. Changes should be made.

Community Developers

- (a) Require training and capacity building. Also predevelopment funding.

Role of Recipients, Subrecipients, and partners

The Action Plan focuses implementation in the PRDOH as recipient and subrecipients, who are municipalities. The role of partners is limited.

Eligibility criteria

Recommendations

- (a) The document should address the differences between the eligibility criteria in this section (p.94) and those required for URA compliance, and which criteria prevails. Will there be occupancy period requirements for a homeowner undergoing relocation to have access to a replacement home?
- (b) One of the eligibility criteria is ownership of property structure (alternative methods). However, the Action Plan does not define "ownership of property structure". Does it refer to ownership of a structure? The Action Plan does not identify the alternative methods either. As this is such a critical issue to ensure families in need receive assistance, alternative methods must be clearly identified and people should have the opportunity to comment on those.

Caps on the maximum award

Recommendations

- (a) Please provide the methodology that led to capping the award at \$120,000 to rebuild, and \$48,000 to repair. Does it consider the hike in construction costs, and the effects of the reduction in property values? Does it consider the cost of buying and demolishing the damaged property relocation costs? Was the cost of LEED and Fortified Home™ compliance requirements applicable to repairs, replacement homes, and new construction considered? Will there be a gap in financing? What is the gap and how will it be covered? Will families be required to access a mortgage to cover gaps? If so, how will this affect the capacity of moderate, low, and very low income families to have access to this program?
- (b) What measures will be taken to reduce the hike in construction costs, materials, and availability of local skilled labor?
- (c) ENLACE has designs for 14 housing models developed with participatory design techniques, with construction cost estimates (2018) that average \$102,457 for two bedroom homes, \$123,289 for three bedroom homes. Such estimates consider a 250

gallon water tank, solar panels with no battery, solar water heaters, and a 10% contingency, and excludes the cost of acquiring land. For relocation option 2, in which the PRDOH acquires the damaged property and builds a "program designed" home on a new lot, what are the costs related to each of these activities? What is a "program design" home? What are the construction standards, bedroom sizes, amenities? Are these homes culturally acceptable? Are such designs available? If so, they should be made available for public discussion.

- (d) Regarding relocation, the \$120,000 cap on the purchase and required improvements
- (e) We recommend families to have the right to either rebuild in place or have access to a replacement home, using URA standards, including last resort whenever necessary.

Building standards

Application of LEED and Fortified Home certifications are proposed as design baselines. As per our research:

- (a) LEED v.4 for Homes Design and Construction includes 8 performance measures; 1. Location and Transportation, 2. Sustainable Sites, 3. Water Efficiency, 4. Energy and Atmosphere, 5. Materials and Resources, 6. Indoor Environmental Quality, 7. Innovation and 8. Regional Priority.
- (b) Some of the rating system criteria that are required to comply could represent a limitation, cost increment, or be unfeasible for the construction or rehabilitation of structures in the CMP communities. Example: Flood Avoidance, Water Metering, Minimum Energy Performance, Durability Management, Radon-Resistant Construction, Compartmentalization, Preliminary Rating,
- (c) LEED certification will increment design and construction cost in 2% or 3%, including costs of inspectors that have to certify the design and construction.
- (d) LEED standards are not design for specific climate conditions in Puerto Rico, and do not consider the construction types used in Puerto Rico as concrete blocks, reinforced concrete or wood roofs in combination with concrete blocks.
- (e) EPA developed new guidelines for energy efficient homes taking Puerto Rico climate into account. But this standards interpretation are not develop yet for the LEED rating system.
- (f) The recommendation is that the use of funds should not be limited to comply with LEED certification.
- (g) Architects members of the USGBC Puerto Rico Chapter do not recommend this as a requirement for the CDBG-DR funds use.

FORTIFIED HOME:

- (a) The Insurance Institute for Business and Home Safety (IBHS) created the FORTIFIED Home program to help strengthen homes from hurricanes, high winds, hail, and severe thunderstorms.
- (b) It is divided for New Construction and Existing/Re-Roofing. The rating system are divided in Bronze - Roof compliance, Silver - Roof and Doors/Windows, and Gold - All the structure.
- (c) Requires inspection contracts that certify the construction or rehabilitation.
- (d) Even though it is more feasible than LEED Certification System, the required compliance of this program could represent a limitation, cost increment, or be unfeasible for the construction or rehabilitation of structures in the CMP communities.
- (e) This program it's design for USA homes construction types that use wood studs, plywood, oriented strand board (OSB), wafer board, and exterior gypsum board in ballon

or platform frames. In PR it is more common the use of concrete blocks, reinforced concrete or wood roofs in combination with concrete blocks.

- (f) The recommendation it is that the use of funds should not be limited to comply with FORTIFIED HOME certification.

Recommendations

- (a) In our experience working with economical disadvantages communities as the CMP communities, the compliance required to construction certification program will represent an obstacle and a lost opportunity to increment the resilience of non-compliance homes constructed by the residents who most support and assistance needs.
- (b) Existing construction standards as the "*Guía para la construcción de viviendas resistentes a huracanes en Puerto Rico*" published by FEMA in 1989 with the approval of the CIAPR and the CAAPPR, could be used as the minimum standards to comply to the possible extent in the reconstruction of existing non-compliance structures.

Single family structures

Only families in single-family structures qualify. The Action Plan does not discuss the reasoning behind limiting eligibility to single family structures. In the District, it is a common practice for families to build a second floor for their children, or to have more than one family living in the same household. The loss of the wood and tin roofs in the second floor, which also tends to be built in wood, also caused damages to the first floor, as the ceiling of the first floor was not meant to be exposed to the elements. It is common to find water filtration and mold in the first floor, affecting that housing unit as well. We strongly recommend this criteria to either be eliminated, or at least for it to be changed as to include such typologies.

Direct Distribution Model

The Action Plan does not state who will build new housing and how it will be financed. It seems there is no room for entities like the ENLACE or the Fideicomiso to build homes with these funds, that can be made available for families undergoing relocation. Also, the Direct Distribution Model can be disempowering and does not promote community organizing and the whole communities model. This model engages only the individual and his/her needs, encourages individuals to solve their particular situation, promotes the family to choose homes that are outside the community, and does not provides the environment to promote social cohesion and reflect on the added impact of individual decisions on the community.

Recommendations

- (a) Recognize self construction as a legitimate way to rebuild and repair. There will be a gap of people who will either not qualify or will not be willing to particularly in a context in which the gap of the need and provide funds that support families access not only better construction techniques.

Other general comments

Previous comments

- (a) ENLACE, the G-8 and the Fideicomiso submitted oral and written comments as part of the initial consultation process for the Action Plan. We incorporate those comments, which are already in the PRDOH records, to this letter. Attached is the copy of

ENLACE's comments, which are in Spanish. How does the proposed action plan enables or not each of the proposed initiatives? If the Action Plan will not allow for any of those initiatives to qualify for funding, explain why.

Layering of funds and maximizing impact

- (a) The Action Plan should include a discussion on how to layer the different federal funding sources, such as future FEMA mitigation funds, among others to ensure CDBG-DR funds are used where needed the most.
- (b) The Action Plan should also address how CDBG-DR funds can purposely used to spearhead comprehensive development activities, and leverage other projects critical for Puerto Rico's recovery and mitigation activities. For example, the ENLACE project presents a unique opportunity to spearhead a comprehensive strategy that can exemplify successful just, sustainable, equitable, and participatory recovery in a low income community (per capita income in 2015 was \$10,718) that not only reduces the flood risks within the District, but also in the San Juan Metropolitan Area, including critical infrastructure for Puerto Rico's development. This project will also have significant economic development implications for Puerto Rico, and will enable the District communities to address poverty on site, rather than displacing the poor. CDBG-DR funding for housing and infrastructure activities are critical to enable the construction of the USACE led CMP-ERP, which includes a \$215 million investment.

Migration

Page 30 of the Action Plan shows data suggesting a net migration of 179,000 people after Hurricanes Irma and María.

Recommendations

- (a) Is there any available data regarding the intent of those persons to return to Puerto Rico? What specific measures have been included in the Action Plan to promote that this families are able to return?
- (b) We suggest that the Action Plan includes as a priority to promote the return of displaced families to Puerto Rico, in all pertinent programs.

Public participation

Public participation in the process to prepare the Action Plan

We appreciate the efforts of the PRDOH to promote early comments in the process to prepare the Action Plan and to present the general contents of the document in meetings held throughout Puerto Rico during the 14-day comment period. We have seen the short video distributed in social media regarding CDBG-DR and requesting suggestions. We also understand the need for Puerto Rico to have funds available as soon as possible, and that Congress defined the 14-day comment period to expedite the process.

However, the implications of the Action Plan to disadvantaged communities, it is critical to ensure they have access not only to the documents but to its contents, in a meaningful way. A longer comment process allows for organizations that work with low and moderate income communities and other disadvantaged populations not only to read the document and submit comments, but enables them time to translate its contents in accessible terms and carry out grassroots activities so that communities are in the position to also prepare their comments.

Public hearings, some of which can be carried out during the evening or weekends, can make it possible for those who find it difficult to write comments, to have a chance at expressing their viewpoints orally.

Below are other specific comments regarding citizen participation and the contents of the Action Plan.

Translation

The Spanish version of the Action Plan has errors such as unfinished sentences (i.e., "Este programa utiliza un modelo de distribución de sociedad en la cual la Universidad de Puerto Rico Universidad de Puerto Rico" p.102), literal translation for terms not used in Puerto Rico (i.e. "calefacción por agua" instead of "calentadores de agua" or "tapones para los costos" instead of "Cuantías máximas para los costos"), and literal translations where the way in which sentences are construed difficult understanding the content. There are also various instances in which statements have different meanings in the Spanish and English version, making it difficult to understand what PRDOH's intention is and limiting the capacity of readers to provide comments. There are also inconsistencies among both documents. Although these issues are prevalent throughout both versions of the Action Plan, we provide a couple of examples to illustrate the point:

- (a) In the English version, the information regarding Performance Schedule is limited to one sentence: "Projections for expenditures and outcomes will be submitted to HUD with the action plan and will be amended as needed throughout the life of the grant." However, the Spanish version contains a full paragraph: "*Proyecciones para para desembolsos y resultados serán sometidos a HUD con el Plan de Acción y serán enmendados según sea necesario durante la duración de la subvención. PRDOH presentará un informe trimestral conocido como Informe de Desempeño (QPR) a través del sistema de Informes de Donaciones para la Recuperación ante Desastres (DRGR) de HUD a más tardar 30 días después del final de cada trimestre calendario. Dentro de los 3 días posteriores a la presentación al HUD, cada QPR se publicará en el sitio web oficial de PRDOH.*" The last two sentences are not present in that section of the English version.
- (b) On page 54 of the Action Plan (page 59 of the Plan in Spanish) when the method of calculating unmet housing needs is described, different terminology is used in each language. This appears to be a translation mistake, but it causes confusion as to which version carries the intended meaning. In English it is described as "funds already provided" and in Spanish it is described as "fondos de reparación ya previstos". The underlined words do not have the same meaning. As written in English, the text speaks of funds already given, while the text as written in Spanish speaks of funds planned, or foreseen. This difference between the texts in English versus Spanish makes it unclear whether this refers to funds that have been provided or funds which foreseen to be provided at some point. It is unclear which of the two texts should be taken as the correct one.
- (c) On page 54 of the Action Plan in English (page 59 of the Plan in Spanish), the plan states that the usual methodology used by HUD for calculating unmet housing needs can be substituted with "empirically justified calculations". The Action Plan then "explains" it in the following manner: "this is accomplished by 'using the average real property damage repair costs determined by SBA for its disaster loan program for the subset of homes inspected by both SBA and FEMA. Because SBA is inspecting for full repair costs, it is presumed to reflect the full cost to repair the home, which is generally more than the FEMA estimates on the cost to make the home habitable.'"

- (d) The text that corresponds to this passage is translated in Spanish in the following manner: “esto se logra mediante ‘el uso de los costos de reparación de daños a la propiedad inmueble promedio determinados por SBA para su programa de préstamos por desastre para el subconjunto de viviendas inspeccionadas tanto por SBA como FEMA. Debido a que la SBA está inspeccionando los costos completos de reparación, se presume para reflejar el costo total para reparar la casa, que es por lo general más de lo que FEMA calcula sobre el costo para hacer la casa habitable”
- (e) This translation does not correspond to the meaning of the text in English. In Spanish the text as written would mean: this is accomplished through “the use of the costs of repair of the damages to the real estate property average determined by the SBA for their loan program for disaster for the subset of houses inspected by both SBA and FEMA. Because the SBA is inspecting the full costs of repair, it is presumed for reflecting the total cost to repair the home, which is generally more than what FEMA calculates about the cost to make the home habitable”.
- (f) This translation seems to be inaccurate. Furthermore, not only is it inaccurate, but the Spanish sentence is confusing and it makes little sense. These inaccuracies and contradictions between the texts are unacceptable, especially in parts of the Action Plan as vital as those relating to how to calculate needs. The calculation of needs determines which areas will benefit from CDBG-DR funds.
- (g) On page 88 of the Spanish version of the Action Plan, it states that Puerto Rico “can” implement policies and procedures that ensure the non-duplication of benefits. (88esp) Text as written in the Plan would imply that the PR Department of Housing has the option of implementing said policies, when in fact it is required. (See Federal Register, 5847) In English the corresponding sentence uses the word “will”. (p.79 English) In addition, in defining what is considered a duplication of benefits, the document in Spanish provides a sentence that seems to have been translated without any regard for the syntax of the Spanish language. “La ley federal prohíbe a cualquier persona, empresa u otra entidad que reciba fondos federales para cualquier parte de dicha pérdida como a la que él ha recibido en asistencia financiera en virtud de cualquier otro programa, de los seguros privados, asistencia caritativa o de cualquier otra fuente”. Spanish and English use different syntaxes, using the same syntax when translating can drastically change the meaning of a sentence, or produce a sentence with no sense at all. It is of the utmost importance that the beneficiaries of the CBDG-DR understand the concept of duplication of benefits, since they will be required to return any quantity of funds deemed to be a duplication.
- (h) Other examples where poor translation to Spanish affect citizen understanding and, therefore, participation, can be found on pages 89 and 131 of the Action Plan. On Page 89 the Puerto Rico Housing Department states their intention of minimizing displacement. “no tiene la intención de limitar la capacidad de Vivienda para llevar a cabo compras o adquisiciones de *unidades o unidades destruidas y dañadas extensivamente tras una inundación*”.(89 Spanish) (emphasis supplied). As written, the text gives the impression that the PR Housing Department can use CDBG-DR funds to acquire any housing unit, regardless of its state or localization. This is not what the Action Plan states in the English version, which states that the PR Housing Department’s ability to use CDBG-DR funds for the acquisition of housing units which have been destroyed, suffered extensive damages, or are in flood areas. (89 English).
- (i) When addressing measures to minimize displacement, the Spanish version explains that the PRDOH plans to use the waivers established on the Federal Register regarding URA and HCD.

The Action Plan recognizes in page 33 that Spanish is the predominant language in Puerto Rico. The description of Figure 18 reads: "Majority of the island speaks English in limited capacity or not at all, source ACS 2012-2016." When the Action Plan is sent to HUD, if the people evaluating the plan may only read and speak English, so they will not be able to compare the English and the Spanish plan, and will therefore be unable to evaluate whether the document presented to the Puerto Rican people is accurate or equal to the one presented to HUD. By publishing a deficient Spanish version of the Plan that is so deficient, the Puerto Rico Housing Department is not complying with the Federal Register requirement of making the document available in an accessible way for people with limited English proficiency (83 FR 5854). In our case, ENLACE staff includes professionals that are fully bilingual, and who decided to read the English version after attempting to read the Spanish version, only to find it confusing and difficult to understand. However, most residents within communities we serve do not have the same possibility. G-8 community leaders required assistance to understand the main aspects of the document, so that they could discuss them and put forward a letter within the limited 14-day comment period.

Recommendation

- (a) An extension of a minimum 10-day period for public comments should be granted.

Discussion of data

In some instances, the document discusses data that differs from that included in the tables. These result in uncertainty on which are correct numbers. For example:

- (a) On page 35 of the Action Plan in Spanish (page 32 of the English version), it is stated: "Unemployment was at 4.7% in 2016 with 11,805,773 out of work and as of February 2018 has been reported at 10.6%.²⁸" If the data source is verified, the statistics referenced in the Action Plan between 2016 and 2018 was never lower than 10% except for April 2018. Nevertheless, the population of Puerto Rico is not over 3.5 Million making it impossible to have 11,805,773 persons out of work.
- (b) On page 76 of the Action Plan in Spanish (page 69 of the English version), it is stated: "...los daños a la infraestructura totalizaron \$1,800 millones y por pérdidas en la producción agrícola, unos \$182,500 millones". In this sentence the agricultural production estimated loss is identified as \$182,500 Million (which would be \$182.5 Billion) while the table identifies the quantity as \$182.5 Million. The English version states \$182.5 Million in agricultural production loss.
- (c) On page 52 of the Action Plan in Spanish (page 47 of the English version), it is stated that the two municipalities with the highest number of shelter occupants were San Juan and Toa Baja with 16,375 and 10,560, respectively. Data included in Figure 32 show that the municipalities with the highest number of shelter occupants were San Juan with 16,375 followed by 14,304 in Canóvanas. This discrepancy is confusing and misleading.
- (d) Table 5 on pages 29-30 of the Action Plan in Spanish: (1) makes reference to 29 social characteristics while the table only includes 27 data variables; (2) the column title "Mean" is translated as "Decir" which means "As defined or as said" instead of "Mean" as "Media" referring to the arithmetic value.
- (e) Table 11 (page 61), Table 12 (page 62), Table 14 (page 63-64), Table 15 (page 64), and Table 17 (page 65) of the Action Plan in Spanish uses the terms "Contar" or "Conteo" which refers to the action of counting items, for example, as a translation of the term "Count" referring to a number.

Definition of terms

There are some terms whose meaning is not clear, or that are defined in a section of the document and used in other sections. Some examples include:

- (a) Displaced person
- (b) Social Vulnerability Index (SOVI)
- (c) Unmet need, including the methodologies to calculate it
- (d) Direct distribution
- (e) Sub-recipient distribution
- (f) Partnership Distribution Model
- (g) Whole Community Resilience Planning Program

Recommendation

- (a) Incorporate a glossary of terms.

Deferral of definition of policies, concepts, actions

In some instances, the Action Plan states that certain policies will be adopted in future documents and processes. However, such policies are key to the interpretation and implementation of the Action Plan, and the public should have access and the opportunity to discuss it in conjunction with the rest of the document, as they are critical to the interpretation of the intent and the implications of implementation of proposed actions. Some examples include:

- (a) *Duplication of Benefits*. On Page 79, the Action Plan states that: "Detailed policies and procedures for assessing Duplication of Benefit will be posted on the Disaster Recovery website." Such policies are critical for the definition of which families will have the possibility of receiving assistance, and the type of assistance they can get, and can affect positively or negatively disadvantaged individuals and communities.
- (b) *Performance schedules*. Page 81 states that "projects for expenditures and outcomes will be submitted to HUD with the action plan and will be amended as needed throughout the life of the grant." Additionally, programs described identified the Start-End Date as the duration of the grant. As organizations, communities, and families are making decisions on the role they can play in the implementation of the Action Plan, or on when to expect the programs to become available. We recommend the PRDOH to communicate the schedule in an accessible way once submitted, and to include the schedule in the next action plan's version for public comments.

Recommendation

- (a) We recommend the PRDOH to communicate the schedule in an accessible way once submitted, and to include the schedule in the next action plan's version for public comments.

Discussion on Citizen Participation

The PRDOH states that it has "laid out target actions to encourage participation and allow equal access to information about the program by all citizens, especially those of low and moderate income, those living in slum and blighted areas and in areas identified for recovery through CDBG-DR, and other disadvantaged populations."

Recommendation

- (a) Please, discuss the specific actions undertaken and list the slum and blighted areas and areas identified for recovery that were targeted.

The Action Plan does not discuss whether displaced Puerto Ricans who migrated to the US after Hurricanes Irma and María had the opportunity to learn about the process and participate. Page 30 of the Action Plan shows data suggesting a net migration of 179,000 people.

Recommendation

- (a) Discuss the specific actions undertaken to ensure participation of displaced persons who had to migrate after the storms. Is there any available data regarding the intent of those persons to return to Puerto Rico? What specific measures have been included in the Action Plan to promote that this families are able to return?

Regarding the initial public hearings to collect early input, the Action Plan states that "A summary of each oral or written comment, coupled with a response by Department of Housing, is included in the plan." We did not find the summary and discussions in the Action Plan. This is not included in the index either.

Recommendation

- (a) Please, publish the summary and responses as an Appendix to the Action Plan.

Regarding Agency, NGO, and Citizen Engagement, there is a list of those who submitted written comments in the initial public hearings, but those who submitted oral comments are not acknowledged. Both non for profits G-8, Grupo de las Ocho Comunidades Aledañas al Caño Martín Peña, Inc. and the Fideicomiso de la Tierra del Caño Martín Peña submitted oral comments.

Recommendation

- (a) Include the list of those who provided oral comments in the initial public hearing process.

The *Proyecto ENLACE Caño Martin Peña* is acknowledged to have presented written comments. Please note that the *Proyecto ENLACE del Caño Martin Peña* is the name of the project, and the agency that submitted comments is the *Corporación del Proyecto ENLACE del Caño Martin Peña*. Also, please note that the *Corporación del Proyecto ENLACE del Caño Martin Peña* is a government corporation, not a non-governmental agency.

Economic Recovery Programs

Economic recovery programs are essential to the long-term success of housing recovery programs because they provide opportunities necessary to ensure homeowners and renters are financially able to care for and maintain their homes. The attraction, retention and return of businesses and jobs is critical to the long-term recovery of the island. With the large-scale rebuilding activities that have begun across the island and will continue throughout the coming years, opportunities exist to invigorate the island's workforce and small business sector and unleash local creativity and manpower for decades to come.

...

DDEC's Economic Development Plan of Puerto Rico is anchored in three pillars that work together to achieve sustained and long-term growth. These are to reinvent and reenergize established industries, develop high impact emblematic projects and utilize innovative strategies to advance Puerto Rico. These goals were developed to position the island as a unique destination for business and investments and aim to reinvent and reenergize established industries including manufacturing, tourism, and commerce.

Construction Revolving Fund

- \$35 Million of the total \$143 Million suggested for the Economic Recovery Program will be available for a construction revolving fund, which represents a 24% of total funds for the economic strategy.
- The Action Plan (page 126 of the Spanish version) does not clearly (1) address the use of income generated by these loans, (2) states what percentage will be available for small business, and (3) defines what are the underwriting criteria for performance capabilities required to be met.

Small Business Loans

Program accomplishments include (a) Generate a quantifiable number of new jobs based on program allocation, and (b) Incentivize entrepreneurship and economic return. Nearly 70% of puertorican employees are employed by small and medium enterprises⁶. Initiatives that support this sector are important for our long-term economic recovery. However,

- The Action Plan does not states the loan interest that will be required for the small business or microenterprises.
- The Action Plan does not clearly prioritize local entrepreneurship over external, newly established business.
- It is recommended that (1) community enterprises and (2) business that are community social responsible should be given priority.

Small Business Incubators

The initiative included in the Action Plan considers new and startup businesses in need of support to participate in the economic rebirth of the Island. The ENLACE Project Corporation has in place a small business incubator.

- Evaluation criteria to be used for grant approval should be clearly established in the Action Plan or through a request for proposal published by the Department of Economic Development and Commerce as administrator of the program.
- The ENLACE Project Corporation and the Caño Martín Peña Land Trust requests to be a partner.

Workforce Training Program

Training is essential to develop long range economic recovery and prosperity. However, the workforce training program suggested focusing on: (1) Code enforcement, (2) Construction, (3) Green building and energy efficiency, (4) Green Enterprise Development, (5) Hazard Mitigation, (6) Home Health Hazard Inspection/Professionals, (7) Lead risk and abatement, and (8) Weatherization/ Sustainable Retrofitting. Many of these are construction – related industries, particularly associated to new construction.

⁶ <http://periodismoinvestigativo.com/2016/10/david-bernier-el-pequeno-y-mediano-empresario-es-el-empleador-numero-uno-de-puerto-rico-casi-el-70-de-nuestra-gente-trabaja-con-mediano-y-pequeno-comerciante/>

- Construction related training is necessary as many trained personnel left the Island and know-how is currently required. However, the Action Plan presents a limited list of construction related industries. Considering the fiscal situation of Puerto Rico and the decrease in the population, the construction industry will play a significant role during the federal funds flow and probably have a significant reduction afterward. The Workforce Training Program has to consider other capacity development areas that will transcend the construction boom and will contribute to Puerto Rico's long term economic recovery.

Tourism and Business Marketing Program

The Action Plan proposes a program were "...full-scale tourism and business marketing campaigns [are necessary] to fully rebound from the effects of the storm...". Marketing Puerto Rico is understood to present the Island "...as a pro-business jurisdiction [that] will encourage new external investments, promote economic development and create new jobs".

- The Action Plan should clarify the priority between promoting the Island as a tourist site versus promoting Puerto Rico as an ideal place to do business.
- Local microenterprises and business with environmental and social responsibility should be prioritized in the inclusion of the tourism and business marketing program.

Commercial Redevelopment

As the Action Plan states, commercial rehabilitation activities are designed to bring commercial structures up to code or improve their facades. Special economic activities provide for the acquiring, constructing, reconstructing, rehabilitating, or installing commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. These are economic development projects undertaken by nonprofit entities and grantees (public entities) as part of a partnership distribution model.

- Local business should be prioritized over foreign business. The ENLACE Project Corporation and the Caño Martín Peña Land Trust request to be a partner.

Our entities are complying with submitting comments within the period established by the PRDOH. However, we request a minimum 10-day extension of the public comment period to be able to fully analyze the implications of the policies to be established in this Action Plan.

Shall you require clarifications, please contact us at lrodriguez@martinpena.org or 1.787.729.1594.

Sincerely,

Lyvia N. Rodríguez-Del Valle
ENLACE

Maria E. Hernández-Torrales
Fideicomiso

POR VÍA ELECTRÓNICA

10 de octubre del 2020

Luis C. Fernández Trinchet
Secretario
Departamento de Vivienda
PO Box 21365
San Juan, PR 00928-1365
infoCDBG@vivienda.pr.gov

Re: Comentarios al borrador de la 4ta Enmienda Sustancial al Plan de Acción CDBG-DR

Estimado Sr. Fernández Trinchet:

Reciba un saludo cordial. Como representante de la única organización sin fines de lucro en la isla dedicada a promover alternativas para el manejo adecuado de propiedades abandonadas, someto mis comentarios a la 5ta enmienda sustancial al Plan de Acción para el uso de los fondos CDBG-DR. Estas recomendaciones buscan potenciar el uso de estos fondos para apoyar el desarrollo de la banca de Vererras a nivel local a tono con lo dispuesto en el nuevo Código Municipal que faculta a los municipios a crear Bancos Comunitarios de Tierras, mejor conocidos como "CLBs" por sus siglas en inglés. Esto en momentos en que las administraciones municipales enfrentan grandes retos fiscales y económicos para poder impulsar la revitalización de sus centros urbanos y comunidades. La experiencia en las pasadas décadas en los Estados Unidos nos ilustra la gran oportunidad que ofrecen la banca y los bancos de Vererra para reducir el número de propiedades desocupadas, abandonadas, dañadas y morosas. Estas propiedades además de amenazar la seguridad, la salud y el medioambiente constituyen un verdadero lastre para la reconstrucción y recuperación de Puerto Rico.

Cualquier inquietud o información adicional que desee sobre éste u otro asunto relacionado no dude en comunicarse conmigo llamando al 787-479-9229 o escribiendo a mmoscoso@crhpr.org. Reiterando nuestra disponibilidad quedamos a su entera disposición.

Cordialmente,



Marina Moscoso
Co-directora

COMENTARIOS Y RECOMENDACIONES

Programa de Revitalización de la Ciudad

De acuerdo a los estadados más recientes del US-Census (ACS, 2018) unas 373,424 (24%) del total de unidades de vivienda en Puerto Rico se encuentran desocupadas (“vacant”). Según los expertos este alto porcentaje supera la barrera del buen funcionamiento del mercado de la vivienda y es un indicador sobre la necesidad de implementar políticas públicas innovadoras, audaces y aserVwas. La gran mayoría (65%) de estas propiedades es probable que se encuentren abandonadas y en condición de estorbos públicos y, en muchos casos, esto puede relacionarse al impacto de los huracanes Irma y María ya que se esWna en 55,656 el número de unidades de vivienda desocupadas adicionales desde el Censo del 2010. Finalmente, hay una alta probabilidad de que buena parte de estos inmuebles se encuentren en situaciones “jurídico-contribuWwas” que tradicionalmente han lastrado su adquisición, manejo y/o disposición pero que, dadas las nuevas facultades legales con las que cuentan los municipios, pueden potenciar la inversión en fondos CDBG-DR no sólo bajo el programa de Revitalización de la Ciudad sino bajo los programas de Planificación para la Recuperación Municipal y el programa de Planificación Integral para la Resiliencia Comunitaria, entre otros.

En lo que respecta, específicamente, a las zonas urbanas, en 50 (64%) de los 78 municipios el por ciento de propiedades desocupadas supera el 20% y cabe señalar que estas cifras no incluyen propiedades comerciales, industriales, dañadas y sin edificación. Todo lo cual permite aseverar que se trata de una infravaloración de las dimensiones reales del problema. Por otro lado, en 39 (50%) de los municipios, el por ciento de desocupación de vivienda en su zona urbana es inferior al del municipio en su conjunto lo que debe servir como jusWficación adicional para enfocar determinados esfuerzos de recuperación hacia la planificación, revitalización y transformación resiliente de estos centros urbanos. Además, en las zonas urbanas pueden abundar los usufructos y/o propiedades municipales así como propiedades del gobierno estatal que pueden manejarse para potenciar la inversión en fondos CDBG-DR. Es, precisamente, con el interés de aportar una herramienta adicional de planificación que contribuya al éxito de esos esfuerzos que se conciben los bancos de Werra (“CLBs”) en los Estados Unidos. Y es crucial superar el desconocimiento que existe a nivel local sobre estas enWdades públicas municipales no sólo para beneficio de los municipios sino del gobierno estatal, organizaciones sin fines de lucro y personas privadas. En los CUT pueden abundar los usufructos y/o propiedades municipales y estatales.

Recomendación General:

El programa debe enfaWzar claramente en que los municipios cuenten con inventarios georeferenciados detallados de propiedades desocupadas, abandonadas y/o arruinadas y desarrollen sus protocolos de adquisición, manejo y disposición de éstas para devolverlas a un uso producWwo.

Recomendaciones específicas:

Recomendaciones específicas:

“IMPACTO DEL HURACÁN”

Añadir “de crecimiento” para que lea “corredores de crecimiento clave” y proveer una definición clara de los criterios uWizados para la idenWficación y/o delimitación de los mismos. Se habla de “reducir la

emigración” pero no se habla de atraer nueva población y, específicamente, sobre la necesidades de proveer vivienda como mecanismo para lograr ese fin. Se habla de “promover el turismo” pero no se hace referencia a los recursos necesarios para lograrlo como pueden ser las áreas de valor natural-paisajístico, propiedades con valor histórico-arquitectónico o facilidades recreativas y culturales.

“ACTIVIDADES ELEGIBLES”

Se incluye la Sección 105(a)(12) sobre actividades de planificación pero debe quedar claro que entre las actividades elegibles está el censo o el inventario de propiedades.

Se incluye la Sección 105 (a)(18) sobre Rehabilitación de viviendas pero debe quedar claro si se permitirá la rehabilitación de propiedades comerciales u otras.

“LOGROS DEL PROGRAMA”

Se debe añadir como logro la creación de comunidades urbanas completas que cuenten con la infraestructura (eléctrica, potable, comunicaciones, etc.), las alternativas de vivienda, los servicios públicos (centros de servicio, escuelas, transportación, etc.), las facilidades, los comercios y las oportunidades de empleo, entre otras.

“ELEGIBILIDAD”

Añadir:

- Corporaciones Municipales y Bancos comunitarios de Vecinos (entidades municipales de desarrollo comunitario)

“OBJETIVO Y DESCRIPCIÓN DEL PROGRAMA”

Añadir al 4to párrafo: Los municipios serán responsables de identificar el inventario de estructuras deficientes, abandonadas y morosas y hacer el análisis de costo a base de los protocolos convencionales y; las deudas por contribución a la propiedad inmueble y los valores de mercado para propiedades que desean convertirse en espacios verdes o usar para otros fines elegibles.

From: [Doris S Medina Hernandez](#)
To: [info CDBG](#)
Subject: Comentario al Plan de Acción
Date: Thursday, October 8, 2020 11:01:05 AM

Saludos.

Considero importante reconsiderar la eliminación del programa **Puerto Rico by Design** y sus \$700,000 millones. Es una muy buena iniciativa que rinde frutos, muchos de los cuales los podemos ver en el estado de Nueva York y Nueva Jersey, luego que ellos pasaran por su competencia influenciada por el desastre causado por el Huracán Sandy. Esta oportunidad brindaría un espacio para que personas locales y externas (mentes brillantes) puedan ayudar a resolver en equipo los dilemas actuales que estamos viviendo.

--

Doris S. Medina Hernández
Estudiante Graduado | Escuela Graduada de Planificación
Universidad de Puerto Rico, Río Piedras

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**Community Development
Venture Capital Alliance**

*Private equity for the public
good.*

October 10, 2020

Luis C. Fernández- Trinchet, Esq., CFA,
Secretary
Puerto Rico Department of Housing (PRDOH)
CDBG-DR Puerto Rico Program
PO Box 21365 San Juan PR 00928-1365
infoCDBG@vivienda.pr.gov

Re: Comments Regarding 5th Amendment to the Puerto Rico Disaster Recovery Action Plan

Hon. Secretary Fernández- Trinchet,

Thank you for the opportunity to submit these comments regarding the 5th Amendment to the Puerto Rico Disaster Recovery Action Plan. We do so on behalf of the Community Development Venture Capital Alliance (“CDVCA”) and the Puerto Rico Fund for Growth (“PRFG”), which CDVCA manages. With offices in both New York City and San Juan, CDVCA is a 25-year-old, 501(c)(3) tax-exempt U.S. not-for-profit organization with a national mandate to serve underinvested and economically distressed regions through economic development and business finance. We operate the national network of Community Development Financial Institutions (CDFIs) that make equity and near-equity investments in businesses, and we are, ourselves, certified by the Department of the Treasury as a CDFI. We also manage directly funds not only in Puerto Rico, but also in New York, Florida, Illinois, Arkansas, Kentucky, Nevada, and Mississippi. We currently manage \$231 million of capital in these funds, all focused on business finance, economic development, and job creation in economically distressed areas.

Over the past five years, we have been involved in multiple economic development activities in Puerto Rico, at the center of which is the \$45 million Puerto Rico Fund for Growth (PRFG). We are the managing general partner of PRFG, whose investors are Corporación del Fondo del Seguro del Estado (CFSE) and Administración de Compensaciones por Accidentes de Automóviles (ACAA). We have invested PRFG capital in leading venture capital, private equity, and mezzanine debt funds in Puerto Rico, all managed by Puerto Ricans, and we sit on the investor advisory boards of all of these funds. We are also investing up to 15% of the fund directly in Puerto Rican businesses. The PRFG is still in its investment period and deploying capital to underlying funds; however, as of June 30, 2020, our funds had already invested in 81 businesses headquartered in Puerto Rico. The PRFG has contributed to funding \$44.4 million in portfolio assets of underlying funds and has already supported the creation and retention of approximately 17,000 jobs--and we're just getting started. We will continue to invest in Puerto

Rico to provide risk capital that can catalyze additional investments, currently estimated at well over \$200 million, and potentially quadruple our impact on job creation and retention.

More broadly, we seek to support and expand the business finance ecosystem in Puerto Rico. In addition to PRFG, we provide management support for the Puerto Rico Venture Association, the new association of Puerto Rican business finance professionals and have run a series of meetings and webinars for finance professionals. We have received almost \$2 million in the form of three grant awards from the US Department of the Treasury's CDFI Fund for the purposes of additional investment capital for Puerto Rican businesses and funds and to provide technical assistance to these funds. We also are seeking to invest an allocation of New Markets Tax Credits in Puerto Rico. As a founding member of the US Opportunity Zone Coalition, we know this program well and are exploring ways to bring OZ capital to Puerto Rico.

These activities afford us a unique window into the business environment in Puerto Rico and particularly the business finance ecosystem on the island. Based on this experience, we make the following broad observations about maximizing the effectiveness of the Disaster Recovery Plan:

- While rebuilding Puerto Rican infrastructure after hurricane Maria is important, Puerto Rican small- and medium-sized businesses are vital to job creation and retention on the island and to building a healthy economy for Puerto Ricans for decades to come.
- The health of Puerto Rican business requires a thriving, local business finance ecosystem. While business finance programs operated by government can be useful in seeding recovery in the short term, government funding for such purposes tends not to be transient. It is therefore most effective for government to seed and support the development of a permanent private sector business finance ecosystem.
- If job creation is an important aim, then the startup and growth of businesses must be supported. Start-up and growth businesses account for virtually all net new job creation in the US economy.
- Business startup and growth requires more than senior debt of the variety that banks provide. Such activities require equity capital investment and the provision of mezzanine (higher risk and more flexible) debt capital. A strong ecosystem of such funds is currently developing in Puerto Rico.
- It is difficult for government to provide capital to funds directly in an effective way. The use of intermediaries to provide such capital in public-private partnerships can be most effective.

Based on the observations above, we make the following recommendations on amendments to the Action Plan, and particularly about the Community Energy and Water Resilience Installations Program and the Economic Development Investment Portfolio for Growth Program.

Recommendations

Use of a Subrecipient with Financing Expertise

The Community Energy and Water Resilience Installations Program and the Economic Development Investment Portfolio for Growth Program can both provide enormous opportunities for companies located in Puerto Rico to provide goods and services, which can lead to business and job growth. Action Plan amendments to the Community Energy and Water Program suggest that approved applicants will not make their own purchases, but rather receive goods and services procured by PRDOH. We recommend that PRDOH procurement terms take into consideration the limited financing capacity of local Small and Medium-sized Enterprises (SMEs). A subrecipient can help PRDOH ensure that Puerto Rican companies are able to comply with procurement requirements and have the financing capacity for inventories, working capital, project pre-development costs, and other interim needs. A subrecipient can also help projects tap into federal subsidy programs and capital provided by foundations and philanthropic sources. CDFIs and Community Development Entities (CDEs) are at an advantageous position when it comes to smarter deployment of CDBG-DR funds. A subrecipient can also provide technical assistance to level the procurement playing field. This includes conducting outreach efforts, providing professional education, and optimizing financial planning for small businesses that need to gear up to become suppliers by increasing inventories and investing in their workforce.

A subrecipient to the Economic Development Investment Portfolio for Growth Program, can serve a similar purpose regarding Puerto Rican SMEs. There is an even greater potential for positive long-term effects as investments are made into durable infrastructure and physical assets with long useful life. A subrecipient with CDFI and CDE qualifications is positioned to leverage federal subsidies, tax credits, and private capital. Their expertise could be key in integrating various types of financing and sources of funds, particularly in large-scale projects which are expected to have a combination of private lender financing, various types of public financing, and business owner capital.

Co-Investment Fund for the Economic Development Investment Portfolio for Growth Program

A Co-investment Fund (CIF) can serve as a tool to respond to structural challenges in the supply of entrepreneurial finance. CIFs can help in a wide spectrum of situations, from addressing the seed and early stage funding gap experience by entrepreneurs, to mitigating the risks perceived by private investor concerned about government control and investment decisions made by bureaucrats rather than experts. Israel's government sponsored Yozma funds are an example of how CIFs can enable private capital investments. Yozma funds attracted leading, experienced fund managers who would take the lead on investment decisions and engage local venture capital investors to expand private financing. Development focused CIFs, where government provides a proportion of funding to lever matched private funding can be key in incentivizing and encouraging private investment. These funds should set attractive minimum matching percentage requirements for private investors, and potentially combine returns with tax breaks or the use of subsidies. Funding from the CDBG-DR Program into a CIF can provide a greater assurance of leveraging of private capital.

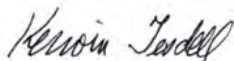
Conclusion

As described above, CDVCA has a long-term commitment to fostering economic development business growth, and job creation in Puerto Rico. In particular, we are working to support a strong, local business finance ecosystem on the island. We therefore stand ready to assist PRDOH in any way that might be helpful in achieving the goals of the Action Plan. These might include:

- Consulting with PRDOH in the development and implementation of various aspects of the Plan, particularly those related to economic development, investing, and job creation. We are nationally recognized for our expertise in public/private partnerships and effective use of subsidy to leverage private capital. For example, the Innovate NY fund that we manage is a public/private partnership that includes investment capital from both Goldman Sachs and New York's Empire State Development Corporation.
- Acting as an effective intermediary organization in implementing programs. For example, in a role similar to that being played by the Science Trust in the Agriculture Program (Re-Grow Puerto Rico).
- Gathering detailed financial and social impact data on all businesses that receive financing. As part of our PRFG investment program, we gather this type of data from funds in which we invest, including 115 separate data points regarding jobs and job quality. As we have invested in most of the private business finance funds on the island, we are gathering a detailed, longitudinal data set on a significant portion of the start-up and high-growth businesses on the island. We would be happy to share our data with PRDOH and potentially expand our data collection and analysis.

Please do not hesitate to contact us if you have any questions about our comments or if we can be helpful in other ways.

Sincerely yours,



Kerwin Tesdell
President, CDVCA
Managing Director, Puerto Rico Fund for Growth



Ernesto Villarini-Baquero
Vice President, CDVCA
Managing Director, Puerto Rico Fund for Growth



Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Estimad(o/a) Sr. o Sra.:

Por este medio nuestra organización Mujeres de Islas desea informar nuestra oposición a la eliminación del programa **Puerto Rico by Design** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa **Puerto Rico by Design** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que

brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.

- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Cordialmente,

Dulce del Río-Pineda

Dulce del Rio-Pineda
Coordinadora Organizacional
Mujeres de Islas
mujeresdeislas@gmail.com

Re: Keeping the Puerto Rico By Design Program in the Disaster Recovery Action Plan

Dear Sir or Madam:

I am writing to voice Mujeres de Islas' opposition to the exclusion of the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan and ask for reconsideration of this important program.

Hurricane Maria was a wakeup call to Puerto Rico. The subsequent earthquake and health challenges make it clear that we must rebuild our island in ways that are innovative, sustainable and will set us up for the future. We share the goal of moving quickly to build back Puerto Rico from Maria, and to protect against future storms. That is why we want to launch this program as soon as possible.

We were very happy to see the inclusion of Puerto Rico by Design in Puerto Rico's action plan two years ago and looked forward to partnering with this initiative. The program was based on the success of the *Hurricane Sandy Rebuild by Design Competition* and *National Disaster Resilience Competition*, a model that used disaster recovery funds to create new approaches to flood infrastructure. There are many elements in the Rebuild by Design Program that would benefit Puerto Rico:

- Highly adaptability to meet environmental, social and economic needs , timelines and goals.
- Include extensive community and local government engagements speeding up processes and acceptance of projects from the start. Additionally, it generates better designs and ultimately provides critical local support and legitimacy for building the projects.
- Interdisciplinary approaches to ensure that we do not build back the way we were before. Every investment should have co-benefits.

- Working with communities and local governments before projects are designed ensures that the end product is responsive to the communities' various needs and the infrastructure will be built with support.
- The use of the world's best practices and the most forward-thinking infrastructure solutions by the experts of the world with the input of communities and local government entities.
- A track-record of working with hundreds of community organizations and local professionals. This program can ensure that we build capacity locally by enabling local architects, engineers and designers to build their practices in Puerto Rico at the same time as educating our communities about future risks and possible solutions.
- Focus on implementation and take a multi-benefit approach, meaning that project proposals are both realistic and protect against vulnerability while also providing benefits during non-disaster times such as addressing our health, water transportation, economic development, future, etc.

The CDBG-DR funds are an opportunity to finally re-think how our communities can respond to the shocks and stresses of climate change. We should not let this opportunity go to waste.

Sincerely,

Dulce del Río-Pineda

Dulce del Río-Pineda

Organizational Coordinator

Mujeres de Islas

mujeresdeislas@gmail.com

CDBG-DR 5th Substantial Amendment to the Plan Comments 9-25-2020

- 1) **Pg 151 Housing Programs** – Program accomplishments “Reconstruct Housing to a higher resilience standard”:

The methodology; or methodologies to determine Cost Reasonableness should be defined per Program; and we recommend that for the R3 Relocation Vouchers Program specific instructions be provided to the Appraisers, Appraiser Reviewers or Appraisers Committee per the R3 Guidelines published on 7-15-2020 to assign value to:

- a. Compliance with Puerto Rico 2018 Building Code
- b. Specific R3 Voucher guidelines requirements
- c. Voluntary Resiliency measures in energy and potable water

in order to have a uniform and fair standard of valuations.

Please refer to attached Table 1 for a comparison of the estimated costs of an additional \$43,059 to comply.

At a minimum the properties which will comprise the Certified Development Roster should comply with 1986 Building Code for earthquakes based on our recent experience in January 2020.

We have a valuable opportunity to upgrade the existing and financial institutions inventory stock.

- 2) **Pg 128 Method of Distribution** -The Subrecipient Model should be allowed with the municipalities for the R3 Relocation Voucher Program to facilitate the relocation of entire communities that reside in flood zones or land slide zones in a humane way respecting the beneficiaries’ social interaction, culture and history.

Our experience with five (5) municipalities is that they are ready, willing and able to collaborate in the R3 Relocation Program thru a Sub-Recipient Distribution Method with the Program Managers, the Certified Housing Counselors and the PRDOH.

- 3) **Pg 131 Certified Development Roster** – Per the Puerto Rico Builders Association communication dated July 23, 2020 (copy attached) the Certified Development Roster requirement has been eliminated.
- 4) **Pg 131 Housing Counselors** – How Can PRDOH provide a list of the Housing Counselors and their geographic areas and contact information?

- 5) **Pg 130 Permanent Relocation Option 1 “Aggregate of purchase price and any required improvements will be capped at \$185,000 or a regional cap more appropriate to market availability that does not limit housing choice and must be market reasonable”.** – How will the PRDOH define Market Reasonable and provide specific and uniform instructions to appraisers when “appraising” the housing units in Development Roster?

It is of critical importance that consistent specific guidelines and instructions be given to the Appraisers, Appraiser Reviewers and the Appraisers Committee by PRDOH to the 3 alternatives:

- Existing Units
- Financial Institutions
- Real Estate Developments

for valuation; including, but not limited to requiring replacement cost valuations considering the factors of complying with the Puerto Rico 2018 Building Code and energy and water resilient features from Table 1 attached; as well as comparable sales per our comments to the CDBG-DR R3 Program Guidelines comments dated August 28-2020 (copy attached).

- 6) **Pg 132 “Community Energy and Water Resilience Installations Alignment: all reconstruction and rehabilitation projects, when feasible, will be eligible to participate in this program as well. Those additional costs will be reflected and accounted for via Community Energy and Water Resilience Installations Program and will not be reflected under the award caps mentioned above”.** –

This is an excellent idea as it will provide Construction Managers to build and reconstruct the new housing units to energy and water resiliency standards. The same incentive should be provided to, existing unit holders, financial institutions and Real Estate Developers participating in the R3 Relocation Voucher Program to be consistent; and should be clarified.

Who will be responsible for submitting the application under this program: the Beneficiary, the Contractor or the Developer?

- 7) **Pg 134 Title Clearance Program Eligibility -“At this time, title services will not be provided for applicant properties located in the floodplain or floodway; or an area considered high-risk due to engineering, soil or slope conditions as verified by engineering inspections. Exceptions will be made if title clearance is necessary for the applicant to receive benefits from other programs within the PRDOH CDBG-DR Housing Portfolio ...”** – This is discriminatory to the families affected by hurricane María who reside in floodplain areas or high risk areas; unless necessary for the applicant to receive benefits from other programs within the CDBG-DR Housing Portfolio.

This is confusing. Is an exception going to be made for the R3 Relocation Voucher program? This should be clarified.

8) **Pg 157 Commercial and Construction Loan** – Eliminated the program and reallocated the funds to:

- **Economic Development for Growth Program** – By definition this program is for projects that demonstrate a significant economic development impact by its criteria.
- **Small Business Finance Program** – Businesses in the real estate field have been equally affected by hurricane María as in other industries. The Economic Development Bank has determined that Real Estate activity is ineligible for this program in its underwriting criteria.

Local Developers, Contractors and Investors have no real source of financing to participate and provide housing inventory to the R3 Relocation program.

We suggest that the PRDOH eliminate this restriction so that applicants engaged in the Real Estate industry can be eligible for application evaluation.

A \$1,000,000 Loan/Grant (as was originally conceived in the substantial amendments to the Action Plan up to its 4th amendment) can represent to a Developer/Contractor/Investor the ability to build up to 32 housing units a year (at \$122,500 total cost projection and \$150,000 sales price for a 3/2 unit) once the Site work mis completed utilizing advanced pre-cast concrete construction technologies.

Please refer to Table 2 attached for the economic impact in 10 years of:

Taxes - \$12,659,952 or \$1,265,995 per year
Jobs Creation – 806 or 81 per year

Utilizing the Puerto Rico Planning Board parameters.

Besides providing local Developers/Contractors/Investors with the financial capability to contribute to the Housing recovery programs; the \$1,000,000 revolving loan is more than justified in its economic impact and jobs creation.

A \$1,000,000 CCRL loan has the potential of building 320 housing units in 10 years!

With the original \$100 million dollars allocated to the CCRL program a minimum of 100 such loans can be “Invested” to stimulate local economic development

We respectfully suggest that the Commercial Construction Revolving Loan Program remain as it was originally conceived up the 3rd substantial amendment to the action plan.

- 9) **Pg 171 Economic Development Investment Portfolio for Growth Program** – Total Program \$800,000,000 Max Award \$800,000,000 – We recommend that the Max award be reduced to between \$20,000,000 to \$50,000,000 so that more than one (1) project can receive the benefits of this program.

From: [Japhet Cruz Diaz](#)
To: [info CDBG](#)
Cc: [Oficina del Alcalde Bayamon](#); harrison@hcgpr.com; [Elyam Rodriguez Villardefrancos](#); [Omar Miranda Figueroa \(omarmirandafigueroa@gmail.com\)](mailto:Omar.Miranda.Figueroa@gmail.com)
Subject: CDBG-DR Action Plan 5th Substantial Amendment comments from Municipality of Bayamon
Date: Friday, October 9, 2020 3:59:04 PM

Good afternoon,

This is the text and comments that our Municipality would like to have noted:

Any strategy that simplifies and expedites the receipt of CDBG-DR (2017) funds is welcomed. After three years since Hurricanes Irma and Maria, we must concur that urgency is an important matter. The delay has made the recovery slow and much more expensive.

However, from our point of view, the Action Plan from the beginning presented a problem of atomization, where several programs were created to attend the same unmet needs from slightly different angles. It would have been a more successful strategy, we think, to create a limited number of programs directed specifically to the catalog of unmet needs (most with estimated costs) presented by the municipalities and the central government to the PRDOH in early 2018.

That is why we have no qualms about the consolidation of programs, and the redistribution of the allocations of eliminated programs to activities that are already running. As the proposed amendment says, those changes will speed up the receipt and use of funds.

We support the new design and content of the Puerto Rico Geospatial Framework Program (Geoframe). It is something that Puerto Rico needs to be able to make intelligent and informed decisions on matters of public policy and public administration.

We support the allocation of resources of the Non Federal Match Program that will provide the necessary resources for the recovery using FEMA and CDBG-DR Resources.

We support the allocation of resources to the Economic Development Portfolio that will provide resources to small and medium businesses affected by Maria. We encourage the state to expedite and streamline the EDP program.

We do not support the allocation of \$300 million to the LIHTC program. The per unit cost of this program is not reasonable and the program will encounter problems in the future when the rental subsidy is depleted.

We support the reallocation of the integration of the Community Resiliency Centers into the City Revitalization Program.

*We recommend that the scope of the MRP program is expanded to allow municipalities to work with the Fiscal Plans required by the FOMB. The state must remember that all CDBG-DR actions must be consistent with the **Economic** and Disaster Recovery Plan and that the economic recovery will be driven by the actions established in the Municipal Fiscal plans that must be developed as required by the FOMB. Municipalities must be allowed to develop its own strategies independently of the use of external consultants for the preparation of the*

Recovery Plans.

However, we believe that a step that has not been taken is very important: decentralize the Plan's programs and give a greater and more significant part to the municipalities as sub-recipients (as defined by federal regulations and the Federal Grant and Cooperative Agreement Act 1977). After all, CDBG is a municipal program. We hope that if a sixth amendment is necessary or appropriate, that will be its primary focus.

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone

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For more information please visit <http://www.symanteccloud.com>

CDBG-DR 5th Substantial Amendment to the Plan Supplemental Comments

Pg 151 Homebuyer Assistance Program

Utilizing the Table from the CDBG-DR Website for a four (4) person household the Adjusted 120% Percent Income Limit is \$62,900.

If so utilizing HUD's 25% gross income mortgage payment underwriting guideline; the family would be able to afford approximately $\$62,900/12 \times 25\% = \$1,310.42$ Principal and Interest payment assuming the household qualifies under all the underwriting parameters such as credit rating, etc..

Under this example the household could easily afford the mortgage principal and interest payment on a \$185,000 purchase price housing unit less the \$25,000 award for on a 30 year 3% income mortgage which would be \$527.01.

In other words; in order for a household of four (4) to qualify for a \$185,000 housing unit purchase it would need income of a minimum of \$25,296.24.

Can PRDOH verify that our examples are correct; and if not provide correct examples?

Is there a limit on the purchase price of the housing unit?

Are solar energy savings going to be counted as additional discretionary income for qualification purposes if the COMMUNITY ENERGY AND WATER RESILIENCE INSTALLATIONS PROGRAM is combined with the Home Buyer Assistance Program?



**Nuestro Corazón Para Su Hogar
Social Interest Housing Program**

Composition of the DCM, CCA and QA Area of Municipalities to be served.

OBJECTIVE

The mission of Nuestro Corazón Para Su Hogar is to provide quality humanitarian services for families and communities impacted by natural and man-made disasters across Puerto Rico. We are dedicated to equally serve the people of Puerto Rico and meet the challenges of governance at all levels while enhancing public safety, economic development, and the general welfare of the municipalities and their citizens due to the destruction caused by Hurricane Maria 4339 and other disasters.

This consists of long-term operations of assessing damages and working with local contractors to make sure the citizens of Puerto Rico have quality housing. Our long-term milestones are to restore the post disaster populations homes or provide quality interim housing if their homes are damaged beyond repair as well as be a resource for any other unmet needs such as food, clothing, and social services.

TARGET POPULATION

The target population will be the CDBG and PRDOH identified eligible individuals still recovering from the effects of Hurricane Maria.

Contact information for residents of the affected Puerto Rican communities will be received through PRDOH and CDBG. This will provide NCP SH with the necessary tools and information to initiate damage assessment protocols and Xactimate cost estimation of the identified damages.

NCP SH will provide the following:

1. From the data gathered from PRDOH and CDBG, NCP SH will assign and distribute the identified damaged home information to the Construction Cost Analyst (CCA). The information will be distributed and assigned as follows:
 - a. The Operations and Planning Officer will assign each CCA Supervisor the total number of repair sites needing damage assessments in their appropriate area of operation.
 - b. CCA Supervisors will then disperse the cases to each CCA.
 - c. CCA's will meet weekly (or more if necessary) with their Supervisor to identify and discuss the processes to be performed for successful contact with the survivor, tiers of damage, follow-up processes, and any other information regarding successful damage assessment.
 - d. If the survivor does not have the documentation required to participate in our services upon initiation, the survivor must procure documentation within a 15-day follow-up window with evidence of agreement to services and/or any other documentation i.e legal deeds to property or others.
 - e. If the exact location of the survivor's residence is not obtained, CCA must make and document at least three attempts to acquire the accurate location of the survivor and complete the visit to the residence.
 - f. Before starting the inspection, the CCA will acquire approval from the participant to begin the inspection. The CCA will document that the participant agrees and verbally explains which areas will be inspected before entering, the client will sign an agreement for the inspection in which all present must sign (CCA('s) and survivor). In the event that the



**Nuestro Corazón Para Su Hogar
Social Interest Housing Program**

Composition of the DCM, CCA and QA Area of Municipalities to be served.

participant does not agree with the inspection in a certain area of the property and/or the entirety of, the CCA will document it and explain that the process of identifying their needs and any other assistance may be affected. Upon completion of the CCA inspection/estimate, the CCA will provide an inspection completion document indicating that an inspection was carried out on the participant's home. These documents will physically stay with the participant and the CCA will obtain a digital copy.

- g. The survivor will have the ability to submit comments on the service they received via email so that NCP SH may continue to uphold quality services and ensure that each survivor/client is comfortable with our staff.

NCP SH will also follow the state approved COVID-19 protocol when inspecting each domicile. Our protocol is available upon request.

DEMONSTRATE DUE DILIGENCE

All attempts to contact identified customers must be physically evidenced and documentation must be maintained to demonstrate due diligence by NCP SH to contact the survivor.

CCA REPORT AND XACTIMATE

Every Construction Cost Analysis (CCA) must follow the protocol established by the Organization of NCP SH described as follows:

- a. Our CCA's will be trained regularly with Xactimate inspection and program guidelines and procedures.
- b. CCA's will work collaboratively to achieve successful contact with the survivor. Once this contact is completed, depending on the form of contact (visiting the community/survivor, email, post-to-post mail and/or phone call), the CCA will coordinate an appointment to perform a home inspection only if the Survivor/Client will be present and will not perform inspections without the Survivors presence and approval.
- c. What is Xactimate - Xactimate is a software system used to estimate mitigation and repair costs for residential and commercial property losses. Insurance companies and restoration contractors use Xactimate's products to handle more than half of all property claims in the United States and Canada.
- d. What is Xactware? - Xactware Solutions provides computer software for professionals involved in estimating all phases of building and repair. Xactware opened for business in 1986 with Xactimate, its flagship estimating system. Xactimate helped contractors and insurance adjusters estimate repairs much faster and more accurately than ever before.
- e. 3. What is the ISO? - Insurance Services Office, Inc. ("ISO") was formed in 1971 with the backing of most of the existing property/casualty insurance companies. The objective was to consolidate and streamline existing intellectual property supporting the industry's products in the



**Nuestro Corazón Para Su Hogar
Social Interest Housing Program**

Composition of the DCM, CCA and QA Area of Municipalities to be served.

marketplace and deliver more current and precise information to aid in property/casualty underwriting. Today, the ISO continues to help insurers with product development, underwriting, and rating functions.

EXECUTION OF THE QA TEAM FOR ESTIMATED ARCHIVE REVIEWS

THE SEQUENCE OF EXTERIOR PHOTOS SHOULD BE FOLLOWED IN THIS ORDER:

- A. Front lift
- B. Right front lift
- C. Left rear lift
- D. Right rear lift
- E. Left front lift
- F. Close-up photo of damage
- G. Tagging each photo describing the damage
- H. CAN File Number #
- I. Contractor


THE SEQUENCE OF INTERIOR PHOTOS ONCE CCA ENTERS THE HOME IS AS FOLLOWS:

- A. Interior
- B. Four corners of the room
- C. Overview of room damage
- D. Damage closure photo
- E. Tagging each photo describing the damage

DELIVERY

- A. Program Manager
- B. CCA
- C. Team Lead
- D. Asst Lead
- E. Review all PII information about Xactimate estimation and make sure it matches the CAN file PII information
- F. Identify line item error
- G. Direct all emails with the word "Error" in the subject line and with the error line number in the body of the email.
- H. CCA has 72 hours to correct the "error"
- I. no PII information in any correspondences
- J. Location only

DAILY PRODUCTION

| | |
|---|--|
|  | Nuestro Corazón Para Su Hogar Social Interest Housing Program |
| | Composition of the DCM, CCA and QA Area of Municipalities to be served. |

- A. Quality Control Equipment (QA)
- B. QA name, identification number, estimate date, QA initials, CCA initials, CAN number
- C. 25- 30 Estimates per daily quality control team
- D. Details
- E. Delivery/Photos
- F. Weekly meetings with President/Vice President, Operations Officer, CCA department

CORRESPONDENCE/EMAIL

- A. Email must be answered in 1 business day
- B. QA name and identification number
- C. CCA name and identification number
- D. CC all daily emails in the following sequence:
 - 1. President
 - 2. VP
 - 3. Operations Officer
 - 4. Program Manager



**Nuestro Corazón Para Su Hogar
Social Interest Housing Program**

Composition of the DCM, CCA and QA Area of Municipalities to be served.

SUPERVISORS AND QUALITY OF SERVICE

We believe in creating an environment conducive for teamwork and have determined the need to have four Program Managers that oversee each region. They will coordinate with our Program Resource Coordinator to identify resources as well as oversee their teams. Each Program Manager has two qualified Leads which include 1 CCA and 1 DCM Lead (will be responsible for identifying unmet needs). We want to provide the best possible service, for this reason we have implemented a Quality Control team to assure that all data and reporting is accurate and correct. Quality Assurance/Control will alleviate any unnecessary costs related to errors in data and reporting.

Every month our staff will procure reports on our progress and submit to any contractors monthly. Data will include the number of estimates completed, and the tier of repairs made ranked 1-4.

**Construction Cost Analysis
Disaster Case Manager
Quality Assurance**

- PM/TFL with Lead of DCM, CCA and QA will provide cases, create strategic teams, reports, provide support and resources to their team. Our goal is that the staff that will be on the field will have all the resources required to complete the objectives.
- The DCM is responsible to provide guidance and liaison services to link the survivor to community resources. All DCM's will coordinate with CCA's to approach the appropriate needs of each case and survivor needs.
- NCPHS is committed to having a strong and reliable team that will invest in **continual training** in industry relevant information, procedures, and protocols, and will facilitate support and guidance for each case/estimate by use of Quality Assurance.

CASES PER AREA AND PROGRAM MANAGER DISPERSION

| Program Manager Area 1 | | Program Manager Area 2 | | Program Manager Area 3 | | Program Manager Area 4 | |
|------------------------|------------|------------------------|------------|------------------------|------------|------------------------|------------|
| Municipality | # of Cases | Municipality | # of Cases | Municipality | # of Cases | Municipality | # of Cases |
| Vega Baja | 815 | Manati | 750 | Juana Diaz | 323 | Villalba | 261 |
| Vega Alta | 550 | Ciales | 1,379 | Ponce | 629 | Coamo | 947 |
| Orocovis | 598 | Barceloneta | 695 | Penuelas | 634 | Santa Isabel | 563 |
| Dorado | | Florida | 734 | Adjuntas | 318 | Aibonito | 300 |
| Corozal | | Jayuya | | Guayanilla | 219 | Salinas | 545 |
| Barranquitas | 249 | Arecibo | 1,162 | Yauco | 229 | Cidra | 271 |
| Toa Baja | | Utuaado | | Guanica | | Cayey | |
| Toa Alta | 1,318 | Hatillo | | Las Marias | | Guayama | |
| Naranjito | 243 | Camuy | | Maricao | | Patillas | |
| Comero | | Lares | | Sabana Grande | | Arroyo | 90 |



Nuestro Corazón Para Su Hogar
Social Interest Housing Program

Composition of the DCM, CCA and QA Area of Municipalities to be served.

| | | | | | | | |
|--------------------|-------|---------------|------|-------------|------|-------------|--------------|
| Catano | | Quebradillas | | Mayaguez | 363 | San Lorenzo | 560 |
| Bayamon | 873 | San Sebastian | 467 | Hormigueros | | Yabucoa | |
| Aguas Buenas | | Isabela | 255 | San German | | Maunabo | |
| Guaynabo | | Aguadilla | 428 | Cabo Rojo | 280 | Santa | |
| San Juan | 1,034 | Moca | 300 | Lajas | | | |
| Caguas | 1,183 | Anasco | | Adjuntas | 318 | | |
| Carolina | | Aguada | 261 | | | | |
| Trujillo | | Rincon | 147 | | | | |
| Gurabo | 472 | | | | | | |
| Fajardo | 298 | | | | | | |
| Ceiba | 260 | | | | | | |
| Cupey | 358 | | | | | | |
| Morovis | 896 | | | | | | |
| Loiza | | | | | | | |
| Canovanas | 776 | | | | | | |
| Juncos | 114 | | | | | | |
| Rio Grande | 1,022 | | | | | | |
| Las Piedras | 1,356 | | | | | | |
| Luquillo | 843 | | | | | | |
| Humacao | 504 | | | | | | |
| Naguabo | 630 | | | | | | |
| Total | 14392 | | 6578 | | 3313 | | 3537 |
| Grand Total | | | | | | | 27820 |



Nuestro Corazón Para Su Hogar
Social Interest Housing Program

Composition of the DCM, CCA and QA Area of Municipalities to be served.





**Nuestro Corazón Para Su Hogar
Social Interest Housing Program**

Composition of the DCM, CCA and QA Area of Municipalities to be served.



- Upper Management is composed by President, Vice President, Executive Director, Construction Operations, Compliance and Planning Officer. This team provides supervision, training, strategic planning for our operations and the support of our team.
- Every Branch has its Program Manager (PM) or Task Force Lead (TFL) that is assigned to supervise their teams and successfully provide resources, training, and effective case closing. This will require our qualified CCA and Quality Assurance(QA) Leaders working hand in hand with the PM/TFL of their branch.



**Nuestro Corazón Para Su Hogar
Social Interest Housing Program**


Composition of the DCM, CCA and QA Area of Municipalities to be served.

ESTIMATED COST PER CASE

We estimated our expenses per case based on our operating expenses. We concluded that for each case we spend \$157.41.

We came to that number by dividing the total expenses by the number of cases we need to complete (28,478).

| NCP SH Projected Expenses | |
|--|------------------------|
| Item | Expense (\$) |
| Payroll: Upper Management/ Exec Board | 2,481,660.00 |
| Office Rental | 13,200.00 |
| Equipment: Hardhats | 800.00 |
| Equipment: Cellular | 15,500.00 |
| Uniform Expense | 800.00 |
| Safety Vests | 1,000.00 |
| Protective Glasses | 300.00 |
| Xactimate Software | 3,000.00 |
| Company Insurance | TBD |
| IT Networks/Web & Security/Computers | 44,254.12 |
| Risk One HR Consulting | 5,000.00 |
| ADP Payroll Services | 3,600.00 |
| Employee's Health Benefits Ins. (5) | TBD |
| Juan Rivera Consulting | 75,000 |
| Total: | \$ 2,644,114.12 |
| Cost per Case (28,478): \$ 157.41 | |
| Hourly Rate Avg. 8 hours per Case: \$19.68 | |
| *total reflects overhead of current work force and is subject to change. | |

| | |
|---|--|
|  | Nuestro Corazón Para Su Hogar Social Interest Housing Program |
| | Composition of the DCM, CCA and QA Area of Municipalities to be served. |

CONCLUSION

Currently, thousands of Puerto Rican citizens are living in damaged homes or are displaced from the places they called home. Not only are they living in homes that are not fit to be inhabited, but many are lacking everyday necessities, such as food, water, clothing, while having to care for themselves, and their loved ones. These issues do not only affect their economic status, but their well-being- which is why we are so dedicated to providing our services.

Nuestro Corazon Para Su Hogar plans to act quickly to address these issues before they become compounded by the next disaster. We will mobilize our well trained and capable team to help the Island recover, while using our resources wisely and effectively.

8 de octubre de 2020

Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

Por este medio deseo informar nuestra oposición a la eliminación del programa **Puerto Rico by Design** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa **Puerto Rico by Design** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.



Atentamente,
Arq. José Fernando Vázquez Pérez, CAAPPR, AIA
Lic. 17285

9 de octubre de 2020

Re: Puerto Rico CBG-DR Recovery Action Plan: Permanencia del Programa Puerto Rico By Design

A quien corresponda,

Por este medio deseo informar nuestra oposición a la eliminación del programa **Puerto Rico by Design** según propuesto en la 5ta Enmienda del Plan de Acción de los fondos Community Development Block Grant – Disaster Recovery (CDBG-DR) por lo que solicitamos su reconsideración de este importante programa.

Luego del impacto de los Huracanes Irma y Maria en el 2017, y del terremoto de enero de 2020 y posteriores temblores que aún persisten, deja claro que tenemos que reconstruir nuestro archipiélago de Puerto Rico de manera innovadora, sostenible y que nos prepare para el futuro. Compartimos el objetivo de movernos rápidamente para reconstruir Puerto Rico desde María y protegernos contra futuras tormentas. Por eso queremos que este programa comience lo antes posible.

Fue muy agradable ver la inclusión del programa **Puerto Rico by Design** en el plan de acción de CDBG-DR de Puerto Rico hace dos años y hemos estado esperando asociarnos con esta iniciativa. El programa se basó en el éxito del modelo *Hurricane Sandy Rebuild by Design Competition* and del *National Disaster Resilience Competition* que utilizó fondos de recuperación de desastres para crear nuevos enfoques para la planificación y construcción de infraestructura para manejar inundaciones, retos sociales, entre otros. Hay muchos elementos que pueden ser de gran beneficio para Puerto Rico por medio del programa Puerto Rico By Design:

- Gran adaptabilidad para satisfacer necesidades y objetivos sociales, económicos y ambientales.
- Incluye la amplia participación de la comunidad y entidades gubernamentales acelerando procesos y aceptación de proyectos desde el comienzo. El resultado ha sido que se generan mejores diseños y, en última instancia, proporciona apoyo local crítico y legítimo para construir proyectos.
- Implementa enfoques interdisciplinarios para garantizar que no reconstruyamos como estaba antes. Toda inversión debe enfocarse en promover beneficios colaterales e integrales.
- Trabajar con las comunidades y los gobiernos locales antes de diseñar los proyectos garantiza que el producto final responda a las diversas necesidades de la comunidad y que la infraestructura se construirá con apoyo.
- El uso de mejores prácticas y las soluciones de infraestructura más avanzadas por parte de expertos involucrando el insumo de las comunidades y entidades de gobierno desde el diseño.
- Un historial de trabajo con cientos de organizaciones comunitarias y profesionales locales. Este programa puede garantizar que se desarrollen capacidades a nivel local al permitir que los arquitectos, ingenieros y diseñadores locales desarrollen sus prácticas en Puerto Rico educando a nuestras comunidades sobre los riesgos futuros y las posibles soluciones.
- Centrarse en la implementación y adoptar un enfoque de múltiples beneficios, lo que significa que las propuestas de proyectos son realistas y protegen contra la vulnerabilidad al mismo tiempo que brindan beneficios durante tiempos sin desastres, como abordar nuestra salud, transporte acuático, desarrollo económico, futuro, etc.
- La competencia promueve a su vez desarrollo económico al proporcionar la oportunidad para que profesionales locales (arquitectos, planificadores, ingenieros, etc.) junto con la comunidad y gobiernos locales propongan proyectos y soluciones.

Los fondos CDBG-DR para la recuperación de desastres es una oportunidad única de planificación y construcción de proyectos y soluciones de manera holística e innovadora que promuevan el desarrollo económico, social, protección a la salud y medio ambiente, que finalmente ayudará a repensar cómo nuestras comunidades pueden responder a los retos naturales que nos presenta el cambio climático. No debemos desperdiciar esta oportunidad, por lo que les exhortamos que permitan mantener el programa de Puerto Rico By Design en el plan de acción del CDBG-DR.

Atentamente,

Fabiola G. Arroyo Ramírez



AIA
Puerto Rico

October 8, 2020

Hon. Luis C. Fernandez-Trinchet, Esq.
Secretary
Puerto Rico Department of Housing (PRDOH)

Re: Keeping the Puerto Rico By Design Program in the Disaster Recovery Action Plan

The American Institute of Architects

AIA Puerto Rico
PO Box 195488
San Juan, Puerto Rico 00919-5488

www.aiapr.com

Dear Secretary,

I am writing to voice **AIA Puerto Rico** opposition to the exclusion of the Puerto Rico by Design program in the Fifth Amendment CDBG-DR Action Plan and ask for reconsideration of this important program.

Hurricane Maria was a wakeup call to Puerto Rico. The subsequent earthquake and health challenges make it clear that we must rebuild our island in ways that are innovative, sustainable and will set us up for the future. We share the goal of moving quickly to build back Puerto Rico from Maria, and to protect against future storms. That is why we want to launch this program as soon as possible.

We were very happy to see the inclusion of **Puerto Rico by Design** in Puerto Rico's action plan two years ago and looked forward to partnering with this initiative. The program was based on the success of the *Hurricane Sandy Rebuild by Design Competition* and *National Disaster Resilience Competition*, a model that used disaster recovery funds to create new approaches to flood infrastructure. There are many elements in the Rebuild by Design Program that would benefit Puerto Rico, amongst them:

- Highly adaptability to meet environmental, social and economic needs, timelines and goals.
- Include extensive community and local government engagements speeding up processes and acceptance of projects from the start. Additionally, it generates better designs and ultimately provides critical local support and legitimacy for building the projects.
- Interdisciplinary approaches to ensure that we do not build back the way we were before. Every investment should have co-benefits.
- Working with communities and local governments before projects are designed ensures that the product is responsive to the communities' various needs and the infrastructure will be built with support.

- The use of the world's best practices and the most forward-thinking infrastructure solutions by the experts of the world with the input of communities and local government entities.
- A track-record of working with hundreds of community organizations and local professionals. This program can ensure that we build capacity locally by enabling local architects, engineers, and designers to build their practices in Puerto Rico at the same time as educating our communities about future risks and possible solutions.
- Focus on implementation and take a multi-benefit approach, meaning that project proposals are both realistic and protect against vulnerability while also providing benefits during non-disaster times such as addressing our health, water transportation, economic development, future, etc.

The CDBG-DR funds are an opportunity to finally re-think how our communities can respond to the shocks and stresses of climate change. We should not let this opportunity go to waste. For all the reason stated above we firmly believe and request that the program **Puerto Rico by Design** be reinstated in the Puerto Rico Action Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eugenio Ramirez Ballagas".

Arq. Eugenio Ramirez Ballagas, AIA
President - AIA Puerto Rico 2020

ACONER
PO Box 16714
San Juan, PR 00908-6714

787.224.1337
aconer.pr@gmail.com



10 de octubre de 2020

A:

Departamento de la Vivienda
Gobierno de Puerto Rico

De:

Asociación de Consultores y Contratistas de Energía Renovable de Puerto Rico
(ACONER)

ASUNTO: Comentarios a la Quinta Enmienda al Plan de Acción de Puerto Rico para la recuperación ante desastres para la utilización de fondos CDBG-DR en respuesta a los huracanes Irma y María (2017)

La Asociación de Consultores y Contratistas de Energía Renovable de Puerto Rico (ACONER) es una organización sin fines de lucro, fundada en el año 2007, con el objetivo principal de fomentar el desarrollo de la energía renovable en Puerto Rico. La Asociación busca a su vez contribuir con el desarrollo de esta emergente industria, bajo un ambiente de competencia justa, educación al público general y colaboración con agencias de gobierno y otras entidades en todo lo que respecta a reglamentación y política pública sobre el tema.

A continuación, presentamos los comentarios de ACONER a la propuesta Quinta Enmienda al Plan de Acción, según publicada el pasado 10 de septiembre. Estas recomendaciones parten de la premisa de que es generalmente reconocido que la implementación de tecnologías eficiencia energética, energía renovable distribuida y almacenamiento de energía son clave para lograr el máximo potencial de resiliencia de se busca con este Plan de Acción. La consolidación de programas ayuda a simplificar y hacer más ágil la implementación del plan, pero a su vez se presta para que se diluya el potencial para proyectos que mejoren específicamente la resiliencia energética. Por tanto, nuestra organización está recomendando cambios que hagan más robustos los programas directos que tienen que ver con mejorar la resiliencia energética en residencias individuales y comunidades en general y que, a su vez, la industria de apoyo a este mercado de energía renovable pueda tener acceso preferencial a los programas correspondientes a pequeños negocios y entidades sin fines de lucro.

PROGRAMA DE INSTALACIONES COMUNITARIAS PARA LA RESILIENCIA ENERGÉTICA Y ABASTECIMIENTO DE AGUA

En términos generales, la Enmienda 5 propuesta al Plan de Acción, con relación a la versión vigente, degrada este programa para que las modificaciones de resiliencia energética y abastecimiento de agua estén atadas y funcionen como complemento a otros Programas CDGB-DR¹. Para ello, la Enmienda 5 elimina varios párrafos² que sientan las bases para un programa independiente que, según la versión actual, incluiría los siguientes aspectos importantes:

- Mejoras en eficiencia energética a los hogares
- Instalación de sistema comunitarios´
- Programa de Incentivos tipo Fondo de Energía Verde

ACONER se opone firmemente a estos cambios a al programa, ya que el resultado práctico sería reducir o minimizar la implementación de mejoras energéticas.

¹ “Este programa se utilizará como un programa complementario o posiblemente integrado a otros programas CDBG-DR aplicables, tales como el Programa de Reparación, Reconstrucción o Reubicación de Viviendas, el Programa de Viviendas de Interés Social y el Programa de Incubadoras y Aceleradoras de Pequeñas Empresas.” (página 159 de la Enmienda 5).

² Páginas 159 y 160 de la Enmienda 5

Recomendamos que se reviertan estos cambios y se aproveche la oportunidad para robustecer aún más el programa de eficiencia y resiliencia energética que, aunque complementario, pueda correr independiente a otros programas. Ya en PR se han desarrollado a nivel gubernamental programas exitosos de eficiencia energética como el Programa de Climatización y de incentivos para energía renovable como el Fondo de Energía Verde. Es recomendable por tanto que se aproveche esta experiencia para crear programas similares.

PROGRAMA DE ASISTENCIA DIRECTA AL COMPRADOR

En la página 165, recomendamos que se incluya el tema de eficiencia energética dentro de los cursos de asesoría que estarían ofreciendo los Asesores de Vivienda certificados por HUD a los solicitantes del programa. De igual manera, se podría añadir como requisito el que se incluyan medidas de eficiencia y resiliencia energética como parte del Incentivo de Redesarrollo.

PROGRAMA DE CENTROS DE RESILIENCIA COMUNITARIA

La nueva enmienda al plan elimina este programa y lo integra a otro programa más general. ACONER entiende que esto es un error, ya que las recientes emergencias han dado a demostrar que estos centros de resiliencia son necesarios en las comunidades, en especial las de bajos recursos. El mismo Plan de Acción vigente ilustra esta necesidad en detalle. Integrar este programa dentro de otro programa más general minimizaría la oportunidad de que se desarrollen centros de este tipo ya que tendrían que competir por fondos con otras iniciativas. Similar a lo que nuestra opinión en el caso del programa para resiliencia energética, nuestra recomendación es que el programa se mantenga de manera independiente e incluso que sea más robusto para que facilite el desarrollo de la mayor cantidad posible de centros.

PROGRAMAS DE RECUPERACIÓN ECONÓMICA

ACONER recomienda que se incluya, como parte de los elementos de consideración de solicitudes de varios de los programas de recuperación económico, herramientas que concedan prioridad a propuestas que fomenten de manera prioritaria la resiliencia energética. Específicamente, ese elemento de prioridad debería ser parte de los siguientes programas del Plan de Acción:

- Programa de Financiamiento para Pequeñas Empresas
- Programa de Incubadoras y Aceleradoras de Pequeñas Empresas
- Programa de Capacitación Laboral
- Programa de Renacer Agrícola

ASIGNACIÓN DE FONDOS

Basado en la información provista en el Plan de Acción vigente (Enmienda 4), ACONER recomienda que se aumente significativamente la asignación dedicada a proyectos de resiliencia energética. La Tabla 41³ en la página 114 muestra cómo la necesidad en el renglón de resiliencia energética duplica el presupuesto asignado.

Finalmente, expresamos nuestra disposición para que, una vez se apruebe un plan final, podamos ofrecer apoyo al Departamento de Vivienda en el desarrollo de estos programas con vías a su ejecución.

³ Tabla 41



Tabla 41. Comparación de las actividades del programa de vivienda con las propuestas escritas presentadas

10 de octubre de 2020

Cordialmente,

A handwritten signature in blue ink, appearing to read "Jéramfel Lozada Ramírez". The signature is written in a cursive, flowing style with some decorative flourishes.

Ing. Jéramfel Lozada Ramírez
Presidente



10 de octubre de 2020

Hon. Luis Carlos Fernández Trinchet
Secretario
Departamento de la Vivienda
Gobierno de Puerto Rico

COMENTARIOS SOBRE LA QUINTA ENMIENDA AL PLAN DE ACCIÓN DEL *COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM*

Honorable secretario Fernández Trinchet,

Reciba un cordial saludo por parte del Programa del Estuario de la Bahía de San Juan (Estuario). Agradecemos la oportunidad de compartir nuestros comentarios referentes a la quinta enmienda del Plan de Acción para los fondos asignados a Puerto Rico bajo el *Community Development Block Grant Disaster Recovery Program* (CDBG-DR).

El programa Puerto Rico se Diseña se inspira en la iniciativa *Hurricane Sandy Design Competition (HSDC)*, del Departamento de Vivienda y Desarrollo Urbano (HUD, por sus siglas en inglés). La misma se estableció después de que los estragos provocados por el Huracán Sandy evidenciaran la necesidad de innovar el proceso de reconstrucción de nuestras comunidades luego de desastres naturales para atender múltiples necesidades a la vez. Atrás quedaron los días de reconstruir basado en eventos y parámetros pasados. De ese momento en adelante, tendríamos que reconstruir mirando hacia el futuro, considerando peligros inminentes que aún no habíamos vivido.

Gracias a la iniciativa *HSDC*, la ciudad de New York junto a los estados de New York, New Jersey y Connecticut están implementando diez proyectos que juntos suman \$930M para proteger a sus comunidades de inundaciones, tormentas y otros impactos del cambio climático, asegurando la resiliencia de una economía de más de \$500B. En efecto, *HSDC* está asegurando el mayor impacto positivo a las comunidades por el menor costo. Tan exitoso ha sido el modelo, que los nueve condados del Bay Area en California lanzaron el *Bay Area Challenge*, el cual ha generado 19 proyectos para hacer de sus comunidades y su economía de \$900B unas más resilientes.

En los últimos años, Puerto Rico se ha enfrentado a una serie de catástrofes que han cambiado profundamente nuestra realidad, y los cuales sólo han exacerbado la complejidad de problemas sociales, económicos y ambientales existentes. El Estuario ha trabajado y continúa trabajando de la mano con muchas de las comunidades que han sido las más afectadas. Luego del Huracán María, nos vimos en la necesidad de expandir nuestro rol para poder ayudar a abastecer las necesidades de nuestras comunidades. Hemos establecido centros resilientes con acceso a energía solar y agua potable para servir de refugios, al igual que aumentar la frecuencia del monitoreo de la calidad de las aguas urbanas para asegurar la salud pública.

Sin embargo, entendemos que para lograr ser lo más resilientes posible, tenemos que mirar hacia el futuro e ir preparándonos en comunidad. Es por esto que actualmente nos encontramos desarrollando el primer plan de Mitigación de Riesgos multijurisdiccional en Puerto Rico, el cual se someterá para aprobación de la Agencia Federal para el Manejo de Emergencias (FEMA, por sus siglas en inglés) y coordinará actividades de mitigación y adaptación en los ocho municipios de la cuenca hidrográfica del Estuario. Igualmente, estamos desarrollando un Plan Maestro de Infraestructura Verde para el Manejo de Escorrentías en la cuenca hidrográfica, el cual complementará el Plan de Mitigación utilizando estrategias naturales para el manejo de las aguas.

Oportunidades como Puerto Rico se Diseña hacen posible el diseño, la implementación y el mantenimiento de intervenciones ambiciosas que requieren un nivel de coordinación y colaboración sin precedentes, que atienden a múltiples prioridades a la vez, y que son necesarias para catapultar nuestros esfuerzos colectivos de resiliencia. Urge maximizar y expandir los recursos y capacidades de nuestras comunidades para desarrollar soluciones innovadoras y comprensivas a problemas complejos.

Celebramos el compromiso del Departamento de la Vivienda con la reconstrucción de Puerto Rico luego de los huracanes Irma y María al expandir el *Non-Federal Match Program*. A través de este programa, Vivienda continúa cerrando la brecha entre los fondos de reconstrucción de la Agencia Federal para el Manejo de Emergencias (FEMA, por sus siglas en inglés) y la aportación de los sub recipientes a sus proyectos, avanzando así la recuperación del país.

Sin embargo, entendemos que eliminar el programa Puerto Rico se Diseña sería desaprovechar una oportunidad tangible y comprobada para fomentar la innovación a través de la colaboración intersectorial y para poner el conocimiento, las destrezas y recursos de nuestra isla y el mundo a la disposición de la reconstrucción de un país resiliente.

Aprovecho para solicitarle una reunión para poder ampliar sobre oportunidades en las cuales el Estuario pueda apoyar a programas como Puerto Rico se Diseña a ser exitoso. El Estuario tiene una estructura de gobernanza y solidez en el área metropolitana que podría apoyar la fase de resiliencia de proyectos de mejoras capitales. Esto a su vez, apoyaría

Cualquier pregunta o inquietud, puede comunicarse con esta servidora a btorres@estuario.org o al (646) 510-7595.

Respetuosamente,



Brenda Torres Barreto, MEM, LEED AP
Directora Ejecutiva



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| 09/10/20 | Gail Figueroa | | 09/10/20_WP_I_Gail Figueroa(1) | I wish on information regarding the above person. Her name is Gail Figueroa Case number #18-1254 Municipality of Carolina. I wish to inquire the status. |
| 09/14/20 | Leyda S Ortiz Schettini | | 09/14/20_WP_I_Leyda S Ortiz Schettini(1) | Necesito ayuda sobre como recibir el beneficio o la ayuda del programa ya que en la Institucion Financiera me dice que no esta disponible la ayuda. |
| 09/17/20 | Wilma Cardona | Wilma Cardona | 09/17/20_WP_I_Wilma Cardona_Wilma Cardona(1) | Nesecito información de como solicitar el incentivo para adquirir un hogar, entiendo que los maestros están en esa lista y yo soy maestra. He intentado en varias formas y no logro contactarlos. |
| 09/18/20 | Buldozer | Buldozer | 09/18/20_WP_PS_Buldozer_Buldozer(1) | Don't forget Urban center renewal, repurposing, and demolition for/with adequate on site parking |
| 09/18/20 | Cristian E Martinez Medina | | 09/18/20_WP_I_Cristian E Martinez Medina(1) | En el caso de comunidades, y organizaciones de base comunitarias, estas muchas veces no cuentan con los recursos suficientes para obtener la asesoria técnica necesaria para desarrollar y presentar un plan de mitigación. A modo de asegurar la participación efectiva de la comunidad que en última instancia sería directamente afectada por la ejecución de los planes, ¿qué apoyo técnico ofrecerán a éstas para que puedan presentar sus propuestas antes de comenzar el proceso de evaluación y decisión sobre las propuestas de mitigación? |
| 09/23/20 | Julisa A. Corchado Juarbe | | 09/23/20_WP_I_Julisa A. Corchado Juarbe(1) | Buenos días, Número de acceso 5BA82E Estoy interesada en el programa de asistencia directa al comprador. Entiendo que cumpla con los requisitos. Respetuosamente solicito tomar el curso requerido . Cordialmente, Julisa A. Corchado Juarbe 787-590-4185 |
| 09/24/20 | Glorivee Cruz Trinidad | Glorivee cruz Trinidad | 09/24/20_WP_I_Glorivee cruz Trinidad_Glorivee Cruz Trinidad(1) | No tengo casa estoy durmiendo en carro |
| 09/25/20 | Enrique Hernández Álvarez | | 09/25/20_WP_I_Enrique Hernández Álvarez(1) | Income limits should be the same used for the Federal stimulus: \$75,000 for individuals and \$150,000 for a couple filling tax together for a family of 6. Example in our case, we are six and one of our son is a cancer patient. Thus, our gross during the year is impacted for medical expenses. Also the funds should be allowed to refinance actual mortgage to help us to down the monthly payment. |
| 09/29/20 | Liz Colón | | 09/29/20_WP_I_Liz Colón(1) | Muchos bancos dicen no tener disponible los fondos para la ayuda de comprar la primera residencia. Estoy en busca de información que aclare mis dudas y no encuentro respuesta en ningún lugar. |
| 09/30/20 | Alfred Kenneth Soto Soto | Municipio de Mayagüez | 09/30/20_WP_GE_Municipio de Mayagüez_Alfred Kenneth Soto Soto(1) | Agradeceremos se contemple la actividad de préstamos y donativos para realizar proyectos de vivienda en los centros urbanos. Esta actividad es imprescindible para la revitalización de la ciudad. |
| 10/01/20 | Christa von Hillebrandt-Andrade, Scientist | | 10/01/20_WP_I_Christa von Hillebrandt-Andrade, Scientist(1) | In order to transform Puerto Rico into a healthy, safe, productive, resilient and sustainable society and environment which supports life and livelihoods, we need to begin to co-design our future. It is time to transform the way we plan for our future. Citizens need to be involved from day one in designing that future, in the end we and our children and grandchildren will be paying the price. Who knows better what they need? Citizens together with Scientists, Engineers, Policy Makers, Health Sector, Financiers, Entrepreneurs, NGOs and others will be able to come up with much better solutions than any one of these sectors on its own.... The Puerto Rico by Design Program promises to be that transformative approach and will give back our hope for a better future. DO NOT ELIMINATE THIS VITAL PROGRAM. Do not approve Draft Amendment 5 of the CDBG-DR Action Plan of the PR Department of Housing and the CDBG-DR Program. We need to STOP making decisions thinking of the short term benefits which benefit the few. PLEASE!!! |
| 10/01/20 | Juan de Dios Videau Soler | Centro Deambulantes Cristo Pobre, Inc. | 10/01/20_WP_NGO_Centro Deambulantes Cristo Pobre, Inc._Juan de Dios Videau Soler(1) | Nuestra Institución, partiendo de las regulaciones de elegibilidad del Programa para el Desarrollo de Vivienda de Interes WSocial, donde se planteaba que se podrían presentar más de una propuesta con un presupuesto máximo de \$ 2,500,000, para lo cual presentamos tres (3) propuestas a los fines de desarrollar vivienda para las personas sin hogar en el municipio de Ponce: 1) Proyecto de Vivienda Permanente con 15 apartamentos con un costo de 4 2,486,326, 2) Proyecto de Vivienda Permanente de 16 apartamentos con un costo de \$ 2,489,320 y 3) Proyecto de Vivienda Permanente para 15 apartamentos con un costo de \$ 2,461,174. Nuestra organización es la única entidad que ofrece servicios directos a la población sin hogar de Ponce y parte del área Sur de Puerto Rico. Las propuestas las enviamos formando parte de nuestra propuesta general, aunque no fueron consolidadas, el concepto es garantizarle viviendas directamente a 46 personas. No obstante la población impactada de nuestra Organización es de 120 personas y atendemos a los 54 municipios que comprende el área geográfica del CoC PR 503. Reconocemos que nuestra Institución financieramente no cuenta con los recursos para someternos al proceso de gastos por reembolsos, situación que nos sitúa en desventajas con respecto a otras entidades que cuenten con buen respaldo financiero. Nuestro municipio y el área geográfica del CoC tiene una necesidad real surgida producto de los efectos del Huracán Maria, nuestra Organización esta comprometida con la población que impactamos y con la política de aplicar el concepto de "Vivienda Primero". De ser favorecidos con la adjudicación de fondos para el desarrollo de algunos de los proyectos presentados, estamos dispuestos a ser monitoreados y fiscalizados por parte del departamento de Vivienda con el objetivo de utilizar los fondos asignados aplicando la filosofía de estos ser elegibles, necesarios y razonable sus gastos, estamos en la disponibilidad, gracias por habernos señalados como Institución interesada en la 5ta. Enmienda al Plan de Acción |
| 10/01/20 | Ana rivera | | 10/01/20_WP_I_Ana rivera(1) | Tomen en cosideracion en el programa R3 las estructuras construidas " informalmente" ya que solo le ofrecen una reconstrucion completa del hogar demoliendo con tanto sacrificio hecho la estructura completa. No toda estructura construida" informalmente" no es segura. Muchas personas construyeron seguro y no pudieron terminar solicitaron asistencia por R3 y no consideran. O demule o si no reubica siendo el lugar seguro. Deben de brindarle una ayuda a estas personas en esta situacion ayuda substancial algo que donde su casa presente deterioro por el huracan sea reconstruido aunque sea madera. No se le da opcion. Una ayuda substancial a los que construyeron ""informalmente"" |
| 10/02/20 | Celimar | | 10/02/20_WP_I_Celimar(1) | Yo compré una casa y la persona que estaba trabajando mi caso no solicito la ayuda por que me dijo que se tardaba mucho y que supuestamente mi casa costaba muy poco la solicitar la ayuda que si la solicitaba iba a ser un préstamo personal no uno hipotecario y prácticamente me obligaron a hacer el cierre |
| 10/02/20 | Ana rivera | | 10/02/20_WP_I_Ana rivera(1) | rivera Comentario/ ComentarioTomen en consideracion en el programa R3 las estructuras construidas " informalmente" ya que solo le ofrecen una reconstrucion completa del hogar demoliendo con tanto sacrificio hecho la estructura completa. No toda estructura construida" informalmente" no es segura. Muchas personas construyeron seguro y no pudieron terminar solicitaron asistencia por R3 y no consideran. O demule o si no reubica siendo el lugar seguro. Deben de brindarle una ayuda a estas personas en esta situacion ayuda substancial algo que donde su casa presente deterioro por el huracan sea reconstruido aunque sea madera. No se le da opcion. Una ayuda substancial a los que construyeron ""informalmente"" Casas aun en toldo azul de fema. |
| 10/04/20 | Edgardo Martinez Maldonado | | 10/04/20_WP_I_Edgarado Martinez Maldonado(1) | Saludos; soy personal de primera respuesta a emergencias. (EMT-RESCUE) tengo mi residencia con una hipotecada por ya varios años. Seria posible un incentivo para los que Ya tenemos hipoteca. Ya que no calificamos para las ayudas ofrecidas hasta el momento. Seria de gran alivio. Tanto para respondedores que trabajamos con el estado y los municipios. Gracias anticipadas. |
| 10/04/20 | Adrian padilla gonzalez | Cuerpo de bomberos | 10/04/20_WP_GE_Cuerpo de bomberos_Adrian padilla gonzalez(1) | Nos gustaría q nos incluyan en los fondos para ayudas a los hogares a los que ya tenemos propiedad y somos primeros respondedores. |
| 10/06/20 | Elizabeth Castrodad | | 10/06/20_WP_I_Elizabeth Castrodad(1) | Para participación en el seminario. |
| 10/10/20 | Ana Margarita Irizarry Gorrochategui | Hispanic Housing Development Corporation | 10/10/20_WP_NGO_Hispanic Housing Development Corporation_Ana Margarita Irizarry Gorrochategui(1) | Plan de Acción CDBG-DR Objetivo y descripción del programa Pagina 151 Puerto Rico recibe millones de dólares cada año en créditos contributivos de vivienda por ingresos bajos (LIHTC) y actualmente tiene más de \$1,000 millones disponibles en proyectos de LIHTC del 4%. Comentario: Por favor incrementen los fondos para LIHTC del 4% al menos a \$1,500 millones, la necesidad es muy alta. La financiación máxima (por subvención o cualquier préstamo necesario) por proyecto depende de las propuestas ya presentadas a la AFV para ser parte de la lista previamente aprobada del crédito contributivo del 9%. Las listas de proyectos adicionales serán organizadas por la AFV. El programa consistirá en \$713 millones para la financiación de múltiples proyectos, y los proyectos se financiarán a medida que los fondos estén disponibles. Comentario: Reconocemos que se ha aumentado la partida pero se necesita al menos \$1,000 millones para LIHTC del 9%. En la actualidad, hay 1,533 unidades que se harán con un programa de crédito contributivo de vivienda por ingresos bajos del 9% y se completarán en el plazo de los 24 meses posteriores al inicio de cada proyecto. Comentario: Del plan no se desprende con que frecuencia se harán los fondos accesibles. Sugerimos que luego de esta ronda que termina en octubre se considere permitir que los LIHTC del 4% se puedan acazar de manera continua. Esto agilizará el desarrollo de unidades pues las solicitudes se someterán en la medida que el desarrollador tenga este listo en vez de esperar a que se habrá una convocatoria. |

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| 10/10/20 | Juan A. Padilla | Social Solutions, LLC | 10/10/20_WP_PS_Social Solutions, LLC_Juan A. Padilla(1) | <p>National Science Foundation (NSF) otorgó a Social Solutions, LLC (SSL), una compañía local, una subvención para el desarrollo de una innovadora tecnología llamada Geolocation Name Service (GNS) que pretende modernizar el manejo de las geo-localizaciones y simplificar su integración entre sistemas, tomando en consideración conceptos de validación y autorización por parte de usuarios. La tecnología ya se ha utilizado en apoyo de iniciativas de respuesta al COVID-19 en áreas de alimentos y equipos de protección.</p> <p>Ya que GEOFRAME está enfocado en la infraestructura geoespacial, GNS podría ser un complemento innovador que propulse a PR a la vanguardia de la investigación y desarrollo en estos temas. Humildemente ofrecemos nuestra colaboración al respecto.</p> <p>Incluyo el link de la subvención: https://www.nsf.gov/awardsearch/showAward?AWD_ID=1913502</p> <p>Incluyo el abstracto del proyecto:</p> <p>"This SBIR Phase I project focuses on making geolocations direct, easy to remember, and unambiguous. Disambiguation is a critical part of automation and simplifies infrastructure for the autonomous world. Instead of searching for an address to obtain a geolocation, the goal is to provide a portable, user-friendly, human-readable method. Geolocations are becoming more important in this new mobile world and are already critical for reaching a business, picking up a passenger, delivering a package, or transporting a student. Geolocations will become even more important with the expanding use of autonomous vehicles, robots, and drones. Geolocation information with contextual data can be the foundation for powerful analyses and programmable solutions. Data analytics with these records can provide extraordinary results in scenarios of disease propagation, disaster preparedness, emergency response, population movement, and longitudinal student analysis, which can result in substantial savings on health and disaster recovery and more efficient investment in education.</p> <p>The goal of this project is to build an open, dynamic, personalizable geolocation repository that serves as the foundation for the next generation of geolocation-enabled applications, including autonomous and Internet-of-Things (IoT)-related solutions, and the output of which can be used in data analytic models for forecasting health, weather, and population growth and/or spread. Geolocation repository and management tools can add interactivity to the information, with capabilities for geolocation updates, near-real-time tracking, and data notifications and the potential to enable the development of programmable solutions. By adding software application programming interfaces above the repository layer with appropriate functions and commands, the geolocation data can power everyday applications to maintain data freshness while being used to advance data analytics. When provided at edge endpoints with strong authorization mechanisms, the information can be bound to Internet domains, emails, or telephones for portability across operating systems, devices, and apps.</p> <p>This award reflects NSF's statutory mission and has been deemed worthy of support through evaluation using the Foundation's intellectual merit and broader impacts review criteria."</p> |