



DEPARTMENT OF  
**HOUSING**



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# CDBG-MIT PROGRAM GUIDELINES

**CITIZEN ADVISORY COMMITTEE OPERATIONAL GUIDE**

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V.4

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PUERTO RICO DEPARTMENT OF HOUSING  
CDBG-MIT PROGRAM  
**CITIZEN ADVISORY COMMITTEE OPERATIONAL GUIDE**  
VERSION CONTROL

<b>VERSION NUMBER</b>	<b>DATE REVISED</b>	<b>DESCRIPTION OF REVISIONS</b>
<b>1</b>	<b>May 12, 2021</b>	<b>Original version.</b>
<b>2</b>	<b>June 17, 2021</b>	<b>Revision throughout the document after receiving from various organizations and/ or entities and CAC members.</b>
<b>3</b>	<b>May 31, 2022</b>	<b>The content of this document has been replaced to redirect the focus of the CAC's efforts towards the CDG-MIT Program, specify responsibilities and objectives in accordance with federal requirements.</b>
<b>4</b>	<b>October 3, 2023</b>	<b>Revision throughout the document, approved on March 27, 2023, by the CDBG-MIT Citizens Advisory Committee members.</b>

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# 1 General Vision

## 1.1 Legal Base

The Citizen Advisory Committee (**CAC**) for the Community Development Block Grant - Mitigation (**CDBG-MIT**), was created through the Federal Register Notice Vol. 84, No.169 (August 30, 2019), 84 FR 45838. The Federal Register Notice sets forth the rules established by the U.S Department of Housing and Urban Development (**HUD**) for the participation of the CAC in the CDBG-MIT Program as follows:

After the approval of the action plan, each recipient must create one or more citizen consulting committees that will meet in an open forum, at least, twice a year with the purpose of providing greater transparency in the implementation of the CDBG-MIT funds, to request and respond to the comments and contributions from the public in relation to the recipient's mitigation activities, and to serve as a continuing public forum that offers feedback to the recipient's CDBG-MIT projects and programs. The recipient can also opt to form one or more of these committees as part of their preparation process for the initial presentation of the CDBG-MIT action plan to HUD.<sup>1</sup>

At the same time, the CDBG-MIT Action Plan contains the requirements set forth by HUD in the Federal Register Notice regarding the CAC:

In accordance with the CDBG-MIT requirements, a Citizen Advisory Committee will be created as soon as the CDBG-MIT Action Plan is approved. According to the guidance provided by HUD in 84 FR 45838, 45853, the Committee will meet in an open forum at least two (2) times a year to increase transparency in the implementation of the CDBG-MIT funds. The Committee will request and respond to the comments submitted by the public regarding the recipient's CDBG-MIT projects and programs. These meetings will provide the opportunity to request and respond to the public's comments about mitigation activities.<sup>2</sup>

The Operational Guide describes the structure, purposes, duties, and responsibilities of the CAC in accordance with the Federal Register Notice.<sup>3</sup> It is adopted pursuant to the provisions of Act No. 97 of June 10, 1972, as amended, known as "Organic Act of the Department of Housing", 3 LPRA § 441 *et seq.* This guide also promotes the alignment of the CAC with state and federal regulations on access to public information under the "Transparency and Expedited Procedures for Access to Public Information Act" as reflected in the Puerto Rico Department of Housing (PRDOH) Record Keeping, Management, and Accessibility Policy (**RKMA**), and environmental conservation, among others. The RKMA Policy provides that:

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<sup>1</sup> Federal Register Notice 84 FR 45838, 45853.

<sup>2</sup> See the CDBG-MIT Action Plan at: <https://cdbg-dr.pr.gov/en/cdbg-mit> (English) and <https://cdbg-dr.pr.gov/cdbg-mit> (Spanish).

<sup>3</sup> 84 FR 45838, 45853

Precise and accurate recordkeeping and management are vital elements to ensure a responsible and successful administration of CDBG-DR/MIT programs. Moreover, a clear and standard procedure that guarantees accessibility to public information contained in agency records contributes to PRDOH's commitment to transparency in the administration and execution of CDBG-DR/MIT funds and programs.<sup>4</sup>

## 1.2 Definitions

- CAC Coordinator(s) – PRDOH Office of Disaster Recovery staff designated to support, coordinate, and collaborate with the CAC and execute responsibilities identified in the Citizen Participation Plan.
- CDBG-MIT - Community Development Block Grant Program - Mitigation.
- Citizen Advisory Committee (CAC) - Voluntary multi-sectoral working group, appointed by the Secretary of the Puerto Rico Department of Housing, in compliance with federal regulations governing the administration of CDBG-MIT funds in Puerto Rico. The CAC shall be composed of no more than fifteen (15) voting members, and no fewer than eleven (11). Members of the Committee shall be appointed for an initial term of eighteen (18) months, taking into consideration the disaster vulnerability areas identified in the CDBG-MIT Action Plan and shall be representative of the geographic, racial, and socioeconomic diversity of Puerto Rico.
- Collaborators - Community leaders, non-profit entities, and non-governmental organizations, as individuals or as representatives of communities, sectors, and stakeholders that can contribute to and collaborate with the functions of the CAC.
- Coordinating Board - Body consisting of three (3) or five (5) CAC members, appointed by a majority of the CAC for a term of eighteen (18) months to manage the work.
- Extraordinary meeting - Meetings in addition to regular meetings that may be convened by the CAC Coordinating Board, when deemed necessary.
- Subcommittees - Working groups created by the CAC for the general purpose of helping to implement work plans or to carry out special assignments designated by the CAC. May be a forum for reaching consensus or agreement on controversial issues.
- Quorum - Attendance in person or virtually by half plus one of the voting members shall constitute a quorum. For voting purposes, a majority is defined by the votes of half plus one of the voting members present and voting. The presence of a member abstaining from voting shall be used to determine a quorum.

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<sup>4</sup> CDBG-DR/MIT Record Keeping, Management, and Accessibility Policy, available in English and Spanish at <https://cdbq-dr.pr.gov/en/download/record-keeping-management-and-accessibility-policy-rkma-policy/> and <https://cdbq-dr.pr.gov/download/politica-sobre-manejo-administracion-y-accesibilidad-de-documentos/>.

- Regular meeting - Regular meetings of the CAC to be held at least quarterly at a time and place to be determined by the CAC Coordinating Board.
- Vulnerable communities - Groups of people who share a common vulnerability, whether physical, economic, social, cultural, or environmental. These vulnerable social units are often disproportionately affected by natural events or disasters. Examples include but are not limited to communities with low socio-economic status, high concentrations of poverty, lack of basic infrastructure, unacceptable environmental conditions, poor housing conditions and a high level of social stressors; communities located on land adjacent to a body of water or in flood zones, landslide-prone areas, and other natural hazards; and historically marginalized and discriminated communities that share a special need or functional diversity.

### 1.3 Purpose

The purpose of the CAC Operational Guide is to establish the rules of operation governing the Committee and its members, as well as the coordination of the participants with PRDOH.

### 1.4 Applicability

The provisions of this Operational Guide apply to CAC members, CAC subcommittee members, and the PRDOH CAC Coordinators team, in support of and in compliance with the CDBG-MIT Action Plan.

Voluntary participation in the CAC carries with it an important responsibility to our citizenry to ensure representation of the broad public interest, including vulnerable communities identified in the CDBG-MIT Action Plan. General responsibilities apply to individuals, organizations, and entities that comprise the CAC in carrying out actions and activities in their representative capacity as members of the CAC.

## 2 Citizen Advisory Committee

As grantee of CDBG funds, PRDOH developed the Citizen Participation Plan (**CPP**).<sup>5</sup> In order to increase citizen participation, the CPP address the creation of a Citizen Advisory Committee “as a voluntary, consultative, and advisory body of PRDOH, to which it is organizationally and functionally subordinate.”

According to Section 4.3 of the CPP, the main functions of the CAC are:

- Provide guidance and serve as a collaborator with, and to inform PRDOH of the needs, interests, and priorities of the individuals and sectors it represents during the development of CDBG-MIT programs.

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<sup>5</sup> PRDOH has developed a Citizen Participation Plan in accordance with 24 C.F.R. § 91.115 and applicable U.S. Department of Housing and Urban Development (HUD) alternative requirements as published in the Federal Register Notices for Community Development Block Grant-Disaster Recovery (CDBG-DR) and Community Development Block Grant-Mitigation (CDBG-MIT), which supersede/waived and replace certain requirements with respect to citizen participation.

- If invited, participate in working groups, as experts, and individuals in the public or private sector in relation to issues under discussion.
- Promote program objectives related to vulnerable populations and facilitate awareness of risk mitigation needs that should be a priority in the design and implementation of plans outlined for the use of CDBG-MIT funds by communities.
- Support PRDOH through efforts to encourage the participation of those they represent by providing accurate information about CDBG-MIT programs to promote program opportunities and benefits.

The CAC will perform the required tasks related to CDBG-MIT. HUD guidance, at 84 FR 45838, provides that the Committee will meet in an open forum at least two (2) times per year to increase transparency in the implementation of CDBG-MIT funds, solicit and respond to comments submitted by the public regarding the mitigation activities of the recipient, and serve as an ongoing public forum to keep the public informed about PRDOH CDBG-MIT projects and programs.

## 2.1 CAC Mission

CAC's mission is to serve the interest of the citizens of Puerto Rico through voluntary representation on this advisory body, under the leadership of PRDOH. The CAC informs and advice PRDOH on the disaster mitigation needs, implementation and improvement of CDBG-MIT programs so that they serve the needs of the people of Puerto Rico within regulatory and administrative limits. The CAC will assist PRDOH in the public outreach of CDBG-MIT programs by distributing accurate information on available assistance.

## 2.2 CAC Vision

The CAC is committed to supporting and encouraging community and citizen participation to reduce risk conditions through the CDBG-MIT programs administered by PRDOH. It is also committed to the principles of representation, transparency, participation, accessibility, and accountability. The CAC will maintain an effective, respectful, and diligent working relationship between its participants and PRDOH to engage in participatory and productive discussions that result in meaningful, concrete, and actionable recommendations to strengthen the CDBG-MIT programs.

## 2.3 Composition and Duties of the CAC

The PRDOH Secretary will receive recommendations from individuals and non-governmental organizations representative of community leadership and service or expertise that provide support to different sectors of the citizenry to be considered for membership on the CAC. The PRDOH Secretary will invite selected individuals and organizations to serve on the CAC.

### 2.3.1 CAC

The CAC will be composed of no more than **fifteen (15)** voting members, nor less than **eleven (11)**. The initial members of the Committee will be nominated by PRDOH, **for an initial term of eighteen (18) months**, taking in consideration the areas vulnerable to



disasters identified in the CDBG-MIT Action Plan and must be representative of the geographic, racial, and socioeconomic diversity of Puerto Rico. The CAC will aspire to have diverse representation in its plenary and work groups. Similarly, it will work with the specific intention of providing visibility to the vulnerable communities affected by natural disasters and facilitating the communication between these communities and PRDOH. Each member shall designate a person to represent them on a consistent basis when necessary to ensure continuity of the work.

Once the CAC has been formally constituted, it will review and approve a Work Plan, in collaboration with PRDOH. The CAC may set up working subcommittees, establish their composition, issues to be addressed and work expectations.

**Successive Nominations:** For successive nominations to integrate the CAC, any interested person or organization can present a nomination proposal to PRDOH using the following digital form: <https://app.smartsheet.com/b/form/c51510f7a72941a886b85401cc93b3e5>.

Nominations will be compiled and reviewed, and those with no conflict of interest will be forwarded to the CAC for recommendations to the PRDOH Secretary. The nomination list will be provided to the CAC at least fifteen (15) days before a meeting of the CAC for their consideration. The PRDOH Secretary shall make the necessary appointments to fill vacancies on the CAC. When a vacancy is filled by separation or resignation, the new member shall serve for the remainder of the initial term.

### **Separation:**

Members who are absent without justification from two (2) consecutive meetings may be removed by the Coordinating Board. Likewise, the CAC Coordinating Board may establish such additional criteria as may trigger separation. In the event of separation of members, successive nominations will be used to fill the vacancy.

### 2.3.2 CAC Coordinating Board

The Coordinating Board is a group of **three (3)** or **five (5)** CAC members selected by the majority of the CAC for a term of eighteen (18) months. The CAC will take into consideration the following criteria to make their selection: ability, process understanding, diversity (racial, expertise, life experiences, etc.), sector representation, level of commitment, previous history, community service, contributions in discussions and debates, among others. The Coordinating Board will be responsible to attend to matters related to schedule development and calendar management. The Coordinating Board will ensure that the meetings are executed in a manner that they responsibly address and comply with the objectives established for them. The meeting objectives will be explicit in the announcements. The Coordinating Board will maintain continuous communication with PRDOH regarding all tasks relevant to the CAC.

The Coordinating Board will assist in the implementation of the CPP as it relates to CDBG-MIT. To this end, it will be supported by the CAC, subcommittees, and/or the CAC Coordinators of the PRDOH CDBG-MIT Program.

### 2.3.3 Criteria for Selection of the CAC Coordinating Board

Members of the CAC Coordinating Board will be selected using standard selection criteria to ensure their participation in the Coordinating Board meets the following minimum requirements:

- Be a resident of Puerto Rico;
- Commit to regular participation on a voluntary committee;
- Attend sessions and contribute to discussions;
- Have an area of expertise relevant and pertinent to the CDBG-MIT Program that can be shared with the group for the benefit of making recommendations; and
- Commit to attend public "open forum" meetings held two (2) times a year for CDBG-MIT.

## 2.4 CAC Responsibilities

The CAC must comply with the following:

- Advise and inform PRDOH of the needs, interests and priorities of the people and sectors that it represents during the processes of the CDBG-MIT Program.
- Support PRDOH through outreach efforts, providing precise information about the CDBG-MIT Program.
- Promote the opportunities and benefits offered by all the CDBG-MIT programs.
- Serve as continuous forum in the distribution of information to citizens and the collection of relevant data and information.
- After collecting information and data, the CAC will provide all the information to PRDOH and will explain in detail, through written communication, the needs of vulnerable communities identified in the CDBG-MIT Action Plan.
- Submit to the PRDOH CAC Coordinator(s) the minutes, six-monthly reports, and any other public documents to be published on the CDBG-MIT Program website.
- Develop and submit to PRDOH a six-monthly report summarizing the actions taken by the CAC, in accordance with the responsibilities assumed and listed in this Guide as well as any other responsibilities assumed by the group. This six-monthly report will be published on the CDBG-MIT Program website.
- Provide advice on the CDBG-MIT Action Plan, as amended, for the use and distribution of CDBG-MIT funds, its programs and overall disaster mitigation

processes. Such advice will be provided in accordance with input from the general public, especially of those vulnerable populations affected by disasters.

- Review the draft of each Substantial Amendment to the CDBG-MIT Action Plan and submit comments and observations to PRDOH within fifteen (15) calendar days prior to the public comment period (30 days), either by report, minutes, or meeting minutes.
- Provide advice and feedback to PRDOH on the final draft guidelines developed for each CDBG-MIT program, within fifteen (15) calendar days, by means of a report or meeting minutes, with a view to facilitating risk mitigation and the impact of future disasters. However, the final decision making and determination rests solely with PRDOH.
- Promote the exchange of experiences, opinions, and recommendations between the civil society, the public and the communities with PRDOH. For this purpose, the CAC could request the assistance of PRDOH's resources to encourage and create dialogue spaces.
- Provide PRDOH with ongoing access to information, data, resources and any additional relevant elements in connection with the work of the CAC;
- The CAC could be invited by PRDOH to participate in work groups, responding to surveys, contributing their opinions through the "Advisory Committee Formal Questions and Recommendations Form", and sharing information with people from the public or private sector related to the issues that are being discussed.
- Provide advice requested by PRDOH on any other aspect not listed previously.
- The issues undertaken by the CAC and any subcommittee must serve the interest of the residents of Puerto Rico through an appropriate investigation of the topic and the formal presentation of a written recommendation to PRDOH.

## **2.5 CAC Coordinating Board Responsibilities**

The CAC Coordinating Board shall have the following responsibilities:

- Coordinate CAC's efforts;
- Facilitate and moderate CAC meetings;
- Represent the CAC at meetings, activities and initiatives relevant to the work of the CAC;
- Carry out tasks delegated by the CAC;
- Submit recommendations to the CAC on future courses of action;
- Develop and implement the CAC Work Plan;
- Convene ordinary and extraordinary meetings of the CAC;

- Designate a member of the Coordinating Board to attend to responsibilities relevant to the CAC Secretary, such as: minutes, semi-annual reports, among others; and
- Attending to any other matters related to the fulfilment of the CAC's role, as established in federal regulations.

## **2.6 Responsibilities of the CAC Coordinator(s) and PRDOH**

The PRDOH CAC Coordinator(s) will coordinate and collaborate to facilitate the work of the CAC and CAC subcommittees. PRDOH Coordinator(s) will receive comments and recommendations from the CAC, and channel them through the relevant CDBG-MIT Program areas.

PRDOH will accept as advice any supported recommendation that the Committee makes. However, the PRDOH Secretary will make the final decision. The PRDOH Secretary reserves the right to disagree with the advice of the Committee when their recommendation conflicts with the collective interest or compliance with state and federal regulations and public policy.

The PRDOH Secretary and the Disaster Recovery Deputy Secretary, or their authorized representatives, will hold biannual meetings with the CAC as part of the commitment to dialogue and collaboration with the various sectors of the citizenry.

If the need arises to acquire resources that will ease the operation and fulfillment of the objectives of the CAC and its subcommittees, PRDOH will evaluate those needs and provide the necessary resources if they are allowed by federal regulations. Costs to be incurred by PRDOH must be submitted for an eligibility and reasonableness analysis. All costs attributable to the Programs must comply with federal regulations regarding financial management, including reasonableness and document retention.

PRDOH will notify the CAC of the draft of each Substantial Amendment to the CDBG-MIT Action Plan two (2) weeks prior to the start of the public comment period. These comments will be responded by PRDOH and included as an addendum to the Action Plan to be submitted to HUD.

In addition, PRDOH will notify the draft of the CDBG-MIT Program Guidelines to the CAC so that they can submit their comments in a term of fifteen (15) calendar days. The Compliance Area of PRDOH's Legal Division and the respective Program Area, when applicable, will receive said comments for review and incorporation of the CAC's recommendations, if appropriate.

## **2.7 Establishment and Responsibilities of Subcommittees**

The CAC may establish subcommittees for the general purpose of assisting in the implementation of the work plans or to carry out special assignments designated by the CAC. Subcommittees may be thematic in nature, regional in nature, or responsive to

particular issues. Responsibility for leading the efforts of each subcommittee will rest with a member of the CAC.

Each subcommittee shall be a group of interested and representative stakeholders to provide advice and input to the planning and decision-making process. Among others, it serves the following purposes:

- Creates a balanced group of stakeholders to advise on the project and the public participation process; and
- Allows for a more detailed analysis of project issues with a more informed group of the public (including people with expertise on relevant issues and policies). Can be a forum for reaching consensus or agreement on controversial issues.

## **2.8 Adoption of Interim Processes**

Once the members of the CAC have been appointed, the first regular meeting of the CAC should present the CAC's Operational Guidelines and consider endorsing them and adopting the necessary processes to ensure compliance with the responsibilities assumed.

## **2.9 Holding Meetings**

The CAC meetings for the CDBG-MIT Program will be held in the time and place determined by the Coordinating Board. PRDOH will make available its operational facilities, personnel, team, and space, both in the Central Office and regional offices across the island. Also, the following rules are established for holding CAC meetings:

- The CAC shall hold such regular meetings as it deems appropriate to develop and implement its Work Plan. However, they shall hold no fewer than two (2) meetings per year, as required by the Federal Register.<sup>6</sup> This will not limit the continuous and constant nature of the CAC's work as a public forum to advice, inform, and collect data relevant to the mitigation processes.
- The CAC's Coordinating Board may convene extraordinary meetings, when deemed necessary. However, in the meeting announcement, the reasons for holding an extraordinary meeting will be stated, as well as the meeting agenda.
- The Coordinating Board will notify the CAC, at least five (5) days in advance, the date, time, and place for the meeting. The announcement will be accompanied by the meeting agenda.
- The Coordinating Board will notify PRDOH, at least fifteen (15) days in advance, the date, time, and place for the meeting. The announcement will be accompanied by the meeting agenda.
- Where possible, and subject to coordination by the CAC, the CAC will hold meetings in communities or community centers, in affected areas and in project areas.

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<sup>6</sup> 84 FR 45838.

- Regular and extraordinary meetings of the CAC and subcommittees may be face-to-face, virtual, or hybrid.

## 2.10 Quorum and Majority

Virtual or in person attendance by half plus one of the voting members will constitute the quorum. For voting purposes, a majority is defined by the votes of half plus one of the present voting members. The presence of a member with vote abstained will be used to determine quorum. In the event of voting, a vote abstained shall be counted as a vote against in accordance with the general parliamentary rules.

## 2.11 Ethic Requirements

All members are required to complete a conflict of interests document to ensure compliance with the conflict of interests requirements for PRDOH's CDBG-MIT Program set forth in the Conflict of Interests and Standards of Conduct Policy (**COI Policy**) which can be accessed through the CDBG-DR/MIT website at: <https://cdbg-dr.pr.gov/download/politica-de-conflictos-de-interes-y-estandares-de-conducta/> (Spanish) and <https://cdbg-dr.pr.gov/en/download/conflict-of-interest-and-standards-of-conduct-policy/> (English).

As defined in PRDOH's COI Policy, a conflict of interest is a situation in which a personal or economic interest is, or could be, reasonably against the public interest. No one will use or attempt to use their official position to obtain privileges or advantages for themselves or others, nor will act in their official capacity in any matter involving a direct or indirect personal financial interest that could reasonably affect their objectivity or independence of judgement. While acting as PRDOH advisors, neither the CAC nor its members will influence or persuade the decisions of PRDOH for their own or their organization's benefit.

Special attention should be given to activities that are not related to procurement, subrecipient activities or program execution. Also, all employees, vendors, contractors, and applicants related to the CDBG-MIT programs must reveal any real or potential conflict of interest. The General Standards of Conduct section of PRDOH's COI Policy establishes general areas of compliance for public servants, as set forth in the Puerto Rico Government Ethics Office Organic Act, Act 1-2012, as amended, 3 LPRA § 1854 *et seq.*, regarding conflicts of interest that are emphasized for purposes of this Operational Guide.

The Anticorruption Code for the New Puerto Rico, Act 2-2018, as amended, 3 LPRA § 1881 *et seq.*, is the governing body of the ethical obligations and responsibilities. Among its titles, topics such as public policy and conflicts of interest with respect to contractors, vendors, and applicants for economic incentives are discussed, 3 LPRA § 1883a. The provisions of Act 1-2012 and Act 2-2018 are applicable to the relationship between PRDOH and the CAC.

The data and information obtained or developed by the CAC in the performance of its duties are considered confidential while in work draft format. The CAC cannot publish

information about the sessions without the written consent of PRDOH or until the general public is made aware through the CDBG-DR/MIT website.

The CAC members must safeguard all the information and data in their possession, without prejudice to their duty to actively and continuously communicate with the general public or with the communities, or their duty to collaborate with the judicial and administrative authorities in the terms established by law.

### **3 Accessibility**

The CAC must comply, in all meetings, with PRDOH's Language Access Plan, the Fair Housing and Equal Opportunity (FHEO) Policy and the Reasonable Accommodation Policy. They can be found on the CDBG-DR/MIT website: <https://cdbg-dr.pr.gov/recursos/politicas/politicas-generales/> (Spanish) and <https://cdbg-dr.pr.gov/en/resources/policies/> (English).

PRDOH will use a presentation or other resources to share the information visually and verbally in Spanish, and will make it available in English, as needed. Sign language interpreters will be made available if requested in advance of the meeting in case a member needs this service to participate.

### **4 CAC and PRDOH Communication Standards**

PRDOH will inform CAC members about important information, announcements, and updates.

This information can be shared using methods that PRDOH and the CAC determine are most appropriate and accessible to CAC members, such as:

- E-mail;
- SMS messaging (text messages);
- Public announcements in newspapers; and
- Web page pop-ups.

### **5 Public Nature of CAC Documents**

All documents generated by the CAC, that the Board of Directors approves and deems final, will be of public nature. PRDOH maintains a website that provides information about the CAC, including documents, minutes, among other resources. The information published about the CAC is available through the following links: <https://cdbg-dr.pr.gov/comite-asesor-cac/> (Spanish) and <https://cdbg-dr.pr.gov/en/citizen-advisory-committee/> (English).

**END OF GUIDELINES.**