



DEPARTMENT OF  
**HOUSING**



# CDBG-DR PROGRAM GUIDELINES

**COMMUNITY ENERGY AND WATER RESILIENCE  
INSTALLATIONS (CEWRI) PROGRAM**

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PUERTO RICO DEPARTMENT OF HOUSING  
CDBG-DR PROGRAM GUIDELINES  
**COMMUNITY ENERGY AND WATER RESILIENCE INSTALLATIONS PROGRAM**  
VERSION CONTROL

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## 1 Overview

The purpose of this document is to provide guidance that must be implemented during the execution of the Community Energy and Water Resilience Installations Program (**CEWRI Program**). This document should help Applicants, Program Managers and Installers/Contractors with an understanding of the policies and procedures that must be used during the life and closing phase of the Program. A detailed description of the CEWRI Program is included in the Action Plan. The current Action Plan is available in English and Spanish at <https://www.cdbg-dr.pr.gov/en/action-plan/> and <https://www.cdbg-dr.pr.gov/plan-de-accion/>.

The **CEWRI Program** will provide single-family homeowners ~~business, and/or public facilities~~ with energy and water efficiency improvements to promote resilience with the installation of photovoltaic (**PV**) systems with battery backup for critical loads and water storage systems. The CEWRI Program intends to work with and ~~complete~~ complement the Home Repair Reconstruction or Relocation Program (**R3**), ~~the Social Interest Housing Program (SIH), and the Small and Business Incubators and Accelerators Program (SBIA).~~

## 2 National Objective

The national objective of the CEWRI Program is to benefit low-and moderate-income (**LMI**) persons (below 80% Area Median Family Income (**AMFI**) according to the U.S. Department of Housing and Urban Development (**HUD**) Modified Income Limits for Puerto Rico under the CDBG-DR Program).<sup>1</sup> ~~The Puerto Rico Department of Housing (PRDOH) will also work with entities who are funded through this Program with Urgent Needs (UN) national objective under the SBIA projects.~~ The Puerto Rico Department of Housing (**PRDOH**) has set a goal to expend one hundred percent (100%) ~~ninety percent (90%)~~ of CEWRI Program funds on projects that result in a benefit to LMI individuals or that demonstrably serve LMI areas. ~~and ten percent (10%) on projects of Urgent Needs.~~

## 3 Program Description

### 3.1 Intent and General Objectives

Homes unprepared for natural threats to the power grid were left vulnerable in the aftermath of Hurricanes Irma and María. Rebuilding to protect federal investment and to sustain recovery efforts requires resilient design and improvements to energy and water systems that incorporate modern technology for life-sustaining purposes during off-grid events. Energy and water resilience efforts may involve ~~the installation of~~ installing photovoltaic systems and battery storage for critical loads, including ~~any~~ medical/health

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<sup>1</sup> HUD Modified Income Limits change annually. See: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.

needs. ~~Business and public facilities may benefit from energy production and storage and water storage systems that can support health, safety, and needs of the public.~~

To address the energy and water system vulnerabilities, the CEWRI Program will provide single-family homeowners ~~business and/or public facilities~~ energy and water efficiency improvements to promote resilience with the installation of PV systems with battery backup for critical loads and water storage systems. The CEWRI Program intends to work with and complement the existing CDBG-DR R3 Program. ~~the SIH Program, and the SBIA Program.~~

### 3.2 Definitions

The terms used in these Guidelines are defined below. Their definition will be considered final unless a different definition is used in any other part of this guideline with its correspondent disclaimer.

- **Applicant:** ~~Person, Private Entity, or Non-For-Profit Entity~~ that participates under the CEWRI Program.
- **Business Day:** Any day that is not Saturday or Sunday, and that is not recognized as a Holiday by the Government of Puerto Rico.
- **Commissioning:** ~~is a~~ The process that ensures and documents that all structural systems perform interactively according to the design intent and the owner's operational needs. The commissioning process includes documentation, equipment startup, control system calibration, testing, balancing, and performance testing.
- **Community Energy and Water Resilience Installation (CEWRI) Program:** ~~It is~~ The main program ~~for~~ to which these guidelines apply to. ~~Through~~ These guidelines, ~~it is~~ are also known as the "CEWRI Program" or "Program."
- **Complete Project:** ~~is defined as~~ A project that ~~has~~ finished all installations, is fully operational and commissioned and that all finished installations are in compliance with program requirements and regulations.
- **DC:** Refers to Direct Current.
- **Facility:** Any property and/or place in which the project will take place. This includes dwelling units, houses, etc.
- **Feasibility Analysis:** A series of technical studies and analyses that will evaluate if the structure complies with laws, regulations, and minimum requirements to install the energy and water resiliency measures described in these guidelines.

- **Government:** Refers to the Commonwealth of Puerto Rico, its agencies, public corporations, offices, and subdivisions, including municipalities.
- **Installation:** Refers to any works performed, completed, and related to the project.
- **Load Analysis:** This is the evaluation of the structure in which the installation measures will take place. It will determine if a structure design is structurally sound and can carry the loads related to the installation.
- **Low to Moderate Income (LMI):** Refer to the residents of Puerto Rico that are considered part of the low to moderate income population; that is, below 80% of the Area Median Family Income (**AMFI**), as established by HUD.
- **LUMA:** Refers to the entity in charge of the transmission and distribution components of the electric system.
- **Non for profit (NFP):** Entity created to provide a service or good to an individual without making a profit.
- **Permits Management Office (OGPe, for its initials in Spanish):** Refers to the Commonwealth of Puerto Rico's local state agency that manages permits and regulatory known as the "Oficina de Gerencia de Permisos."
- **PREPA:** Refers to the Puerto Rico Electrical Power Authority. In charge of the administration and maintenance of local electric power plants and the production of the local supply of energy.
- **Photovoltaic Stand-Alone System:** A photovoltaic system that is not interconnected to PREPA/LUMA and that is capable of generating and store electric power while disconnected from the PREPA/LUMA Power Grid.
- **Shading Analysis:** Refers to the analysis analyzing of any obstruction of sunlight by any physical object within the installation area. It provides an estimates of the total solar irradiance received in the installation area.
- **SHPO:** Refers to the State Historic Preservation Office.
- **System Capacity:** For a photovoltaic system, it is defined as the addition of the individual DC Wattage of each module related to the system. It can be verified through the DC Nameplate Capacity Rating.
- **Total Project Cost:** Is defined as the total cost that is eligible to be covered according to the Program Regulations or Guidelines. This cost will be considered to calculate the incentive and/or total assistance.



- **Unmet Needs:** Are designed only for activities that alleviate emergency conditions.
- **Validation Process:** Process by which PRDOH's Program Manager revises and evaluates all applications and makes sure they are following these Guidelines and/or Regulations.

## 4 Eligible Use of Funds

### 4.1 Eligible Criteria

This Program is intended to work with and complement the R3 Program. Therefore, only R3 Program participants that are homeowners receiving assistance under the R3 Program, and who have received a notice of an award for repair, reconstruction, or new construction are eligible applicants to the CEWRI Program.

#### **SBIA Program:**

- Non-profit, units of local government, private, governmental, and for-profit organizations to repair existing Small Business Incubators or build new ones participating under the SBIA Program.
- Business awarded under the SBIA Program for Rehabilitation, Reconstruction, or New Construction.

#### • **SIH Program:**

- Non-Profit and Non-governmental Organization
- Projects being Rehabilitated, Reconstructed, or New Construction, awarded under the SIH Program. The eligible SIH property types are as following:
  - Single Family housing
  - Two-unit structures
  - Multi-unit rental property
  - Group homes
  - Other properties or special needs housing as needed by population served

### 4.2 Eligible Activities

Eligible activities for this Program are:

- Section 105(a)(4) of the Housing and Community Development Act (**HCDA**) of 1974, 42 U.S.C. § 5305(a)(4), 24 C.F.R § 570.202(b) and 24 C.F.R. § 570.201, for Housing Construction, removal, acquisition, rehabilitation (including rehabilitation which promotes energy efficiency and Green Building Standards);
- Section 105(a)(15) of the HCDA, and 24 C.F.R. § 570.201, for Public Facilities and Public Service.

## 5 Application Process

### 5.1 Intake

Since this Program is intended to work with and complement the R3 Program, only eligible applicants homeowner participants under the R3 Program, ~~SBIA Program and SIH Program that~~ who were awarded projects for Repair, Reconstruction, or New Construction can participate in the CEWRI Program. Eligible applicants will be contacted via phone or email by a CEWRI Case Manager to provide orientation on the application process. The Case Manager will assist the Applicant to complete the application process, in English or Spanish through the PRDOH system of record.

Applicants will be required to complete a Program intake application and provide supporting documents required for eligibility review such as income verification, and duplication of benefits review. All documentation submitted by the Applicant must be valid at the time of submission.

Case Managers will be available by phone and email to assist the Applicant through the intake process and to answer questions as needed. Multiple standard methods of communication will be provided to ensure applicants receive timely, accurate information regarding their applications. Methods of communication include but are not limited to: the ~~CDBG-DR Disaster Recovery~~ website, email address, telephone number, postal address, letters, and Case Managers. Applicants may submit a question or complaint to the Program at any time utilizing any of the above options. The Program will promptly address all applicants' complaints and document results to improve Program operations throughout the life of the Program. For further information on this subject, please refer to the Citizen Comments and Complaints section of the Cross-Cutting Guidelines. The Cross-Cutting Guidelines, and all CDBG-DR Program policies, are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/download/cross-cutting-guidelines/> and <https://www.cdbg-dr.pr.gov/download/guias-intersectoriales/>.

As part of the Program application process, each Applicant must sign an Acknowledgement and Consent Statement. The Acknowledgement and Consent Statement includes the following acknowledgements and authorizations:

- Authorizes the Program to obtain third-party data directly related to determining Program Eligibility, Program Award, and/or compliance with Program requirements,
- Gives the Program access to the hurricane-damaged property, as needed, to conduct required Program assessments, work, inspections, among other duties;
- Applicant agrees to cooperate with the Program and not to interfere with the work or inspections, among others forms of cooperation that may be requested.

- Applicant grants subrogation rights to the Program regarding the right to recover any funds to which he or she may be entitled to if such funds are for the same purposes of this Program.

During the Intake process the Program Manager will have access to the eligible Applicant's Case record documents under the R3 Program records while pursuing the CEWRI application process. This will facilitate the verification of documents already submitted by the Applicant under the R3 Program.

Applicants must certify if the contact information in record remains unchanged. Applicants with unchanged contact information may not need to supply any additional information or documentation. However, if the information or documents previously submitted have expired or changed (for example, number of household members, household income, expired license, or passport), the Applicant may need to resubmit all the pertinent documents to the CEWRI Program to complete the Intake process.

## 5.2 Applicant Identification

As part of the Program application process, all applicants and household members will be required to submit documentation to prove their identity. This documentation may include, but is not limited to, the following:

- Government Issued Photo Identification (Federal or State issued);
- Driver's License;
- Passport;
- Military ID Card;
- Birth Certificate; or
- Certificate of Naturalization or Permanent Resident Card.

Birth certificates may only be used as proof of identification for Applicant's household members. Applicants must submit a photo ID.

## 5.3 Applicant Citizenship

Only U.S. citizens, non-citizen nationals, or qualified aliens, as defined in the following chart, are eligible to receive assistance.

<b><u>Status</u></b>	<b><u>Definition</u></b>
U.S. Citizen	A person born in one of the 50 States, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands; a person born outside of the U.S. to at least one U.S. parent; or a naturalized citizen.

<u>Status</u>	<u>Definition</u>
Non-Citizen National	<p>A person born in an outlying possession of the U.S. (e.g., American Samoa or Swain's Island) on or after the date the U.S. acquired the possession; a person born outside the U.S. and its outlying possessions whose parents are U.S. non-citizen nationals. 8 U.S.C.A. § 1408.</p> <p>All U.S. citizens are U.S. nationals; however, not every U.S. national is a U.S. citizen.</p>
Qualified Alien	<ul style="list-style-type: none"> <li>- Legal permanent resident ("green card" holder), under the Immigration and Nationality Act (<b>INA</b>), 8 U.S.C.A. Chapter 12;</li> <li>- An asylee, refugee, or an alien whose deportation is being withheld, under de INA;</li> <li>- Alien paroled into the U.S. for at least one (1) year, according to INA;</li> <li>- Alien granted conditional entry, pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;</li> <li>- Cuban/Haitian entrant, as described in section 501(c) and (f) of the Refugee Education Assistance Act of 1980, 8 U.S.C.A. § 1522;</li> <li>- Alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the U.S. and otherwise satisfies the requirements of 8 U.S.C.A. § 1641(c).</li> </ul>

If an Applicant does not meet any of the above criteria, the household may still apply for and be considered for assistance if:

- Another adult owner meets the citizenship criteria described in the table above; or
- The parent or guardian of a minor child who is a U.S. citizen, non-citizen national, or a qualified alien applies for assistance on behalf of the child, as long as they live in the same household. The parent or legal guardian must register as the co-applicant.

As part of the Program application, all applicants must submit documentation to prove their citizenship. This documentation may include, but is not limited to, the following:

- Passport;
- Birth Certificate;
- Certificate of Naturalization;
- Certificate of Citizenship; or
- Permanent Resident Card ("green card").

If the Applicant is unable to provide any of the documents listed above, on a case by case basis, the CEWRI Program will accept -as proof of citizenship or legal presence- documentation listed in the Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 published by the United States Department of Justice, Federal Register Vol. 62, No. 221 (November 17, 1997), 62 FR 61344.

Temporary tourist visa holders, foreign students, temporary work visa holders, and habitual residents, such as citizens of the Federated States of Micronesia and the Republic of the Marshall Islands, are ineligible for the Program.

## 6 Program Eligibility

Applicants of the Program will be screened for eligibility to ensure compliance with Program requirements. Applicants will be required to provide complete and accurate information regarding their household composition, household income, and other eligibility criteria. Failure to disclose accurate and complete information may affect eligibility and all such instances will be referred to the Program for further action. Applicants may be required to repay PRDOH if they are found to have submitted inaccurate or incomplete information to appear to meet eligibility requirements. This includes but is not limited to the forfeiture of a deferred forgivable lien.

Each application will be reviewed for the following eligibility and benefit determination criteria:

- The property must be a participant of the R3 Program, ~~the SIH Program or the SBIA Program.~~
- ~~Related to R3 Program and SIH Program participants,~~ The Applicant must have occupied the property as a primary residence at the time of the hurricane/s;
- ~~Related to SBIA: only Non-profit, units of local government, private, governmental, and for profit organizations which are in compliance with the SBIA requirements, are allowed to participate.~~
- ~~Related to the R3 Program and SIH,~~ The Applicant must qualify as a low-or moderate-income person.
- Duplication of Benefits (See the Duplication of Benefits section of these Guidelines);
- Non-compliant Federal Emergency Management Agency (**FEMA**) National Flood Insurance Reform Act of 1994 (**NFIRA**) applicants are ineligible for Program assistance.

The final eligibility determination will be based on the Applicant's Eligibility and Dwelling Eligibility.

## 6.1 Applicant's Eligibility

Under the Applicant's Eligibility, the Program Manager will review and confirm the Applicant's property type, proof of ownership, income verification, among other criteria stated below.

### 6.1.1 Property Type

Regarding the R3 Program participants, the following will apply:

Only single-family owner-occupied residential units, located in Puerto Rico, will be eligible for the Program. Single-family homes, as defined by HUD, may include one- to four- unit dwellings.<sup>2</sup> Single family units may include, but are not limited to:

- Duplexes;
- Manufactured Housing Units (**MHU**);
- Detached, stand-alone, stick-built, or concrete residential structures.
- Attached units<sup>3</sup>.

Other structure types may be considered if the following can be demonstrated by the Applicant:

- Structure was connected to utilities at the time of the disaster. Utilities must be in the Applicant's name.
- Structure is fixed to a permanent location. Structures that are found to be mobile will be further investigated.
- The Applicant owned the land on which the structure was located at the time of the hurricane/s.

Ineligible property types include but are not limited to travel trailers, campers, and houseboats.

Property type may be verified using tax records, federally maintained databases, such as FEMA Individual Assistance (**FEMA IA**) and Small Business Administration (**SBA**) disaster home loan datasets, or through a Program-conducted damage inspection.

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<sup>2</sup> 4000.1: FHA Single Family Housing Policy Handbook: [https://www.hud.gov/program\\_offices/housing/sfh](https://www.hud.gov/program_offices/housing/sfh)

<sup>3</sup> The program will assess all eligibility criteria based on a one-to-one relationship between an application and a housing unit, as defined by the U.S. Census Bureau at <https://www.census.gov/housing/hvs/definitions.pdf>. This also includes the income calculation which shall be based on the occupants of the housing unit for which an application has been received.

Because eligibility criteria are assessed for both the Applicant and the property, eligible units in Attached Housing Units (AHUS) are those units which sustained damage from Hurricanes Irma and/or María and are owned and occupied as a primary residence by an eligible R3 Program Applicant. Individual housing units in an AHUS which do not meet all eligibility criteria are not eligible for assistance under the R3 Program, even if the unit is owned by an eligible R3 Program Applicant.

### 6.1.2 Ownership

To qualify for the CEWRI Program, applicants need to prove their ownership or proprietary interest in the property. Applicants can prove ownership or proprietary interest through:

- Public Deed ("Escritura Pública");
- Certification of the Puerto Rico Property Registry ("Certificación Registral");
- Declaration of Heirship ("Declaratoria de Herederos") coupled with a Public Deed or other document showing the track of the properties ownership;
- Title Certification ("Certificación de Título del Departamento de la Vivienda"); or
- Court Judgement ("Sentencia o Resolución de un Tribunal") expressing a determination from the courts on the ownership of the property.
- An Ownership Certification, executed under penalty of perjury by the Applicant and before a Notary Public, that includes the **(i)** length of time the Applicant has lived at the property; **(ii)** an explanation of the circumstances that prevent traditional ownership verification; and **(iii)** a certification towards one of the following: **(a)** that there are no other parties who have right to claim ownership; **(b)** that other parties who have a right to claim ownership have agreed to allow participation of the property in the Program; or **(c)** that any other parties who have a right to claim ownership could not be located (after reasonable attempts to contact them).

R3 Program participants who prove ownership through an Ownership Certification will not be required to have a clear title, but they will be required to participate in the PRDOH's Title Clearance Program as a condition to receive assistance. The CEWRI Program will use the same Ownership Certification provided to the R3 Program.

### 6.1.3 Primary Residence

For R3 Program participants, at the time of the hurricane/s, the damaged residence must have been occupied by the Applicant and had to be the Applicant's primary residence. Primary residence is defined as the property that is occupied by the Applicant for most of the calendar year. Second homes, vacation residences, and seasonal rental properties are not eligible for assistance. Applicants who moved into the damaged property after the hurricane/s are not eligible for assistance under this Program.

To the extent possible, PRDOH will validate primary residency through electronic verification utilizing locally or federally maintained registries, such as FEMA IA or SBA disaster home loan databases.

Documentation used to verify primary residence includes, but is not limited to:

- 2017 Federal income tax return listing the damaged property's address.
- 2017 Puerto Rico income tax return listing the damaged property's address.
- FEMA IA award letter for damaged property's address.

- SBA Disaster Home Loan award letter for damaged property's address.
- Driver's license or state-issued ID card showing the damaged property's address; issued prior to the date of the hurricane/s and expiring after.
- Utility bills addressed to the Applicant at the damaged property's address showing services were provided in the month preceding or month of the disaster (must indicate household utility usage during pre-hurricanes time period).
- Utility certification addressed to the Applicant at the damaged property's address showing services were active during month preceding or month of the disaster.
- Credit card bill or bank statement sent to the Applicant at the damaged property's address in the month preceding or the month of the disaster.
- Insurance documentation indicating primary residence, such as a homeowner's endorsement.
- Employer's statements, including pay stubs and similar employment documents (must be dated during pre-hurricanes time period);<sup>4</sup>
- Homestead exemption verified through property tax records (if applicable); and
- Other documentation will be reviewed and considered on a case-by-case basis.

Documents provided to demonstrate primary residency should include the Applicant or co-applicant's name, appropriate date demonstrating residence at the time of the hurricane/s, and damaged property address. None of the forms of documentation listed above, by itself, necessarily proves primary residence. The Program will review and assess all available documentation together and determine primary residence based on the Applicant's demonstration of consistency across the variety of documentation provided. If inconsistencies in documentation are found, the application may not move forward in the eligibility process until the inconsistencies are resolved by the Applicant. All applicants to the Program bear the burden of proof for providing consistent evidence to prove primary residency at the time of the disaster.

#### Special Circumstances related to Primary Residency and Ownership:

- Properties held in trust for the benefit of natural persons can be eligible for assistance if at least one of the occupants at the time of the hurricane/s was a current beneficiary of the trust. If the property was not the primary residence for the current beneficiaries or trustee(s), the Applicant(s) is(are) not eligible for assistance. The trustee's powers must include the ability to affect the damaged property. If the trustee's powers do not include the ability to affect the damaged property, all beneficiaries with an interest in the damaged property must sign the closing documents along with the trustee.

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<sup>4</sup> Version 1-5 of the R3 Guidelines listed "Voter's Registration Card" as a possible document to support proof of primary residence. Version 5 strikes such document as one that supports proof of primary residence.



- Applicants/homeowners who were in the United States military and deployed outside of Puerto Rico at the time of the hurricane/s may qualify for the Program.
- Applicants/homeowners who were temporarily in a nursing home, assisted living, or other medical facility at the time of the hurricane/s may qualify for the Program.
- Applicants/homeowners who were incarcerated and residing at a law enforcement facility at the time of the hurricane/s may qualify for the Program.
- If the owner/occupant at the time of the hurricane/s subsequently died, the applicant (heir) may qualify for the Program if evidence is provided that the deceased property owner and the Applicant/heir used the home as their primary residence at the time of the hurricane/s.
- In cases where the Applicant dies after being deemed eligible, but prior to signature of the grant agreement, the Applicant/heir must demonstrate that they are the owner of the property and must submit documentation demonstrating that he/she used the hurricane-impacted home **as a primary residence at the time of the hurricane** to receive assistance. Income calculation will be revised to reflect the change in household size and income (if applicable). Referral to the Title Clearance Program may be required to clear ownership issues related to heirship.

#### 6.1.4 Proof of Damage

Applicants must demonstrate that the damage or destruction to the property was a direct result of Hurricanes Irma and/or María. When possible, the Program will verify hurricane/s damage electronically using third party datasets. Disaster damage may be documented through the following methods:

- FEMA claim letter;
- SBA loan documentation;
- Insurance award letters;
- Insurance settlement and/or evidence of litigation;
- If the above-referenced documentation is not available, an inspection report (complete with photos of the damage and a written assessment of the damage) from a damage assessment conducted by a qualified Program Damage Assessor that certifies that the damage occurred due to the qualifying disaster may be used.
- Possess an award under the R3 Program, ~~the SIH Program or the SBA Program~~. The circumstances under which these awards were provided must be unchanged.

#### 6.1.5 Income Verification

CEWRI applicants must meet low-or moderate-income limits, which are adjusted for family size. Total annual household gross income, for all household members, must not exceed 80% income limits, as defined by adjusted income limits for Puerto Rico. See HUD

Modified Income Limits for CDBG-DR Puerto Rico as well as *Impact to Demographics* in the Action Plan, as amended. These income limits apply to all municipalities in Puerto Rico and amended annually.

#### 6.1.5.1 Household Size Verification

A household is defined as all persons occupying the same unit, regardless of familial status or relationship to one another. Household members include all persons, including minor children and adults, whose current primary residence is the hurricane-impacted property or whose primary residence was the hurricane-damaged property at the time of the disaster.

#### 6.1.5.2 Calculating Household Income

Household income shall be calculated based on the adjusted gross income as defined for purposes of reporting under Internal Revenue Service (**IRS**) Form 1040 series for individual Federal annual income tax purposes.<sup>5</sup> Income for all household members will be considered when calculating annual household income. When determining the number of household members and annual household income, the following should be taken into consideration:

- Minor children are considered household members. Earned income of minor children is not considered as part of total annual household income.
- Minor children who are subject to shared custody agreements may be counted as household members if the minor child lives in the residence at least 50% of the time.
- Temporarily absent family members are considered household members and their income is considered in calculation of household income, regardless of how much the temporarily absent family member contributes to the household.
- Paid, non-related, live-in aides, whether paid by the family or through a social service program, are not considered household members. Income of live-in aides is not considered in the calculation of household income. Related persons do not qualify as live-in aides.
- Permanently absent family members, such as a spouse who resides permanently in a nursing home, may be considered a household member, at the discretion of the head of household/program applicant. If the head of household opts to include a permanently absent family member in the household, the income of the permanently absent household member will be counted in the calculation of annual household income. If the head of household chooses not to include the permanently absent family member as part of the household, the income of the

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<sup>5</sup> See <https://www.irs.gov/e-file-providers/definition-of-adjusted-gross-income>.

permanently absent family member will not be considered in the calculation of annual household income.

#### 6.1.5.3 Income Verification Required Documentation

Applicants must provide income documentation for all household members aged eighteen (18) and older at the time of Program application. Income types and associated documentation required for income verification may include, but are not limited to:

- Wages: Three (3) recent paystubs within the past three (3) months, W-2 Forms;
- Retirement/Social Security:
  - Three (3) Monthly Bank Statements (Social Security Benefits & Pension only),
  - Current Social Security Benefits letter (including benefits paid to minors),
  - Current Pension/Retirement Benefit letter (if applicable), or prior year 1099 form, and
  - Current Annuity Payment letter (if applicable), or prior year 1099 form;
- Self-Employment Income:
  - Most recent tax return (1040 or 1040A), W-2 Forms, and/or
  - Current year profit and loss statement;
- Rental Income: Current lease agreements
- Unemployment Benefits: Current benefit letter with gross benefit amount;
- Court Ordered Alimony/Spousal Maintenance: Copy of court order documentation;
- Taxable Interest and Dividends (including amounts received by, or on behalf of minors);
- No Income: Adult household members who receive no income will be required to submit a Certification of No Income. These household members typically include those that are unemployed.

Documentation for other less common types of income will be assessed by the Program based on type of income reported.

Applicants from the R3 Program must certify if their income and household status in record remains unchanged. Applicants with unchanged status may not need to supply any information or documentation. However, if the information submitted has changed or if the income verification performed by the R3 Program was completed more than one (1) year of the CEWRI Program intake and eligibility process, the Applicant may need to resubmit all the pertinent documents for verification and eligibility.

### 6.1.6 Insurance Coverage

The Program will be supporting the installation of PV systems and water storage systems (**WSS**) outside of the 100-year floodplain. However, in accordance with Federal Register Vol. 83, No. 28 (February 9, 2018), 83 FR 5844, the Program may provide assistance for the installation of PV system and WSS in a house located in a floodplain if: (a) The homeowner had flood insurance at the time of the disaster and still has unmet recovery needs; or (b) the household earns less than the greater of 120% Area Median Income (**AMI**) or the national median, and has unmet recovery needs. When any home being worked with federal disaster assistance is located in a Special Flood Hazard Area (**SFHA**), also known as the 100-year floodplain, then flood insurance is required. See Flood Insurance section of these Guidelines and Flood Insurance Requirements of the Cross-Cutting Guidelines available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/resources/policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

#### 6.1.6.1 National Flood Insurance Reform Act Non-Compliance

Applicants found to be non-compliant with the requirements of the National Flood Insurance Reform Act (**NFIRA**) are not eligible for Program assistance. An Applicant is NFIRA Non-Compliant if they failed to obtain and maintain flood insurance after receiving federal funding for a previous disaster. Eligibility is verified by reviewing FEMA IA eligibility codes in the federal dataset for the event. Any records with ineligible code "NCOMP - non-compliant with Flood Insurance Requirement" or "NPND - NFIRA – Non-Compliance", are NFIRA Non-Compliant applicants and therefore ineligible for Program assistance. The entire FEMA IA dataset for hurricanes Irma and María will be reviewed for the applicable eligibility code to identify non-compliant households to ensure that no ineligible applicants are served.

### 6.1.7 Duplication of Benefits (**DOB**)

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5121 *et seq.*, prohibits any person, business concern, or other entity from receiving Federal funds for any part of such loss as to which he/she has received financial assistance under any other program, from private insurance, charitable assistance, or any other source. As such, PRDOH must consider disaster recovery aid received by Program applicants from any other federal, state, local or other source and determine if any assistance is duplicative. Any assistance determined to be duplicative must be deducted from the Program's calculation of the Applicant's total need prior to awarding assistance.

When possible, PRDOH will electronically verify disaster recovery assistance received through federally and locally maintained datasets, such as FEMA IA and SBA disaster home loan datasets.

The duplication of benefits guidance included in Federal Register Vol. 84, No. 119 (June 20, 2019), 84 FR 28836, updates the duplication of benefits guidance issued in Federal Register Vol. 76, No. 221 (November 16, 2011), 76 FR 71060 for CDBG-DR grants received in response to disasters declared between January 1, 2015 and December 31, 2021. As such, the duplication of benefits policy outlined in these guidelines follows the guidance issued in 84 FR 28836.

#### 6.1.7.1.1 Assistance Considered a Duplication of Benefits

To calculate duplication of benefits, the CEWRI Program considers the following: (1) total assistance available to the Applicant, (2) assistance considered to be non-duplicative; and (3) the unmet needs of the Applicant. Total DOB is calculated by subtracting non-duplicative assistance from total assistance received. Under Federal law, any duplication of benefits must be deducted from the assistance provided by the Program.

Funding received for the same purpose of a Program award, such as funding provided by a non-profit entity to assist the Applicant with the installation of PV systems and WSS must be reported by the Applicant through the application process and must be accounted for and verified by the Program. In addition, the support documentation related to other duplicative funding sources will be provided by the Applicant, verified and applied as a duplication of benefits by the Program.

#### 6.1.7.1.2 Excess Duplication of Benefits (DOB) Funding

Any assistance determined to be duplicative must be deducted from the Program's calculation of the Applicant's total award prior to awarding assistance. To address this, the Program can adjust the amount of assistance through a reduced scope of work on the installation of WSS or through the elimination of the measure for the installation of the PV system or WSS as applicable.

In some instances, there may be duplication of benefit in excess of the amount that can be deducted from the Applicant's award. In these instances, the Applicant is considered to have excess duplication of benefits.<sup>6</sup>

The results of Applicants' DOB will be notified via the Preliminary Eligibility and Scope of Work Determination Notification. Applicants must resolve the excess DOB within **thirty (30) days** after the document was sent by providing the Program with a cashier's check for the full amount of the excess DOB. Applicants who cannot resolve the excess DOB within those **thirty (30) days** will not be eligible for assistance under the Program.

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<sup>6</sup> In the cases where the Applicant has been determined to have received or were approved financial assistance for the installation of a Photovoltaic System and/or a Water Storage System, and that such financial assistance cannot be reduced to zero (\$0.00) because corroborated expenditures, if any, are less than the assistance received, or because a reduction or elimination of the scope of work is not feasible, the amount determined to be duplicative must be reimbursed as a lump sum to the Puerto Rico Department of Housing.

Applicants deemed ineligible for failure to resolve excess DOB will be mailed a CEWRI Ineligibility Determination. The CEWRI Ineligibility Determination notifies the Applicant of the reason for ineligibility and outlines the process to challenge the decision. See the Program-based Reconsideration and/or Administrative Review section of these Guidelines.

For more information about DOB, refer to the PRDOH Duplication of Benefits Policy available in English and Spanish in the CDBG-DR website at <https://cdbg-dr.pr.gov/en/download/duplication-of-benefits-policy/> and <https://cdbg-dr.pr.gov/download/politica-sobre-la-duplicacion-de-beneficios/>

## **6.2 Change in Circumstance and Exacerbated Damages**

Since the CEWRI Program intends to work with and complement an existing CDBG-DR program such as the R3 Program, ~~SIH, and SBIA~~, the CEWRI Program may not provide assistance for activities that: (1) address a need arising solely from a disaster other than Hurricanes Irma and/or María; or (2) address a need that has been met in full.<sup>7</sup> For example, if a home was unharmed by Hurricanes Irma and/or María, but later suffers damages from a subsequent earthquake or any natural disaster event, the CEWRI Program cannot provide assistance to install the systems.

As stated in the CEWRI Program eligibility criteria, all applicants to the CEWRI Program must have sustained damage from Hurricanes Irma and/or María to receive assistance. If exacerbated damages make it impossible to determine damages from Hurricanes Irma and/or María the Program may use third-party documentation or datasets, as outlined under the Proof of Damage section of these Guidelines. Prior to addressing exacerbated repair or reconstruction needed, the CEWRI Program must refer the case to its original program, to ensure prevention of duplication of benefits, as described in the Duplication of Benefits (**DOB**) section of these Guidelines. The CEWRI Program will work on cases assessed and completed by their respective original programs.

## **6.3 Dwelling Eligibility**

Once the Applicant Eligibility is completed, a PRDOH PV system and water storage system contractor will be assigned to the project through the Grant Management System of Record to conduct the Pre-Installation Assessment Visit. The purpose of the Pre-Installation Assessment is to verify that the dwelling unit is suitable for the installation of the PV system and or WSS.

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<sup>7</sup> See Community Development Block Grant Disaster Recovery (CDBG-DR) Policy Guidance for Grantees 2019 at <https://files.hudexchange.info/resources/documents/CDBG-DR-Policy-Guide.pdf>.

### 6.3.1 Pre-Installation Assessment

Installer/Contractor's designer shall conduct a pre-installation assessment of each property associated with an application to determine a preliminary eligibility. The assessment takes into consideration load and shading analysis and the interaction among the systems to be installed. Under no circumstances, the WSS should affect the power production of the Solar PV system.

A certified installer, a licensed professional engineer, or a licensed architect in Puerto Rico with the expertise of five (5) years or more in the photovoltaic system industry shall conduct the assessment and annotate findings in the section dedicated to the PV system.

For the water storage system, a certified installer, a licensed professional engineer, or licensed architect in Puerto Rico with the expertise of two (2) years or more in the construction industry, shall conduct the assessment and annotate findings in the section dedicated to the WSS.

The pre-installation assessment will serve to establish the scope of work to be included in the award to the Applicant. Assessors will coordinate the date and time for site visit to conduct the pre-installation assessment of the property with the Applicant. During the site visit for the assessment, the assessor and the Applicant, or their authorized representative, shall be present and the existing conditions of the dwelling's site, exterior and interior elements/components, should be determined and documented.

For the PV system, the pre-installation assessment includes but is not limited to the following activities:

- Evaluate the property's roof capacity to support the PV system by completing a roof capacity checklist for home ~~and/or eligible business~~ installations. The Installer/Contractor will generate a scope of work based on the findings from the roof capacity checklist. A full evaluation shall provide information on roof load capacity, shading study, and other required studies to allow the system to function properly at the installation site. The Scope of Work generated shall detail the installation plan on the roof of the dwelling unit to support its installation and full functionality.
- Shading Analysis: Assess if the proposed array location supports a solar resource potential of more than ~~seventy five~~ percent (75%) of the same site's optimal solar resource potential.
- Assess the home's interior and exterior elements and determine their conditions to facilitate the installation of conduits and electrical equipment. Home interior and exterior elements may include, but are not limited to:
  - Structural, electrical, plumbing, and HVAC systems installed on the roof;

- Main panel board
- Branch circuits
- Exterior Shade Element
- Lightning protection
- Electrical service entry, including overhead wires, electric meter, and service entry conductor
- Other relevant components
- After examining the home's roof elements and their condition is determine, other home site elements considerations may include, but are not limited to:
  - Site restrictions
  - Site accessibility
  - Yards and courts
- Structural analysis: Verify the roof's load capacity to support the equipment load, home's exterior elements, and determine their condition. Home external elements may include, but are not limited to:
  - Roof weatherproofing and covering including asphalt shingles, wood shingles or shakes, metal roofing, cement shingles, built-up roofing, single-ply membranes, and roll roofing, among others;
  - Skylights;
  - Gutters and downspouts; and
  - Parapets and gables.

The structural analysis shall be conducted by a professional licensed engineer with a structural engineer degree or studies.

- Equipment Location
  - Determine the best locations for the PV system and all components as per designer and manufacturer's specifications.
  - In the pre-installation assessment report and scope of work, the Installer/Contractor must clearly define the location of the PV system and all components in accordance with applicable codes.

For the WSS, the pre-installation assessment includes but is not limited to the following activities:

- Evaluate the property's roof's capacity to support the WSS and provide guidance and recommendations for the installations. The Installer/Contractor will generate a scope of work based on the findings from the roof capacity report. A full evaluation should provide information on roof load capacity and all required analysis to allow the system to function properly at the installation site. The scope of work generated shall detail the installation plan, on the roof of the dwelling unit to support its installation and full functionality.
- Assess if the proposed equipment can be positioned on the rooftop without interfering with other mounted equipment and/or to be mounted on the rooftop.



- Assess the home's interior and exterior elements and determine their condition to facilitate the WSS components installation. This assessment must be included within the PV system assessment. Home interior and exterior elements may include, but are not limited to:
  - Structural, electrical, plumbing, and Heating, Ventilation, and Air Conditioning (**HVAC**) systems installed on the roof;
  - Main panel board
  - Any electrical conduit that might interfere with the WSS components installation.
- After examining the home's roof elements and determining their condition, other home site elements shall be examined which might include, but are not limited to:
  - Site restrictions
  - Site accessibility
  - Yards and courts
- Verify the roof's load capacity to support the equipment's load, home's exterior elements, and determine their condition. Home external elements may include, but are not limited to:
  - Roof weatherproofing and covering including asphalt shingles, wood shingles or shakes, metal roofing, cement shingles, built-up roofing, single-ply membranes, and roll roofing, among others;
  - Skylights
  - Gutters and downspouts
  - Parapets and gables
  - Lightning protection
  - Electrical service entry including overhead wires, electric meter, service entry conductor

Upon completion of the assessment, the Assessor shall prepare a report of the conditions observed in the residence. The report should set forth the following:

- Identify any existing PV or WSS installations in place,
- Any extraordinary conditions identified during the assessment (engineering or otherwise) that may not allow the Program to install the systems effectively, therefore, may trigger the ineligibility of the Applicant. Examples of such conditions may include but are not limited to failure (beyond repair) of critical structural elements, excessive shading, possible environmental scenarios that compromise the building's heritage, and any other hazardous conditions of the structure or its site that may put lives at risk,
- A recommended course of action to be taken by the Program; and
- Any other pertinent information documented or observed during the visit.
- Certify the residence as eligible or ineligible to receive new PV or WSS installations.
- Document the property's layout to provide a design decision on how the contractors will install the systems; and

- Follow up with the owner to coordinate the installation's date. For ineligible cases, owners will receive an orientation and instructions on how to request a Program-based Reconsideration or request an Administrative Review directly with PRDOH.

### 6.3.2 Limitations or Ineligibility

- The load analysis and the shading analysis of the facility must take into consideration the installation of the solar PV system and WSS on the roof. The location of the WSS cannot affect the energy production of the solar PV system. If the two (2) systems cannot be installed simultaneously due to load constraints or space limitations, the installer will proceed with the installation of the solar PV system alone, unless the dwelling unit owner specifies that he or she prefers the WSS.
- In the event that the feasibility analysis does not recommend the installation of the PV system and WSS, the participant will be prevented from participating under the Program and no systems will be installed.
- Historical structures might be banned from participating under the program. This depends on local and/or federal restrictions. Cases will be evaluated for compliance with such laws and regulations.
- Project must follow the "Ley de Condominios de Puerto Rico", Act. 129-2020, whenever it applies.

#### 6.3.2.1 Work in Place

At the time of the pre-installation assessment, it could be possible that homeowners may already have installed a PV and/or WSS systems in their homes. The Assessor will document the current scenario and will provide information on the systems that are installed in the property.

The CEWRI Program will not alter or approve any work in place. Homes who possess this condition will be automatically disqualified from the system, related to the work in place.

## 6.4 Eligibility Determination

All applications will be thoroughly reviewed during the intake and eligibility process to ensure applicants are eligible for the Program prior to receiving assistance. Eligibility determinations will be made on housing assistance applications based on documentation submitted by the Applicant and verification of information by third-party sources, including federal databases. These decisions will be made based on applicable statutes, codes of federal regulation, state and local codes and ordinances, local guidelines, and Program guidelines.

Applicants who are deemed eligible will be sent a Preliminary Eligibility Determination Notification informing them of the preliminary eligibility decision. The correspondence will include a notice informing the Applicant of the preliminary eligibility determination, an explanation of funding sources and restrictions, and a description of required next steps.

If at any point during the eligibility determination process or throughout any other phase of the CEWRI process, it is found that the Applicant is ineligible for the Program, the Applicant will be notified via an Ineligibility Determination Notification. This Notification will outline the ineligibility determination made and outline next steps, if applicable, and instructions on how to submit a Program-based Reconsideration request, an Administrative Review request, and/or Judicial Review, to challenge the decision. See the Program-based Reconsideration and/or Administrative Review section of these Guidelines.

## 7 Design Process

The Installer/Contractor is responsible for the project design of the system(s) to be installed ~~as per~~ according to the approved Pre-Installation Assessment Report by the Program Manager.

### 7.1 PV System

The PV system designer must design a standard photovoltaic system with battery back-up for single-family homes following the requirements in the Single-Family Dwelling Unit section of these Guidelines. The system should be capable of running critical loads, some household appliances (refrigerators, water pump, etc.), life support devices, and permit the occupants to shelter-in-place during electrical grid outages. The design of the photovoltaic system with battery back-up should be standard, with minimal deviation to allow for cost consistency across various single-family homes. The Installer/Contractor shall adhere to the following design guidelines:

- A licensed professional structural engineer must certify that the existing roofs are structurally sound for the installation of the PV System and that the proposed system meets code requirement.
- System layout shall meet local fire department code and any local ordinance requirements for roof access.
- The PV system installation shall not interfere with roof drains, water drainage, expansion joints, air intakes, existing electrical or mechanical equipment, and existing antennas.
- The system shall be directly attached to the roof unless the structural engineer deems the roof incapable of holding the PV system. If the structural integrity of the house does not support the load of the system, then, the Applicant will immediately be ineligible for the PV system installation.
- Racking structure needs to be corrosion resistant and meet applicable local building code requirements concerning rain, wind, and earthquake factors.
- All penetrations and structural connections associated with supports and conduit shall be kept to a minimum and shall be waterproof.

- All roof penetrations shall be designed and constructed in collaboration with a roofing professional or manufacturer responsible for the roof and roofing material warranty for the specific site. All roof installations and weatherproofing of penetrations shall not compromise the roof warranty, or if the roof has no warranty, accepted best practice. The roof penetration and roof connections shall be warranted for weather tightness from the installer, including parts and labor. The roofing contractor shall provide a warranty letter specifying that the roofing impermeabilization warranty is still in effect after the installation of the PV system.

The designer for the PV systems must be a licensed engineer in compliance with Puerto Rico's Act No. 173 of August 12, 1988, as amended, 20 L.P.R.A. sec. 711 *et seq.*, known as the "Law of the Board of Examiner of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico", with the Renewable Solar Energy Installer (Photovoltaic) Certificate from the Public Energy Policy Program (**PEPP**)<sup>8</sup> under the Department of Economic Development and Commerce (**DDEC**, for its Spanish acronym). Also, the PV systems installers must be a professional with the Renewable Solar Energy Installer (Photovoltaic) Certificate from the PEPP under the DDEC.

## 7.2 Water Storage System

The WSS designer shall design the Water Storage System for single-family homes following the requirements in the Single-Family Dwelling Unit section of [these](#) Guidelines.

The designer for the WSS must be a licensed engineer in compliance with Puerto Rico's Act No. 173 of August 12, 1988.

## 7.3 Environmental Review

For applications that already have a Tier 2 [environmental review](#) approved through the R3 Program, an addendum to the Tier 2 Environmental Review Record (**ERR**) can be made primarily for the Puerto Rico State Historical Preservation Office (**SHPO**) concerns, [if any](#), related to the placement of the solar panels and cisterns. If there is a possibility of impact to a Historic District, or if the house is eligible for listing, documentation must be sent to SHPO with a recommendation as to if there is, or potentially could be, an adverse effect [because of the installation work](#). If [none](#), an addendum to **ERR** can be made [documenting](#) that the [installation work](#) does not [have any](#) impact [on](#) the Tier 2 **ERR findings**. All documentation shall be added to the System of Record. If there is an adverse effect that is determined by SHPO, additional consultation will be required to determine the resolution to that effect. In any event, an addendum to **ERR** with all consultation and determinations will be made.

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<sup>8</sup> <https://www.ddec.pr.gov/programa-de-politica-publica-energetica/>.

~~For applications that are not in the R3 Program or have not yet had a Tier 2 performed: A Tier 2 ERR would have to be prepared for the structure. The Tier 1 ERR is a tiered Environmental Assessment, so the site-specific Tier 2 is all that needs to be completed. A template for the Tier 2 will be provided that addresses all of the items needed for the work.~~

For cases in which an environmental review is **required**, the Program will need to determine the environmental classification of the project to conduct the appropriate level of environmental review. The term “project” may be defined as an activity or group of activities geographically, functionally, or integrally related, regardless of funding source, to be undertaken by the Program in whole or in part to accomplish a specific objective. The three (3) major environmental classifications for projects and their descriptions are as follows.

### 7.3.1 Exempt Activities

These are activities which, by their nature, are highly unlikely to have any direct impact on the environment. Accordingly, these activities are not subject to most of the procedural requirements of environmental review. If a project is determined to be exempt, the Program must document in writing that the project is exempt and meets the conditions for exemption spelled in 24 C.F.R. § 58.34. In addition to making the written determination of exemption, the Program must also determine whether any of the requirements of 24 C.F.R. § 58.6 are applicable and address as appropriate.

### 7.3.2 Categorically Excluded Activities

These are activities for which no Environmental Impact Statement or Environmental Assessment and finding of no significant impact under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.*, is required. These activities are divided into those that are and those that are not subject to related laws and authorities at 24 C.F.R. § 58.5.

### 7.3.3 Activities Requiring an Environmental Assessment

These are activities which are neither exempt nor categorically excluded and, therefore, will require an Environmental Assessment documenting compliance with NEPA, HUD, and with the environmental requirements of other applicable federal laws. Once the Environmental Review has been completed and any comments addressed appropriately, the project may be found to not constitute an action that significantly affects the quality of the human environment and, therefore, does not require the preparation of an Environmental Impact Statement; or the project constitutes an action that significantly affects the quality of the human environment and, therefore, requires the preparation of an Environmental Impact Statement. For this Program, any action that would require an Environmental Impact Statement is highly unlikely.

If it is determined that the action does not significantly affect the quality of the environment, then the Program will post a public notice called a Combined/Concurrent Notice of Finding of No Significant Impact (**FONSI**) and Notice of Intent to Request Release of Funds (**NOI/RROF**). The NOI/RROF Environmental Certification must be submitted to HUD no sooner than **fifteen (15) days** after publishing the combined/concurrent notice (**NOI/RROF**) and FONSI and HUD will hold the Release of Funds for a **fifteen (15) day** period to allow for public comment on the RROF. If no comments are received during this time, HUD will send a signed Authorization to Use Grant Funds and the project may proceed.

### 7.3.4 Tiered Environmental Review

The program will use the amended Tier 1 that is currently in place for the R3 Program to perform the environmental reviews. The six (6) Tier 1 Environmental Review Records (ERR) that were prepared have been amended to include the CEWRI Program.

~~To streamline the environmental review process and prevent duplication of efforts, the Program will use a tiered approach for environmental compliance. A tiered approach is appropriate when a specific type of activity that will take place in several locations, will serve the same function, and will have the same level of environmental impact regardless of the location where it is to be implemented. The tiered approach has two (2) parts: the broad environmental review that focuses on a targeted geographic area (the Tier 1), and the unspecified site review (the exact physical location of the project not presently known) (the Tier 2).~~

~~The Tier 1 review will address and analyze those environmental impacts related to the proposed action that might occur on a typical site within the geographic area (e.g. floodplain, coastal zone, wetlands, aboveground storage tanks, etc.). The Tier 2 review will identify those environmental impacts that will vary by site and may only be observed when specific project locations are known (e.g. historic preservation, hazardous materials, noise abatement, asbestos removal, etc.).~~

~~The components of the Tier 1 review will include all the following:~~

- ~~• A clear statement of all the related activities and funding sources;~~
- ~~• Identification of the targeted geographic area;~~
- ~~• Identification and evaluation of the environmental factors and effects that can be decided upon immediately;~~
- ~~• Publishing and dissemination notice for entire action;~~
- ~~• Submission of a Request for Release of Funds and Certification for the entire action;~~
- ~~• HUD approval of the Tier 1 Review; and~~
- ~~• Documentation of compliance with "Other Requirements" set forth at 24 C.F.R. §58.6.~~

The Tier 2 review will include specific written strategies for addressing the environmental effects that can only be determined when specific sites become known (i.e. site acceptability criteria and standards including mitigation measures, historic preservation, airport clear zones, explosive and flammable operations, toxic/hazardous/radioactive materials, contamination, chemicals, or gases).

Tier 2 reviews will not require notices or approval from HUD, unless it is determined that there are unanticipated impacts or impacts not adequately addressed in the prior tiered review. There must be written documentation of compliance before funds are committed to specific sites. If any project deviates from the tiered review and the approved site-specific compliance strategies then separate environmental reviews must be prepared for those projects. Tiered reviews for the Program will be valid for up to **five (5) years** unless conditions or circumstances change. To be certain that conditions or circumstances have not changed, the Program will assess the tiered Environmental Review, at least once a year, to ensure the scope of the target area has not changed, the list of activities evaluated for environmental impacts has not changed, and the information contained in the tiered environmental review is still current and relevant to the environmental findings that were made.

For applications that already have a Tier 2 ERR approved through the R3 Program, an addendum to the Tier 2 ERR will be made primarily for SHPO concerns related to the placement of the solar panels and cisterns. If there is a possibility of impact to a Historic District or if the house is eligible for listing, documentation must be sent to SHPO with a recommendation as to if there is or potentially could be an adverse effect based upon the construction work. If **none**, an addendum to file can be made identifying **that** the work does not impact the findings in the Tier 2 ERR. All documentation shall also be added to the System of Record. If there is an adverse effect **that is** determined by SHPO, additional consultation will be required to determine the resolution to **that** the effect. In any event, an addendum to file with all consultations and determinations will be made.

If any applications are collected by the CEWRI Program that do not have an approved Tier 2 ERR, a new Tier 2 ERR will be prepared for the subject property.

Tier 1 reports for the R3 Program are publicly available in English and Spanish at <https://cdbg-dr.pr.gov/en/resources/environmental/> and <https://www.cdbg-dr.pr.gov/recursos/ambiental/>.

## 8 Program Award Types

### 8.1 Single Family Dwelling Unit

The Program offers standard packages for PV systems and battery storage for single family dwelling unit based on the following two (2) scenarios:

- Scenario 1: For dwelling units with a refrigerator that consumes 489 kWh/yr or less, the following package will be installed: a standard package of a required system minimum of 3 kW DC PV modules with a minimum battery bank voltage of 48V and a required battery bank output of a minimum of 9 kWh with an autonomy of twenty (20) hours; loads also includes one (1) medical life support device. The required battery chemistry is Lithium-Ion.
- Scenario 2: For dwelling units with a refrigerator that consumes over 489 kWh/yr, the following package will be installed: a standard package of a required system minimum of 4.3 kW DC PV modules with a minimum battery bank voltage of 48V and a required battery bank output of a minimum of 12.8 kWh with an autonomy of twenty (20) hours; loads also includes one (1) medical life support device. The required battery chemistry is Lithium-Ion.

Load calculations for both standard packages shall have the capability of supplying electricity to an itemized list of devices, refrigerator appliance, life support device, and lighting fixtures identified as critical loads. Under the Program, air conditioners, clothes dryer machine, clothes washing machines, electric water heaters, hairdryers, second refrigerator or freezer, or any other device with high load consumption are not part of the critical load itemized list, and therefore, such equipment will not be connected to any of the PV System packages. Connecting additional loads to the system will prevent the PV System to work as per design. The system will supply electricity to the critical loads independently as a stand-alone system, with the capability of interconnecting with the grid. For the purpose of the CEWRI Program, the Installer/Contractor must submit to PREPA/LUMA the interconnection package. Nevertheless, the approval of the interconnection by PREPA/LUMA will not be required for the closeout of the case.

The program offers standard packages for the installation of WSS based on the following specifications:

- If the roof structure allows, the water storage tank shall store a maximum capacity of 500 gallons per household, complete with all its necessary accessories and instrumentation for full functionality of water storage and distribution within the home during a disaster scenario. The capacity of the tank should be defined by the designer according to the household needs. The water storage tank shall be connected to the utility's main water line with a water level control valve and backflow preventer designed to prevent backflow from the water storage tank to the utility main water line.
- The water storage tank shall have instrumentation to monitor and control pressure and water level.
- The water storage tank shall be located on the rooftop of the home. If the structural integrity of the house does not support the load of any of the applicable



water tank size options, then, the Applicant will immediately be disqualified from the WSS installation.

- In case the house loses power, the electric pump should be able to work off-grid from the main electrical utility supported by the PV and battery system granted to the Applicant from the CEWRI Program, when applicable.
- The water storage tank shall be constructed of ultra violet and corrosion resistant material, approved for potable water, and have the Food and Drug Administration (**FDA**) and the National Safety Foundation (**NSF**) approval.
- Other related material for complete installation should include but is not limited to:
  - Pump: ½ horsepower with pressurized tank
  - Diaphragm type pressurized tank should be sized to provide adequate pressure to meet the water demands of the home.
  - Piping: Only copper piping is authorized. Sediment filter: Should be able to filtrate at a minimum ten (10) microns particles.
  - Sensor level: Recommended use whenever possible.
  - Install a Buoy
  - Backflow prevention system to prevent cross-connection between household water system and water main.
  - The water storage tank must be watertight and intended for potable water use.
- All water storage tanks must be specifically manufactured for potable water use in accordance with FDA food-grade specifications, NSF standards, or other nationally recognized standards for potable water. Documentation from the manufacturer stating that tanks are approved for potable water must be available for inspection. Water storage tanks must be installed according to the manufacturers' specific instructions.

## **8.2 Multi-family Buildings, Business, and Public Facilities**

Multi-family Buildings, business, and public facilities may receive an award for a photovoltaic system with battery backup for critical loads and a water storage system for those eligible projects that were deemed eligible for the SIH and the SBIA Programs.

These types of awards will be determined on a case-by-case basis depending on the nature of each project.

## **9 Awards and Requirements**

When the Program determines the amount and type of assistance an Applicant is eligible for, the Applicant will be sent an Award Notification that will outline the type and amount of assistance being offered and describe the necessary next steps to initiate installation activities on the property. Applicants who disagree with the type or amount of assistance

being offered may challenge the award determination. See the Program-based Reconsideration and/or Administrative Review section of these Guidelines.

Program awards will be realized through successful installation of PV systems and/or WSS. Awards will not be paid directly to the Program applicants.

### **9.1 Ownership and Occupancy Period Requirements**

Applicants who are assisted under this Program must agree to own and occupy the assisted home as their primary residence for a predetermined amount of time, specified below.

To secure occupancy period requirements for installation activities, at the Program's discretion, Applicants may be required to sign an Entry of Judgement by Confession as allowed by Rule 35.4 of the Rules of Civil Procedures of Puerto Rico, 32 L.P.R.A. Ap. V, R. 35.4. This statement, which authorizes a judgement to be rendered without a trial being held or without a lawsuit having been initiated, will have full effect in the event that the Applicant fails to comply with the required ownership and occupancy period. This Entry must be signed by the Applicant, under oath, and notarized by a licensed attorney, authorized by the Supreme Court of Puerto Rico to act as public notary. The Entry of Judgement by Confession signed by the Applicant will expire at the end of the compliance period expressed in said judgement.

For the installation activities for R3 Program projects, the homeowner must agree to own and use the home as their primary residence for ~~five (5) years~~ or for the entire period established by the R3 Program implemented activity. Alternatively, and at the Program's discretion, it may be secured through an Entry of Judgement by Confession. If a homeowner moves or sells the home within the period established under the R3 Program ~~five (5) years~~, the entire amount of the benefit received must be repaid in full to PRDOH. There will be no amortization schedule associated with the installation.

The CEWRI Program may consider forgiving the Applicant's obligations during the compliance period and/or releasing the lien of a sold home only in extenuating circumstances and on a case-by-case basis. Examples of extenuating circumstances to be considered by the Program include, but are not limited to, life changing events that may cause an Applicant to need a larger, smaller, or different home, such as marriage, divorce, birth, and death, and military deployments or reassignments.

### **9.2 Pre-Award Visit**

Applicants who qualify for assistance will take part in a pre-award visit with the Case Manager and Installer/Contractor. The purpose of the pre-award visit is to ensure all parties agree on the scope of work to be completed and expectations/responsibilities of all parties involved. During the pre-award visit, the following topics will be discussed:

- Expectations;
- Accessibility options, if applicable;
- Schedule;
- Scope modifications related to resolution of DOB, if applicable;
- Applicant scenarios choices, as available;
- Grant agreement and related conditions; and
- Additional required topics, as required.

The Program will make reasonable attempts to accommodate non-traditional meeting venues when required by an Applicant's individual circumstances, including applicants that are hospitalized or incarcerated. Non-traditional meeting venues may include off-site meetings, virtual meetings, or other arrangements. The Applicant must accept the scope of work and sign all required Program documents-prior to the Program authorizing the work to begin.

## **10 Installation, Commissioning, and Inspection**

### **10.1 Installation**

Upon Notice to Proceed by the Program Manager, Installer/Contractors shall install the pertinent systems as per the approved Case Scope of Work and Project Design.

### **10.2 Commissioning**

Upon installation of systems, the designer shall perform the commissioning of the entire PV and/or WSS system. The assigned commissioner shall ensure and document that all building systems perform interactively according to the design intent and the owner's operational needs. The commissioning process includes documentation, equipment startup, control system calibration, testing, balancing, and performance testing. Perform the commissioning and Inspection following the International Electrotechnical Commission (IEC) Standard IEC 62446, any local or state regulation, program requirements, and correct any finding.

A digital copy of the commissioning report must be uploaded into the Grant Management System and/or any other PRDOH management tool. A ~~second~~ system re-commissioning is mandatory at the end of the first year of operation. ~~The re-commissioning report will be provided to PRDOH by the Installer/Contractor after the re-commissioning process has been performed. shall receive a commissioning report by the installer/contractor.~~ In the event of a re-commissioning test failure, the Installer/Contractor will be responsible for the corrections, repairs, and proper functioning of the system.

### **10.3 Final Inspection**

The PRDOH Program Manager will visit the project site with the Installer/Contractor and inspect the works performed for overall quality standards. Upon completion of the

installation, PM's Inspector will perform an inspection of the physical installation and all paperwork submitted by the Installer/Contractors. Once on-site, the PM's Inspector shall ensure that all contractually agreed upon work was completed and confirm the compliance with the following procedures:

- Assess materials and/or equipment incorporated into the project by the PRDOH PV system and WSS contractor and ensure that such materials and/or equipment comply with the Program's approved items.
- That the model of the equipment installed is per the designer's specifications.
- A high-quality installation of the PV system and/or WSS is achieved.
- A brief review of findings compared to the site's initial description, the scope of work, any change order(s), and final invoice.
- All warranties are included and active.
- Assess compliance of the work performed with the project scope of work.
- Take photographic evidence of the work performed.
- Ensure that the warranty package is delivered to the Applicant.
- Collect customer satisfaction surveys of the Applicant at the end of the inspection process and report any findings resulting from the survey.
- Any other task to ensure that a complete and throughout Inspection is performed at the field.

During the post-install site inspection, the PM's Inspector will record any corrections to the installation that need to be made by the Installer/Contractors. Suppose the Program finds discrepancies between the work performed and the scope of work, installation standards, and/or equipment specifications during the final inspection. In that case, the Installer/Contractors will be responsible, at the Installer/Contractor's expense, for bringing the installation into conformance before the Installer/Contractors is paid.

## 11 Project Closeout

Upon completion of all installation measures, the Program applications shall be closed. This process will begin by ensuring that all work performed has been accepted by the Applicant and that everything has been performed in compliance with Program requirements. Acceptance of the work by the Applicant shall be established during the final inspection of work performed. CEWRI Program Staff will perform a complete review of the application file to ensure all necessary documentation is present and to ensure that the case is ready for closeout.

General requirements for closeout are as follows:

- All eligibility, damage, and duplication of benefits documentation is found to be in accordance with all requirements of ~~this policy~~ these Guidelines and is found to be sufficient to justify the Applicant's participation in the Program.

- PRDOH PV system and WSS contractor has completed all tasks required by the award to the Applicant by PRDOH.
- All Program forms required throughout the entirety of the application process have been duly completed and executed by the appropriate parties, which may include: Program Staff, the Installer/Contractor, and the Applicant.
- All supporting documentation is included in the application file of the PRDOH Grant Management System of Record.
- All funds used for the Program, whether CDBG-DR or received by means of subrogation of funds, have been properly accounted for and reconciled with payments made to the Construction Managers and others.
- All payments have been issued to the Installer/Contractor, including applicable retainages.
- All permits required, if applicable, for the installation of the PV system and WSS have been properly closed-out with the proper governmental entities.
- Environmental clearance, if required, has been obtained for the installation work performed for the Applicant.
- Compliance with 2 C.F.R. Part 200, Subpart F, 24 C.F.R. § 570.509, CPD Closeout Notices, and DR Closeout Process, as may be applicable.
- Warranties binder for all components incorporated to the home during the process have been properly delivered to the Applicant and evidence of such delivery is part of the file.
- Other requirements for closeout as established in Installer/Contractor contract or by PRDOH.

Outreach will be made to the Applicant, the Installer/Contractor, or any other party involved in the event that any additional information is necessary to close-out the case. Once all levels of quality control review are passed, the Applicant will receive a CEWRI Program Final Notice and their individual case will be placed in a closeout complete status.

## **12 Voluntary Withdrawal**

An Applicant may request to withdraw from the Program at any time before the signature of the Grant Agreement. The voluntary withdrawal process will be followed in the event an Applicant requests to withdraw from the Program. To withdraw, the Applicant will notify the Case Manager of their desire to withdraw from the Program, who will then provide a Voluntary Withdrawal Notice to the Applicant. The Applicant or applicants may withdraw using an electronic means of communication. Upon completion of the withdrawal request and receipt of Applicant's signature on any required forms, a Voluntary Withdrawal Confirmation Notice will be sent to the Applicant and the application status will be updated to "Withdrawn." If the Applicant's withdrawal request is submitted after CEWRI Program sponsored construction has begun, the Applicant will

be notified that his/her withdrawal request is denied via a Voluntary Withdrawal Denial Notification. Applicants may be required to repay PRDOH if they decide to withdraw after the signature of the Grant Agreement.

### 13 Non-Responsive Applicants

The Program will make reasonable attempts to contact applicants to schedule meetings, collect documentation, or obtain other necessary information. If the Program has made three (3) consecutive unsuccessful attempts to contact an applicant with no follow up contact from the Applicant, the Applicant will be sent a Non-Responsive Notification. Contact attempts should be made using different methods of communication and at different times of the day/week. The Non-Responsive Notification provides the Program contact information, advises the Applicant of the next steps in the application process and notifies the Applicant that he or she must contact the Program within **fourteen (14) days** of the date of the letter. If the Applicant fails to contact the Program within the **fourteen (14) days** allowed, the application will be closed.

Likewise, after the Program makes three (3) unsuccessful attempts to collect missing documentation, applicants will be sent a Missing Documents Notification. This notice informs applicants of which documents are outstanding and advises the Applicant to contact the Program regarding the missing documents within **fourteen (14) days**. Failure to contact the Program within the **fourteen (14) day** period may result in closure of the application due to the non-responsiveness of the Applicant.

### 14 Program-based Reconsideration and/or Administrative Review

Applicants to the Program may contest any determination or denial based on Program policy. However, an applicant may not challenge a federal statutory requirement. Applicants have the right to request a Program-based Reconsideration with the Program or request an Administrative Review directly with PRDOH, as stated below. If the Applicant fails to contest a determination within the time allotted, the inaction will be deemed as an acceptance of the determination.

#### 14.1 Program-based Reconsideration Request

Applicants who wish to contest a Program determination may file a Program-based Reconsideration Request directly with the Program by submitting a written request, via electronic or postal mail, within **twenty (20) calendar days** from the date a copy of the notice was filed in the record of the Program. Provided, that if the date on which the copy of the notice was filed, in the records of the Program, differs from the mailing date (postal or electronic) of said notice, the aforementioned **twenty (20) calendar day-term** shall be calculated from the mailing date (postal or electronic). Notices distributed via electronic communication shall be considered valid. In the event a notification is sent via postal and electronic mail, the notification date will be the one sent beforehand.

Program notices will include any electronic and postal information where the Applicant may send a Program-based Reconsideration Requests.

Applicants who file a Program-based Reconsideration Request are encouraged to provide individual facts or circumstances, as well as supporting documents to justify their petition. In the Reconsideration Request process, the Program will only review facts and information already included in the Applicant's file, unless the applicant submits new documentation. The Program has the discretion to accept or reject any new documentation submitted by the Applicant based upon its relevance to the Program-based Reconsideration Request.

The Program will review and address the Reconsideration Request within **fifteen (15) calendar days** of its receipt. Applicants will be notified of the reconsideration determination via a Reconsideration Request Approved or a Reconsideration Request Denied notification.

Filing a Program-based Reconsideration Request does not substitute, negate, or preclude any legal right that an Applicant has to challenge a determination made by the Program. Therefore, Applicants who believe the initial determination of the Program to be erroneous, may submit, at their discretion, either a Program-based Reconsideration Request or an Administrative Review Request of the decision made by the Program by filing an Administrative Review Request at the PRDOH in accordance with Regulation Number 4953, of August 19, 1993, which regulates the Formal Adjudication Process in the PRDOH and its Adjunct Agencies (Regulation 4953).<sup>9</sup>

## **14.2 Administrative Review Request**

If an Applicant disagrees with a Program determination, or with a Reconsideration Request Denial determination, the Applicant may file directly with the PRDOH, as grantee, an Administrative Review Request in accordance with Regulation 4953. The Applicant must submit an Administrative Review Request, in writing, within **twenty (20) calendar days** from the date a copy of the Program initial determination or a Reconsideration Request Denial determination notice was filed in the record of the Program. Provided, that if the date on which the copy of the notice is filed in the records of the agency differs from the mailing date, postal or electronic, of said notice, the aforementioned **twenty (20) calendar day-term** shall be calculated from the mailing date, postal or electronic, whichever applies. Notices distributed via electronic communication shall be considered valid. In the event a notification is sent via postal and electronic mail, the notification date will be one sent beforehand. Program-based Reconsideration Requests or Administrative Review Requests may be submitted via e-

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<sup>9</sup> For more details, you can access Regulation 4953 (in Spanish) at: <https://www.vivienda.pr.gov/wp-content/uploads/2015/09/4953-Reglamenta-los-procedimientos-de-adjudicacion-formal.pdf>

mail to: [LegalCDBG@vivienda.pr.gov](mailto:LegalCDBG@vivienda.pr.gov); via postal mail to: CDBG-DR Legal Division, P.O. Box 21365, San Juan, PR 00928-1365; or in person at PRDOH's Headquarters at: CDBG-DR Legal Division, 606 Barbosa Avenue, Juan C. Cordero Dávila Building, Río Piedras, P.R. 00918.

If the Applicant disagrees with any **final** written determination on an Administrative Review Request notified by PRDOH after completing the Administrative Adjudicative Procedure, said party may file a Judicial Review petition before the Court of Appeals of Puerto Rico within **thirty (30) days** after a copy of the notice has been filed. See Act No. 201-2003, as amended, known as the Judiciary Act of the Commonwealth of Puerto Rico of 2003, 4 L.P.R.A. § 24 *et seq.*, and section 4.2 of Act 38-2017, as amended, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico, 3 L.P.R.A. § 9672.

## **15 General Provisions**

### **15.1 Program Guidelines Scope**

This document sets forth the policy governing the Program. These Program Guidelines are intended to aid and provide program activity guidance in Program implementation and closeout and should not be construed as exhaustive instructions. All Program activities must comply with the policies hereby stated. In addition, all program staff must adhere to established program procedures and all federal and state laws and regulations in effect, as applicable, in the execution of program activities.

However, the PRDOH reserves its right to authorize, in its sole discretion, the granting of Program benefits to any Applicant, only when exceptional circumstances, not contemplated in these guidelines, justify it. Such faculty will be exercised on a case-by-case basis in compliance with local, state, and federal requirements. PRDOH is in no way obligated to grant the Program benefits in said cases.

### **15.2 Program Guidelines Amendments**

PRDOH reserves the right to modify the policies established in these Guidelines if the program guidelines, as written, do not reflect the intended policy or cause procedures to be impracticable, among any other circumstances. If an amended version of these guidelines is approved, the amended version fully supersedes all other previous versions and should be used as the basis for the evaluation of all situations encountered in the implementation and/or continuance of the Program from the date of its issuance, that is, the date that appears on the cover of these guidelines. Each version of the program guidelines will contain a detailed version control log that outlines any substantive amendment, inclusions and/or changes.



### **15.3 Disaster Impacted Areas**

As described in the initial Action Plan, and its amendments, the Government of Puerto Rico will use CDBG-DR funds solely for necessary expenses related to disaster relief, long-term recovery, restoration of housing, infrastructure, and economic revitalization in the impacted and distressed areas in Puerto Rico as identified in disaster declaration numbers DR-4336 and 4339. Through the Federal Register Vol. 83, No. 157 (August 14, 2018), 83 FR 40314, HUD identified that, for Puerto Rico, all components of the Island are considered “most impacted and distressed” areas. Therefore, these guidelines apply to all 78 municipalities of Puerto Rico.

### **15.4 Extension of Deadlines**

The Program could extend deadlines on a case-by-case basis. The Program may decline to extend a deadline if such extension will jeopardize the Program's completion schedule or the schedule of an individual construction project. The aforementioned strictly applies to program deadlines or established program terms. Under no circumstance(s) does the faculty to extend deadlines apply to the established terms of time in any applicable federal or state law or regulation, or to the terms of times established in these guidelines to request a Program-based Reconsideration, administrative review and/or judicial review.

### **15.5 Established Periods of Time**

Unless otherwise specified, all established periods of time addressed in this and all CDBG-DR Program Guidelines will be considered calendar days. On this matter, PRDOH, as grantee, will follow Rule 68.1 of the Rules of Civil Procedure of Puerto Rico, 32 LPRA Ap. V, R. 68.1.

### **15.6 Written Notifications**

All determinations made by the Program will be notified in writing. If an applicant believes that any determination was made without being written, the Applicant may request that such decision be made in writing and duly substantiated.

### **15.7 Conflict of Interest**

As stated in 83 FR 5844, Federal regulations require that State grantees, in the direct Grant administration and means of carrying out eligible activities, be responsible with program administrative requirements, including those established in 24 C.F.R. § 570.489(h) related to conflicts of interest.

Several federal and state conflict of interest laws can govern CDBG-DR assisted activities. Therefore, PRDOH has enacted the Conflict of Interest Policy and Standards of Conduct Policy (**COI Policy**) in conformity with the following applicable federal and state regulations:

1. HUD conflict of interest regulations, 24 C.F.R. § 570.611;

2. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200 at § 200.112 and § 200.318 (c)(1);
3. Puerto Rico Department of Housing Organic Act, Act 97 of June 10, 1972, as amended, 3 L.P.R.A. § 441 *et seq.*;
4. The Anti-Corruption Code for the New Puerto Rico, Act No. 2-2018, as amended; 3 L.P.R.A. § 1881 *et seq.*; and
5. The Puerto Rico Government Ethics Office Organic Act, Act 1-2012, as amended. 3 L.P.R.A. § 1854 *et seq.*

The COI Policy outlines PRDOH's responsibility, in its role as grantee, to identify, evaluate, disclose and manage apparent, potential or actual conflicts of interest related to CDBG-DR funded projects, activities and/or operations. Said Policy is intended to serve as guidance for the identification of apparent, potential, or actual conflicts of interest in all CDBG-DR assisted activities and/or operations. In accordance with 24 C.F.R. § 570.489(h), the COI Policy also includes standards of conduct governing employees engaged in the award or administration of contracts.

As defined in the COI Policy, a conflict of interest is a situation in which any person who is a public servant, employee, agent, consultant, officer, or elected official or appointed official of the PRDOH, or of any designated public agencies, or of Subrecipients that are receiving funds under the CDBG-DR Program may obtain a financial or personal interest or benefit that is or could be reasonably incompatible with the public interest, either for themselves, or with those whom they have business, or an organization which employs or is about to employ any of the parties indicated herein, or a member of their family unit during their tenure or for **two (2) years** after.

Such conflicts of interests will not be tolerated by PRDOH. PRDOH, Program officials, their employees, agents and/or designees are subject to state ethic laws and regulations, including, but not limited to the Puerto Rico Government Ethics Act of 2011 in regard to their conduct in the administration, granting of awards and program activities.

According to the aforementioned Act, no public servant shall intervene, either directly or indirectly, in any matter in which they have a conflict of interests that may result in their benefit. No public servant shall intervene, directly or indirectly, in any matter in which any member of their family unit, relative, partner or housemate has a conflict of interest that may result in benefit for any of the abovementioned. In the case that any of the abovementioned relationships has ended during the **two (2) years** preceding the appointment of the public servant, they shall not intervene, either directly or indirectly, in any matter related to them until **two (2) years** have elapsed after their appointment. This prohibition shall remain in effect insofar the beneficial ties with the public servant exist. Once the beneficial ties end, the public servant shall not intervene, either directly or indirectly, in such matter until **two (2) years** have elapsed.

The above conflict of interest statement does not necessarily preclude PRDOH Program Officials, their employees, agents and/or designees from receiving assistance from the Program. On a case-by-case basis, PRDOH Program Officials, their employees, agents and/or designees may still be eligible to apply and to receive assistance from the Program if the Applicant meets all Program eligibility criteria as stated in these Guidelines. PRDOH Program Officials, their employees, agents and/or designees should disclose their relationship with PRDOH at the time of their application.

The COI Policy, and all CDBGDR-Program policies, are available in English and Spanish on the PRDOH website at <https://cdbg-dr.pr.gov/en/resources/policies/> and <https://cdbg-dr.pr.gov/recursos/politicas/>.

### **15.8 Citizen Participation**

Throughout the duration of the grant, all citizen comments on PRDOH's published Action Plan, any substantial amendments to the Action Plan, performance reports and/or other issues related to the general administration of CDBG-DR funds, including all programs funded by this grant, are welcomed.

Citizen comments may be submitted through any of the following means:

- Via phone: 1-833-234-CDBG or 1-833-234-2324 (TTY: 787-522-5950)  
Attention hours Monday through Friday from 8:00am-5:00pm
- Via email at: [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov)
- Online at: <https://www.cdbg-dr.pr.gov/en/contact/> (English)  
<https://www.cdbg-dr.pr.gov/contact/> (Spanish)
- In writing at: Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

The Citizen Participation Plan and all CDBG-DR Program policies are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/download/citizen-participation-plan/> and <https://www.cdbg-dr.pr.gov/download/plan-de-participacion-ciudadana/>. For more information on how to contact PRDOH, please refer to [www.cdbg-dr.gov](http://www.cdbg-dr.gov).

### **15.9 Citizen Complaints**

As part of addressing Puerto Rico's long-term recovery needs, citizen complaints on any issues related to the general administration of CDBG-DR funds are welcome throughout the duration of the grant. It is PRDOH's responsibility, as grantee, to ensure that all

complaints are dealt with promptly and consistently and at a minimum, to provide a timely, substantive written response to every written complaint within **fifteen (15) business days**, where practicable, as a CDBG grant recipient. See, 24 C.F.R. § 570.486(a)(7).

Citizens who wish to submit formal complaints related to CDBG-DR funded activities may do so through any of the following means:

- Via email at: [infoCDBG@vivienda.pr.gov](mailto:infoCDBG@vivienda.pr.gov)
- Online at: <https://cdbg-dr.pr.gov/en/complaints/> (English)  
<https://cdbg-dr.pr.gov/quejas/> (Spanish)
- In writing at: Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

Although formal complaints are required to be submitted in writing, complaints may also be received verbally and by other means necessary, as applicable, when PRDOH determines that the citizen's particular circumstances do not allow the complainant to submit a written complaint. However, in these instances, PRDOH shall convert these complaints into written form. These alternate methods include, but are not limited to:

- Via telephone: \* 1-833-234-CDBG or 1-833-234-2324 (TTY: 787-522-5950)
- In-person at: \* PRDOH Headquarters Office or Program-Specific Intake Centers

\*Attention hours: Monday – Friday from 8:00 a.m. to 5:00 p.m.<sup>10</sup>

The Citizen Complaints Policy and all CDBG-DR Program policies are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/resources/policies/general-policies/> (English) and <https://www.cdbg-dr.pr.gov/recursos/politicas/politicas-generales/> (Spanish).

### **15.10 Anti-Fraud, Waste, or Mismanagement**

PRDOH, as grantee, is committed to the responsible management of CDBG-DR funds by being a good advocate of the resources while maintaining a comprehensive policy for preventing, detecting, reporting and rectifying fraud, waste, abuse, or mismanagement.

Pursuant to 83 FR 40314, PRDOH implements adequate measures to detect and prevent fraud, waste, abuse, or mismanagement in all programs administered with CDBG-DR funds as well as encourages any individual who is aware or suspects any kind of conduct or activity that may be considered an act of fraud, waste, abuse, or mismanagement,

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<sup>10</sup> Hours may vary due to COVID-19. PRDOH recommends calling ahead prior to arrival to corroborate.

regarding the CDBG-DR Program, to report such acts to the CDBG-DR Internal Audit Office, directly to the Office of Inspector General (**OIG**) at HUD, or any local or federal law enforcement agency.

The Anti-Fraud, Waste, Abuse, or Mismanagement Policy (**AFWAM Policy**) is established to prevent, detect and report any acts, or suspected acts, of fraud, waste, abuse, or mismanagement of CDBG-DR funds. This Policy applies to any allegations or irregularities, either known or suspected, that could be considered acts of fraud, waste, abuse, or mismanagement, involving any citizen, previous, current or potential applicant, beneficiary, consultant, contractor, employee, partner, provider, subrecipient, supplier, and/or vendor under the CDGB-DR Program.

<b>REPORT FRAUD, WASTE, ABUSE, OR MISMANAGEMENT TO PRDOH</b>	
CDBG-DR Hotline	787-274-2135 (English/Spanish/TTY)
Postal Mail	Puerto Rico Department of Housing CDBG-DR Internal Audit Office P.O. BOX 21355 San Juan, PR 00928-1355
Email	<a href="mailto:hotlineCDBG@vivienda.pr.gov">hotlineCDBG@vivienda.pr.gov</a>
Online	Fill out the AFWAM Submission Form available in English and Spanish at <a href="http://www.cdbg-dr.pr.gov">www.cdbg-dr.pr.gov</a> or <a href="https://cdbg-dr.pr.gov/app/cdbgdpublic/Fraud">https://cdbg-dr.pr.gov/app/cdbgdpublic/Fraud</a>
In person	Request a meeting with the Deputy Audit Director of the CDBG-DR Internal Audit Office located at PRDOH's Headquarters at 606 Barbosa Avenue, Building Juan C. Cordero Dávila, Río Piedras, PR 00918.

<b>REPORT FRAUD, WASTE, ABUSE, OR MISMANAGEMENT DIRECTLY TO HUD OIG</b>	
HUD OIG Hotline	1-800-347-3735 (Toll-Free) 787-766-5868 (Spanish)
Postal Mail	HUD Office of Inspector General (OIG) Hotline 451 7th Street SW Washington, D.C. 20410
Email	<a href="mailto:HOTLINE@hudoig.gov">HOTLINE@hudoig.gov</a>
Internet	<a href="https://www.hudoig.gov/hotline">https://www.hudoig.gov/hotline</a>

The AFWAM Policy and all CDBG-DR Program policies, are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/resources/policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

### **15.11 Related Laws and Regulations**

These Guidelines make reference as to how the provisions of certain laws apply to the Program. However, other related laws may exist which are not included in these Guidelines. This does not negate or preclude the Program from applying the provisions of those laws, nor an applicant from receiving services, when applicable. Moreover, PRDOH can enact, or may have enacted, regulations that address how the laws mentioned in these guidelines are managed. If there are any discrepancies between these Guidelines and the laws and/or regulations mentioned in them, then the latter will prevail over the guidelines. If at any time the laws and/or the applicable regulations mentioned in these guidelines are amended, the new provisions will apply to the Program without the need to amend these Guidelines.

### **15.12 Cross-Cutting Guidelines**

Some federal and local requirements apply to all programs funded by CDBG-DR. These Cross-Cutting Guidelines cover topics such as: financial management; environmental review; labor standards; acquisition; relocation; fair housing; among others. The requirements described in the above referenced Cross-Cutting Guidelines, apply to all programs described in PRDOH's CDBG-DR Initial Action Plan and its amendments.

The Cross-Cutting Guidelines and all CDBG-DR Program policies are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/resources/policies/general-policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/politicas-generales/>.

## **16 Program Oversight**

Nothing contained within these guidelines is intended to limit the role of PRDOH, HUD, and/or corresponding authorities from exercising oversight and monitoring activities of the Program.

## **17 Severability Clause**

If any provision of these guidelines, or the application thereof to any person, partnership, or corporation, or circumstance, is deemed invalid, illegal, or incapable of being enforced to any extent by a competent court, the remainder of these guidelines, and the application of such provisions, will not be affected. All valid applications of these guidelines shall be severed from any applications deemed invalid, leaving the valid applications in full force.

**END OF GUIDELINES**