

CERTIFICATIONS

The Puerto Rico Department of Housing acknowledges HUD guidance as outlined in the May 18, 2023, notice at 88 FR 32046, to make the following certifications with its action plan:

a. The Puerto Rico Department of Housing certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.

b. The Puerto Rico Department of Housing certifies its compliance with restrictions on lobbying required by 24 C.F.R. Part 87, together with disclosure forms, if required by Part 87.

c. The Puerto Rico Department of Housing certifies that the Action Plan for Disaster Recovery is authorized under State and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and as modified by waivers and alternative requirements.

d. The Puerto Rico Department of Housing certifies that activities to be administered with funds under this Notice are consistent with its Action Plan.

e. The Puerto Rico Department of Housing certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 C.F.R. Part 24, except where waivers or alternative requirements are provided for in this Notice.

f. The Puerto Rico Department of Housing certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §1701u) and implementing regulations at 24 C.F.R. Part 75.

g. The Puerto Rico Department of Housing certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 C.F.R. §91.105 or §91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 C.F.R. §570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

h. The Puerto Rico Department of Housing certifies, as a State receiving a direct award under this Notice, that it has consulted with affected local governments in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the State in determining the uses of funds, including method of distribution of funding, or activities carried out directly by the State.

i. The Puerto Rico Department of Housing certifies that it is complying with each of the following criteria:

1. Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2018 and 2019 pursuant to the Robert T. Stafford Disaster Relief and emergency Assistance Act of 1974 (42 U.S.C. §5121 et seq.).

2. With respect to activities expected to be assisted with CDBG-DR funds, the Action Plan has been developed to give the maximum feasible priority to activities that will benefit low- and moderate-income families.

3. The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent of the grant amount is expended for activities that benefit such persons.

4. The Puerto Rico Department of Housing will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income., † The Puerto Rico Department of Housing certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

j. The Puerto Rico Department of Housing certifies that it grants will conduct and carry out the grant in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) and the Fair Housing Act (42 U.S.C. §§3601–3619) and implementing regulations, and that it will affirmatively further fair housing.

k. The Puerto Rico Department of Housing certifies that it has adopted and is enforcing the following policies. In addition, States receiving a direct award must certify that they will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

l. The Puerto Rico Department of Housing certifies, as a State receiving a direct award under this Notice, that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements of this notice.

m. The grantee certifies to the accuracy of its Financial Management and Grant Compliance certification requirements, or other recent certification submission, if approved by HUD, and related supporting documentation as provided in section III.A.1. of the Consolidated Notice and the grantee's implementation plan and related submissions to HUD as provided in section III.A.2. of the Consolidated Notice.

n. The Puerto Rico Department of Housing will not use grant funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the State, local, or tribal government or delineated as a special flood hazard area (or 100-year floodplain) in FEMA's most recent flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 C.F.R. Part 55. The relevant data source for this provision is the State, local and tribal government land use regulations and hazard mitigation plan and the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.

o. The Puerto Rico Department of Housing certifies that its activities concerning lead-based paint will comply with the requirements of 24 C.F.R. Part 35, subparts A, B, J, K, and R.

p. The Puerto Rico Department of Housing certifies that it will comply with environmental requirements at 24 C.F.R. Part 58.

q. The Puerto Rico Department of Housing certifies that it will comply with Title 1 of the HCDA and with other applicable laws.

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S. C. 287, 1001 and 31 U. S. C. 3729.