CDBG-MIT

PROGRAM GUIDELINES

MITIGATION AND ADAPTATION POLICY SUPPORT PROGRAM

DEPARTMENT OF HOUSING

GOVERNMENT OF PUERTO RICO

September 10, 2025

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PUERTO RICO DEPARTMENT OF HOUSING

CDBG-MIT PROGRAM GUIDELINES

MITIGATION AND ADAPTATION POLICY SUPPORT PROGRAM

VERSION CONTROL

VERSION NUMBER	DATE REVISED	DESCRIPTION OF REVISIONS
1	**March 29, 2023**	**Original Version**
2	**August 19, 2024**	**Amendments in Section 4 of the English version for alignment with the Spanish version, as well as other amendments in Section 4.2 to clarify the scope and content of Outcome 3.**
3	**September 10, 2025**	**Amendments in Sections 2, 4, 6 and 7 to update the MAPS Board responsibilities. All edits have been highlighted in gray.**

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1 Overview

The U.S. Department of Housing and Urban Development (**HUD**) has allocated $8.3 billion to Puerto Rico for activities to increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage or loss of property, suffering, and hardship, by lessening the impact of future disasters. The rules for administering the funds, under the new Community Development Block Grant - Mitigation (**CDBG-MIT**) Program, are outlined in Federal Register Vol. 84, No. 169 (August 30, 2019), 84 FR 45838, and Federal Register Vol. 85, No. 17 (January 27, 2020), 85 FR 4676, except where the terms have been amended by official correspondence and in many cases replaced by the final language included in the Grant Agreement.[1]

Through the CDBG-MIT allocation, HUD intends to: "Support the adoption of policies that reflect local and regional priorities that will have long-lasting effects on community risk reduction, to include the risk reduction to community lifelines such as Safety and Security, Communications, Food, Water, Sheltering, Transportation, Health and Medical, Hazardous Material (management) and Energy (Power & Fuel); and future disaster costs (e.g., adoption of forward-looking land use plans that integrate the hazard mitigation plan, latest edition of the published disaster-resistant building codes and standards (to include wildland urban interface, flood and all hazards, ASCE–24, and ASCE–7 respectively), vertical flood elevation protection, and policies that encourage hazard insurance for private and public facilities) […]."[2]

In alignment with HUD's expectations, the Puerto Rico Department of Housing (**PRDOH**), as grantee, is focused on achieving resilience through the organization, analysis, and implementation of policies to effectively harden and modernize the built environment to withstand future hazardous events. When deciding how to mitigate natural and human-caused hazards, three (3) organizing principles arise, as evaluated in the Risk-Based Mitigation Needs Assessment. The organizing principles lead to the most appropriate response to the mitigation needs identified throughout the CDBG-MIT Action Plan and PRDOH programs:

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[1] The executed Grant Agreement can be found on the PRDOH webpage at https://recuperacion.pr.gov/en/resources/cdbg-dr-documents/.
[2] 84 FR 45838.

- Reduce system fragility by lessening the impact of hazard events on the environment, social structures, and ecological systems.
- Improve the adaptive capacity of Puerto Rico by removing impediments to long-term systemic change and promoting collaborative governance at multiple scales.
- Create self-sustaining, regenerative systems that have the ability to persist or thrive through physical, economic, and social challenges after a hazard event.

1.1 Risk-Based Mitigation Needs

By using the Community Lifeline construct, which describes areas essential to human health, safety, and economic security, PRDOH evaluated present contributors and mitigators of instability. The evaluation helps to identify the most significant needs within each critical and secondary lifeline. These contributors and mitigators of instability were evaluated in four (4) key pillars: (1) local planning and regulations, (2) structure and infrastructure improvement need, (3) natural systems protection, and (4) education and awareness.

The Mitigation and Adaptation Policy Support (**MAPS Program** or **Program**) Program directly meets a multitude of Risk-Based Mitigation Needs by ensuring policy analysis is contemplated within mitigation activities to adapt, reinforce, and update the built environment. The foundation of a community's ability to withstand adversity and hazardous events is supported by contemplating the natural environment and the social systems affecting human behavior.

1.2 Objective

Policies with a mitigating result are among the most cost-effective methods for enhancing resilience. The main objective of the MAPS Program is to organize and analyze existing policies, programs, plans, and projects across the CDBG portfolio and other capital investments to identify opportunities for their effective implementation. The Program's goal is achieved by assessing opportunities such as implementing land use patterns and policies serving Community Lifeline resilience and preventing the construction in disaster-prone areas, since it is of paramount importance that these construction patterns are not repeated in the future.

The MAPS Program will conduct an extensive review of Puerto Rico's state and municipal policy and processes, building codes, land use plans, and zoning in relation to the findings in the PRDOH Risk-Based Mitigation Needs Assessment. As part of its analysis, the Program will consider modern mitigation solutions, green infrastructure, and the benefits gained through the utilization and protection of cultural and natural resources.

2 Definitions and Acronyms

- **Community Development Block Grant** (**CDBG**): Federal grant program administered by HUD that provides funds to local and state governments. The CDBG Program works to ensure decent and affordable housing, to provide services to the most vulnerable communities, and to create jobs through business expansion and retention.

- **Community Lifelines:** Community Lifelines are defined by the Federal Emergency Management Agency (**FEMA**) as "those services that enable the continuous operation of critical government and business functions and are essential to human health and safety or economic security."[3] Lifelines are the integrated network of assets, sectors, services, and capabilities that are used day-to-day to support the recurring community needs. Lifelines also represent an organizing principal for resource allocation and prioritization during and after a disaster.

- **Department of Housing and Urban Development** (**HUD**): Federal department through which CDBG, CDBG-DR, and CDBG-MIT programs funds are distributed to recipients.

FEMA Hazard Mitigation Plans (**HMPs**): When applying for certain types of non-emergency disaster assistance, FEMA requires a Hazard Mitigation Plan. Hazard

[3] U.S. Department of Homeland Security. *National Response Framework*, Fourth Edition, October 28, 2019. Available at: https://www.fema.gov/sites/default/files/documents/NRF_FINALApproved_2011028.pdf.

mitigation plans need to be updated and re-submitted for FEMA approval **every five (5) years** to maintain eligibility.[4]

- **Mitigation Activities**: Through Notice 84 FR 45838, 45840, HUD defines them as "those activities that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters."

- **MAPS Board**: A governing body of seven (7) members appointed by the PRDOH Disaster Recovery Deputy Secretary to serve during the Program's life. Responsible for providing feedback for the MAPS Program outcomes developed by the Program vendor(s) or MAPS Supporting Entities.

- **MAPS Supporting Entities:** Multisector and multidisciplinary organizations who may include government and the private non-profit sector, among other eligible entities. The purpose for each entity is to contribute their expertise according to their field. The MAPS Supporting entities may advise, assist, and align PRDOH and Program vendor(s) in the implementation of a comprehensive work plan to achieve the MAPS Program outcomes.

- **Subrecipient**: An entity, usually but not limited to non–Federal entities, that receives a sub-award from a pass-through entity to carry out part of a federal program. The term does not include an individual that is a beneficiary of a federal program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.[5]

Vendor(s): A dealer, distributor, merchant, or other seller providing goods or services that are required to carry out a Federal program. These goods or services may be for an organization's own use or for the use of beneficiaries of the Federal program.[6]

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[4] FEMA. FEMA's Hazard Mitigation Assistance Guidance: Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, and Flood Mitigation Assistance Program, February 27, 2015. Available at https://www.fema.gov/sites/default/files/2020-04/HMA_Guidance_FY15.pdf.

[5] 2 C.F.R. § 200.1 - Definitions.

[6] 29 C.F.R. § 99.105 - Definitions.

3 National Objective

CDBG-MIT funds expended for planning are considered to address the national objectives for the grant as a whole; therefore, no documentation of compliance is required.[7]

4 Program Description

The design of the MAPS Program is based on the policy needs gathered during the stakeholder engagement process conducted as part of the development of PRDOH's CDBG-MIT Action Plan. Likewise, within the framework of the Community Development Block Grant – Disaster Recovery (**CDBG-DR**) Programs, the Municipal Recovery Planning (**MRP**) Program; and the Whole Community Resilience Planning (**WCRP**) Program are also considered. It may also build on data of policy needs collected during the development of the Puerto Rico Geospatial Framework (**GeoFrame**) Program, as available. Information from the CDBG-MIT Planning and Capacity Building (**PCB**) Program, and the Risk and Asset Data (**RAD**) Collection Program may be employed as it becomes available, as well as concerns identified through the planning and design process of other mitigation programs. This analysis will increase the understanding of risks directed toward integrating and aligning local, state, and federal policies impacting mitigation and long-term resilience.

The MAPS Program organizes and analyzes existing policy, building codes, land use plans, zoning, and planning and capacity-building interventions to propose strategies of the alignment and integration of the existing legal framework for adaptation and policy support. In doing so, the Program analyzes social structures founded on the geographically based Risk-Based Mitigation Needs Assessment completed. The purpose is to improve a community's ability to prepare for, avoid, recover from, and adapt to potential future risks; thereby decreasing the magnitude of adverse impacts of hazardous events.

The Program will have an academic component from which existing policy alternatives will be analyzed. As part of a comprehensive analysis, the MAPS Program may consider multi-hazard mitigation policies to propose possible strategies to

[7] 24 C.F.R. § 570.483(f).

increase the resilience of local jurisdictions and neighborhoods. Existing policy concepts to be studied include, but not limited to:[8]

- Using conservation easements to protect environmentally significant portions of parcels;
- Designating agricultural use districts;
- Ensuring the zoning ordinance encourages higher density outside of high-risk areas;
- Incorporating restrictive covenants on properties located on hazard areas;
- Strengthen land use regulations governing development by encouraging mitigation measures and techniques, especially in high-risk areas or high hazard districts, such as shorelines, steep slopes, or wetlands;
- Supporting local adoption and enforcement of building code and inspections to ensure buildings can adequately withstand damage during hazard events;
- Developing local funding mechanisms to capitalize resources in such ways as to establish a local reserve of funds for public mitigation measures; and
- Using tax incentives to encourage new development in low-risk areas and infill, and likewise use tax disincentives to discourage development in hazardous areas.

The implementation of the MAPS Program is led by PRDOH. Program deliverables will be developed by the Program vendor(s) and, in some cases, by MAPS Supporting Entities. In addition to producing deliverables, MAPS Supporting Entities may provide technical guidance, support, and help ensure alignment between PRDOH and Program vendor(s) throughout implementation. Deliverables from the Program vendor(s) will be shared with MAPS Supporting Entities as needed, and routinely provided to the MAPS Board for their review, input, and recommendations.

4.1 Program Goals

MAPS will identify and analyze existing rules, laws, regulations, ordinances, and policies that impact hazards and risk mitigation, and resilience efforts in Puerto Rico, and propose their effective integration and implementation. It will also support the CDBG-

[8] FEMA. *Mitigation Ideas: A Resource for Reducing Risk to Natural Hazards*. January 2013; available at https://www.fema.gov/sites/default/files/2020-06/fema-mitigation-ideas_02-13-2013.pdf.

MIT portfolio as a dedicated study of policy, to assess items within the social and governance structure of Puerto Rico that may be contributing to risk and lending to instability within Community Lifelines. Additionally, the Program shall support the ability of state and local agencies to reduce risks and mitigate future damages from hazard events through the proposed alternatives of implementation of activities, laws, regulations, and policies. This support will involve a thorough stakeholder engagement process.

By implementing this Program, PRDOH sets the following goals for increasing the adaptive capacity of Puerto Rico:

- Establish short-term integration of qualified entities with a mission or role in climate adaptation, mitigation public policy, or Lifeline sector governance as Supporting Entities to advise and assist in the implementation of the Program.[9]
- Identify criteria by which to assess existing policy for resilience and adaptive capacity in Puerto Rico.
- Provide a public report and policy toolbox based on the thorough review and analysis of existing policy governance at the state, municipal, and local levels of regulation, law, ordinance, zoning, and land use. The report and toolbox should include recommended courses of action.
- Execute or implement a series of engagement activities for general public and other stakeholders. The outreach and engagement activities could be, but are not limited to, public comments, dissemination of information, meetings, among others as identified by PRDOH.

4.2 Program Outcomes

In collaboration with the Program's vendor(s) and the MAPS Supporting Entities, PRDOH will analyze policies, procedures, incentives, codes, or regulations related to or impacted by hazards and provide proposals for effective implementation through a public report (**Outcome 1**). The public report may include a final analysis of existing rules, laws, regulations, and policies that impact hazards and risk mitigation, and

[9] The selection criteria can be found in the Subrecipient Manual for CDBG-DR & CDBG-MIT available in English and Spanish at https://recuperacion.pr.gov/en/download/subrecipient-manual/ and https://recuperacion.pr.gov/download/manual-del-subrecipiente/.

resilience on Puerto Rico, including the proposed strategies to strengthen their mitigative and resilience impact and other proposed final effective strategies. It may also include a Scenario Analysis examining elements that enhance the mitigating efficacy of policies, programs, plans, and projects across the CDBG investments portfolio and other capital investments. The report may also include proposed implementation timetables, cost estimates, and a compilation of applicable regulations to any proposed plans or policies. Finally, the analysis may consist of multiple assessments for the implementation plan with a focus on leveraging resources from other CDBG-MIT programs, as defined in the Action Plan.

To identify regulatory or policy-oriented methods, PRDOH will publish a Policy Toolbox (**Outcome 2**). This toolbox will include a collection of best practices regarding Mitigation Planning Programs, hazard concerns, existing ordinance models and regulatory tools to address issues found. Examples of existing best practices are relocation of at-risk communities, land use restrictions, and ordinances to support actions addressing an increase in hazard insurance coverage.

The Program seeks the planning and policy integration and alignment (**Outcome 3**) with the use of a mitigation and resilience scorecard, developed using data collected by the MRP Program to address hazards identified in the Mitigation Risk-Based Needs Assessment. Additional geospatial data collected under the GeoFrame Program and the RAD Program may be used as it becomes available. This scorecard will be used to assess hazards and mitigation opportunities. All data collected under the programs will be made readily available for developments, improvements, and/or implementation to local HMPs, FEMA Hazard Mitigation Proposals, or FEMA-Approved Enhanced Mitigation Plans.

4.2.1 Dissemination of Program Outcomes

All MAPS Program final documents, studies, results, assessments of possible courses of action, and outcomes shall be published online in PRDOH's website and may be distributed in physical and/or digital form, upon request. Similarly, PRDOH will conduct outreach activities on Program outcomes, which may involve federal and local government entities, program-identified stakeholders, and other relevant parties. All

Program outreach activities will be coordinated with the PRDOH CDBG-DR/MIT Communications Division.

5 Eligible Use of Funds

The Program is intended to provide funding for planning activities, including funding for Subrecipients, or procured program support service providers to:

- Perform studies, legal review and fiscal impact statements of policies and regulations;
- Conduct analysis and data gathering;
- Prepare plans, policy toolboxes, and other planning products;
- Identify actions that will implement plans;
- Conduct outreach and coordination with citizens and stakeholders;
- Propose the implementation of existing regulations, ordinances, or codes, and build capacity;
- Purchase tools and software necessary to conduct the planning activities;
- Conduct vendor activities necessary to develop the program outcomes;
- Conduct activities for the monitoring, evaluation, and oversight of vendor activities and deliverables, such as:
    - Monitoring reports and evaluations,
    - Invoicing and documentation,
    - Coordination, oversight, and management of vendors,
    - Coordination with PRDOH and MAPS project manager,
    - QA/QC and review of deliverables.

5.1 Eligible Activities

The following Housing and Community Development Act (**HCDA**) activities are eligible for funding under the MAPS program:

- Section 105(a)(3) - Code Enforcement;
- Section 105(a)(12) – Planning and Capacity Building;
- Section 105(a)(14) – Activities Carried Out through Nonprofit Development Organizations; and
- Section 105(a)(21) – Assistance to Institutions of Higher Education.

5.2 Ineligible Activities

The following costs are considered not eligible to receive funding or reimbursement:

- Legislative lobby activities;
- Engineering, architectural, and design costs related to a specific project such as detailed engineering specifications and working drawings;
- Construction or any costs of implementation of projects or plans; and
- Costs not associated with the development of planning activities, analysis of mitigation and risk-reduction policies, and public outreach and engagement of the MAPS Program.

6 MAPS Board

The MAPS Program Board is a governing body comprised of seven (7) members, appointed to serve during the Program's life. Its members and internal committees will be appointed by the PRDOH Disaster Recovery Deputy Secretary to achieve a diverse and multi-disciplinary representation of PRDOH leadership.

The MAPS Program Board is responsible for providing feedback for the MAPS Program outcomes developed by the Program vendor(s)or MAPS Supporting Entities. Accordingly, Board members are expected to contribute their subject-matter expertise and offer informed feedback on Program deliverables and their anticipated results.

The MAPS Program Board has two (**2**) internal committees: the Coordination Committee and the Policy Review Committee. Both committees are coordinated and directed by the Lead Coordinator (See **Figure 1**: MAPS Board Organizational Chart).

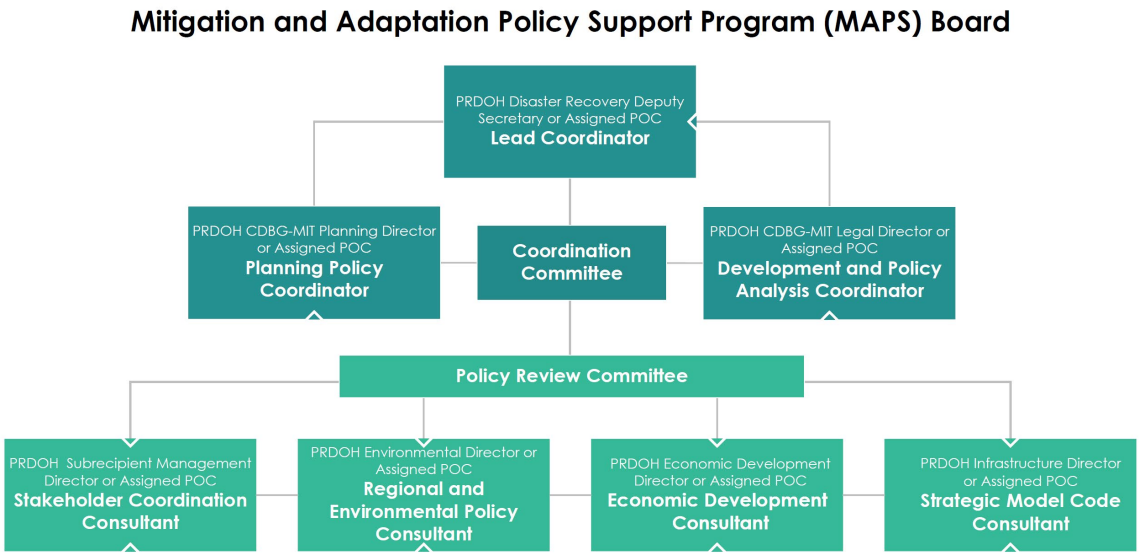

Figure 1: MAPS Program Board Organizational Chart

6.1 MAPS Board Structure

6.1.1 Coordination Committee

The Coordination Committee is an internal body responsible for facilitating the review process and providing feedback on MAPS Program deliverables. The Committee is composed of three (**3**) members: the Lead Coordinator, the Planning Policy Coordinator and the Development and the Policy Analysis Coordinator.

6.1.2 Coordination Committee Tasks

- Coordinate with the Program for the review of deliverables.
- Assist the MAPS Program Board Lead Coordinator in organizing, reviewing, and delivering feedback on Program deliverables.

6.1.3 Policy Review Committee

This internal committee will provide subject-matter expertise and guidance on MAPS Program deliverables. The MAPS Program Policy Review Committee is comprised of four (**4**) members: the Stakeholder Coordination Consultant; the Regional and Environmental Policy Consultant; the Economic Development Consultant; and the Strategic Model Code Consultant.

6.1.4 Policy Review Committee Tasks

- Support the Coordination Committee on determinations regarding policy analysis, issues found, and possible solutions.
- Review and provide feedback on deliverables submitted by the Program vendor(s).
- Participate in meetings, presentations, and work sessions with the Coordination Committee, MAPS Supporting Entities, and Program vendor(s) to provide their opinions, research, and recommendations for the direction of the Program.

7 MAPS Supporting Entities

MAPS Supporting Entities can be multi-sector and multi-disciplinary organizations that may include government and the non-profit private sector, among other eligible entities. The purpose is for each entity to contribute their expertise according to its field. MAPS Supporting Entities may advise, assist, and align PRDOH and the Program vendor(s) in the implementation of a comprehensive work plan to achieve the MAPS Program outcomes.

Depending on program needs, MAPS Supporting Entities may be tasked with producing specific deliverables or evaluating those submitted by the Program vendor(s). Due to the complexity of the research needed for the MAPS Program's development, the MAPS Supporting Entities composition may change or increase. PRDOH will inform the public and interested stakeholders of the selection process for the MAPS Supporting Entities to encourage transparency and inclusiveness.

7.1 MAPS Supporting Entities Requirements

The following items are to be requested (if applicable) in order to ascertain an organization's profile, background, and pertinent experience in implementing programs similar to CDBG-MIT.

1. System of Award Management (**SAM**) Registration;
2. Proof of incorporation or similar document which clearly states the organization's status;
3. Proof of Tax-Exempt Status;
4. Certificate of Good Standing with the State;

5. Organization Bylaws;
6. Population/Area served during the ordinary course of business;
7. A description and supporting documentation of the organization's experience with federal programs other than FEMA (five examples if possible). If there is no experience with federal programs, provide a description of other prior grant experience;
8. If the organization has ever been monitored by a federal entity, a description of the monitoring (agency, date, program monitored, concerns and findings, resolutions) and support documentation;
9. If the organization has ever been monitored by PRDOH or other state agency, a description of the monitoring (agency, date, program monitored, concerns and findings, resolutions) and support documentation;
10. If the organization has ever been audited by the Office of Inspector General (federal or Puerto Rico) or the Office of the Comptroller, a description of the audit (date, program audited, concerns and findings, resolutions) and support documentation;
11. If the organization has ever completed a Single Audit as a result of expending $750,000 or more of federal funds in a year, a description of the audit (date, program audited, concerns and findings, resolutions) and support documentation;
12. If the organization received citizen complaints made in the past **five (5) years**, a description and support documentation of the nature of those complaints and how the complaints were resolved; and/or
13. Any other additional information the organization wishes to submit to the Program to consider in its evaluation of organizational history and pertinent experience.

7.2 Selection Criteria for all MAPS Supporting Entities

PRDOH will engage, document, and justify the selection of the MAPS Supporting Entities based on their qualifications and specialized skillset to provide services for the execution of the MAPS Program. The determination shall consider the following criteria:

- How the entity is distinctively qualified due to having specialized or sole jurisdiction;
- If the minimum needs of the Program could only be met by the selected Subrecipient's skillset; or
- If it will result in increased efficiency and productivity, thereby more quickly addressing Program needs.

The MAPS Supporting Entities selection follows criteria established on the Subrecipient Management Policy, available in English and Spanish, on the PRDOH website at https://recuperacion.pr.gov/en/download/subrecipient-management-policy/ and https://recuperacion.pr.gov/download/politica-para-el-manejo-de-subrecipientes/. Additionally, in order to qualify, entities must undergo a Capacity Assessment.

7.3 Eligible Entities

Eligible MAPS Supporting Entities must be one (1) of the following types of entities:[10]

(a) Units of general local government (**UGLG**)/ municipalities (including departments and divisions);
(b) Government of Puerto Rico Agencies, Authorities, Trusts, and Boards;
(c) Community-Based Development Organizations and private non-profits; and/or
(d) Non-governmental organization (501(c)(3)) or Not for Profit Entities.

7.4 MAPS Supporting Entities Scope

The MAPS Supporting Entities shall work closely with PRDOH and Program vendor(s) to accomplish the identified tasks.

- **Collaborate in the analysis design, framework, engagement, and recommendations:** MAPS Supporting Entities may collaborate with PRDOH and Program vendor(s) in the design of the analysis to be conducted, advise on the

[10] Any eligible entity such as non-profit organizations and public corporations that are also academic institutions must have the appropriate higher education accreditations, if applicable.

framework to be used, support the engagement and outreach processes, and review policy implementation proposals.

- **Provide recommendations on Outcomes submitted by Program Vendor(s):** Analyses may include but are not limited to a legal and regulatory analysis and a scientific and planning analysis.
- **Collaborate in Public Engagement Report and Final MAPS Outcomes:** MAPS Supporting Entities may coordinate with PRDOH and Program vendor(s) on public engagement and the dissemination of the final MAPS Program outcomes.
- **Collaborate in the Development of fiscal impact statements, cost analyses, and identify possible budgets and funding sources for projects, policies, and programs:** PRDOH may request MAPS Supporting Entities to collaborate with Program vendor(s) to develop cost analyses and identify additional funding.

PRDOH reserves the right to modify or delete tasks listed and, if appropriate, add additional tasks before and during the contemplated agreement's term in coordination with the MAPS Supporting Entities.

8 Procurement of Vendor(s) for Program Outcomes

PRDOH will conduct procurement processes to acquire one (**1**) or more vendors to provide policy and regulation assessment expert services to support the MAPS Program. The primary purpose of the Program vendor(s) is to lead the development of the Program outcomes, as requested by PRDOH. If multiple vendors are contracted, they shall work in a combined arrangement to implement a timely and cost-effective management structure. The Program vendor(s) shall work with MAPS Supporting Entities and the MAPS Board, as requested by PRDOH (See **Figure 2:** MAPS Board, MAPS Supporting Entity, and Vendor Roles). Deliverables from the Program vendor(s) will be shared with MAPS Supporting Entities for their input and recommendations. Additionally, Program vendor(s) shall submit all deliverables to the PRDOH MAPS Board for review and shall address any comments or requested revisions in a timely and thorough manner.

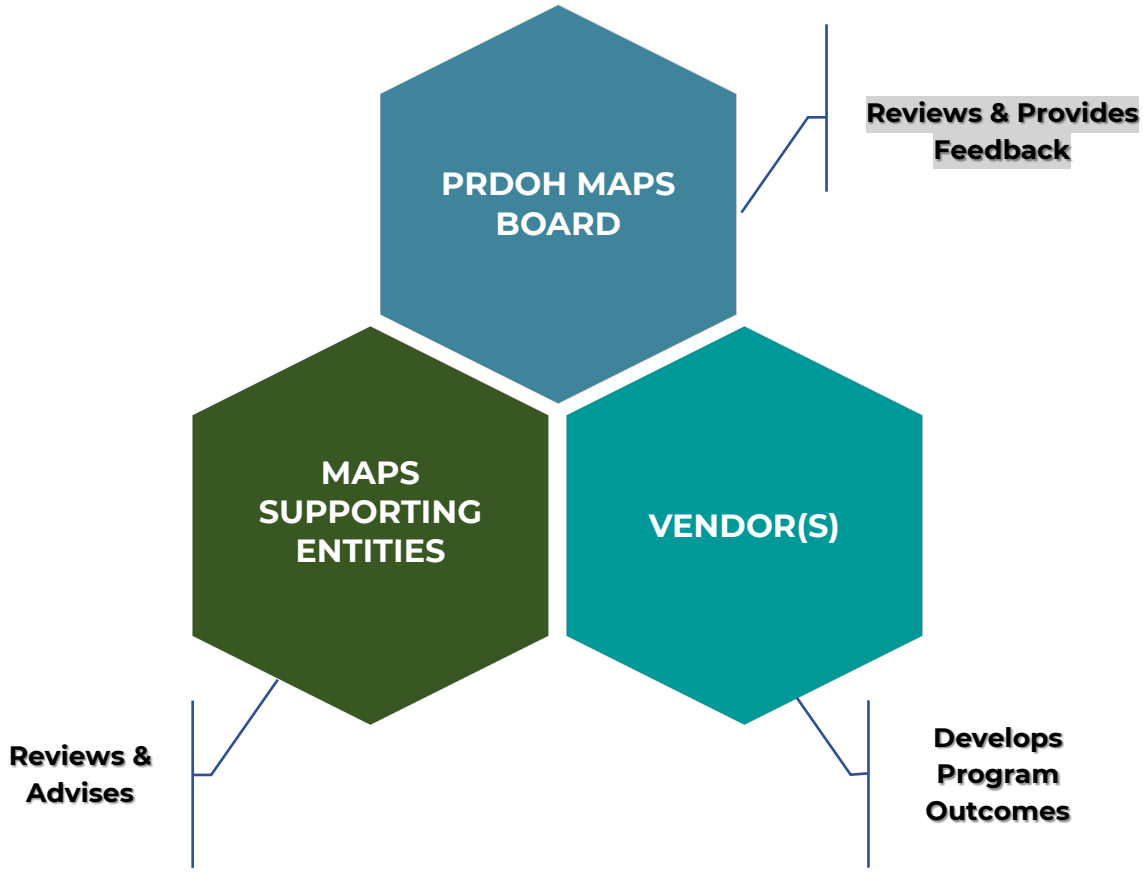

Figure 2: MAPS Board, MAPS Program Supporting Entities, and Vendor(s) Roles

9 Procurement

PRDOH recognizes that procurement processes for the utilization of CDBG-MIT funds must be managed in strict accordance with federal guidelines. PRDOH's procurement processes are in full compliance with federal laws, rules, and regulations, including but not limited to, 2 C.F.R. Part 200, in particular, 2 C.F.R. § 200.317, the Appropriations Act, the Federal Register Notices, and applicable Federal, State and local laws, rules and regulations.

PRDOH, as grantee of the CDBG-MIT funds, has determined procurement processes and policies of the CDBG-MIT programs will be governed by the provisions of federal statute 2 C.F.R. § 200.317. It allows PRDOH to follow its procurement policies and

procedures[11] as established in 2 C.F.R. § 200.317 and, in turn, allows Subrecipients to be subject to the provisions of 2 C.F.R. § 200.318 to 2 C.F.R. § 200.327.

Accordingly, PRDOH requires that the subrecipients comply with policies and procedures as required for the responsible expenditure of CDBG-MIT funds. Specifically, the subrecipients must maintain records of its acquisition processes that allows PRDOH to effectively carry out monitoring processes when required. PRDOH and all subrecipients must follow these standards to ensure goods and services are procured efficiently, at a fair price, and in compliance with all applicable Federal and local laws and executive orders. Further guidance on specifics related to procurement will be included in the executed Subrecipient Agreements with program participants.

10 Duplication of Benefits (DOB)

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (**Stafford 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 for which they have 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.

To be eligible to receive CDBG-MIT funds under the Program and as part of the application process, all Applicants must confirm and provide assurance that efforts will be made to avoid a "duplication of benefits." PRDOH understands and expects that some projects funded through this Program may also be able to receive other types of Federal funding. Therefore, a DOB analysis will be performed for each funded project.

Program controls to prevent DOB include, but are not limited to:

[11] See Procurement Manual for the CDBG-DR/MIT Program in English and Spanish at: https://recuperacion.pr.gov/en/download/procurement-manual-cdbg-dr-mit-program/ and https://recuperacion.pr.gov/download/manual-de-adquisiciones-programa-cdbg-dr-mit/.

- Certification that the Applicants will notify PRDOH of all potential DOBs as part of the information submitted in their applications;
- Verification of specific DOBs through various available sources such as FEMA, the Small Business Administration (**SBA**), insurers, and any other sources of funding;
- Requiring Applicants to authorize PRDOH to contact all potentially duplicative funding sources on their behalf to verify all funding sources received and/or approved; and
- Calculation of DOB per Federal Register Vol. 84, No. 119 (June 20, 2019), 84 FR 28836.

The DOB guidance included in 84 FR 28836 (DOB 2019 Notice), updates the DOB 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. Provisions at 84 FR 45838, 45840, require CDBG-MIT Grantees to comply with the DOB requirements of 84 FR 28836. As such, the DOB policy outlined in these Guidelines follows the guidance issued in the 2019 DOB Notice.[12]

For more information about DOB, refer to the Duplication of Benefits Policy available at https://recuperacion.pr.gov/en/download/duplication-of-benefits-policy/ (English) and https://recuperacion.pr.gov/download/politica-sobre-la-duplicacion-de-beneficios/ (Spanish).

11 Environmental Review

Every project undertaken with Federal funds, and all activities associated with such project, are subject to the provisions of the National Environmental Policy Act of 1969 (**NEPA**), as amended, 42 U.S.C. § 4321 *et seq.*, as well as to the HUD's environmental

[12] The 2019 DOB notice updates the treatment of declined loans. A grantee shall not take into consideration or reduce the amount of assistance provided to an applicant where such applicant applied for and was approved, but declined assistance from the SBA, related to disasters that occurred from 2014 to 2017. FEMA, as per recent amendments to the Disaster Recovery Reform Act of 2018 (**DRRA**), Pub. L. No. 115-254, advises that a loan is not a duplication of other forms of financial assistance, provided that all federal assistance is used toward a loss suffered due to major disaster or emergency. The DRRA provisions, which applied to disasters that occurred from 2016 to 2021, expired on October 5, 2023. Therefore, the determining factor for applying the DRRA amendment is the date the agreement for loan assistance is awarded (signed by all the required parties, made and entered, and final). Subsidized loans awarded after the amendment sunset date are to be included in the DOB evaluation.

review regulations at 24 C.F.R. Part 58 on Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. However, except for the applicable requirements of 24 C.F.R. § 58.6, activities that involve environmental and other studies, resource identification, development of plans and strategies, and administrative and management activities, are exempt to undertake any environmental review, consultation or other related action under NEPA.[13] The MAPS Program activities are, by their nature, highly unlikely to have any direct impact on the environment. Accordingly, these activities will not be subject to most of the procedural requirements of environmental review.

12 Minority Woman-Owned Business Enterprise (M/WBE)

Provisions at 2 C.F.R. § 200.321 require the non-Federal entity to take necessary steps to ensure that all recipients, subrecipients, contractors, subcontractors, and/or developers funded in whole or in part with CDBG-MIT financial assistance ensure that, when possible, contracts and other economic opportunities are directed to minority business enterprises (**MBE**), women-owned business enterprises (**WBE**), together (**M/WBE**) minority women-owned business enterprises, and labor surplus area firms.

Compliance is ensured by requiring, as applicable, subrecipients, program partners and contractors to make best efforts to achieve an overall M/WBE participation goal of twenty percent (20%) of the entire contract value consisting of ten percent (10%) percent for MBE and ten percent (10%) for WBE. The CDBG-DR/MIT M/WBE Policy is available in English and Spanish at: https://recuperacion.pr.gov/en/download/mwbe-policy/ and https://recuperacion.pr.gov/download/politica-mwbe/.

13 Program Closeout

Upon completion of all planning activities, Program Closeout processes shall commence. This process will begin by ensuring that all work performed has been accepted by relevant parties, including Subrecipients, communities, and PRDOH, all milestones met, deliverables completed, and program activities performed in

[13] 24 C.F.R. § 58.34 (a)(1) and (3).

compliance with Program requirements. Acceptance of the work shall be established at each milestone, upon submission of each deliverable, and during the final inspection of work performed. PRDOH will perform a complete review of the project file to ensure all necessary documentation is present and to ensure that the grant is ready for Program Closeout. If necessary, PRDOH may extend the SRA Schedule to include the Closeout period.

General requirements for Program Closeout are as follows:

- All milestones have been met and deliverables submitted, and each in accordance with all requirements of this Program.
- Approved work has been finished and is completed.
- All eligibility and DOB documentation are found to be in accordance with all requirements of this Program.
- All Program forms and other documents required throughout the entirety of the project have been duly completed and executed by the appropriate parties, which may include program staff, vendors, and Subrecipients.
- All funds used for the Program, whether CDBG-MIT or received using a subrogation of funds, have been properly accounted for and reconciled with payments made to the corresponding parties, such as Subrecipient and procurement vendors.
- PRDOH has reviewed closeout documents and has a resolution of any outstanding issues.
- All payments have been issued to the vendor(s), including applicable retainages.
- Other requirements for closeout as established in the Subrecipient Agreement.

Outreach will be made to the Subrecipient, or any other party involved if any additional information is necessary for Program Closeout. Once all levels of quality control review are passed, the Subrecipient or any other party involved will receive a Program Final Notice, and their individual file will be placed in a closeout complete status.

The CDBG-DR-MIT Closeout Policy is available in English and Spanish on the PRDOH website at https://recuperacion.pr.gov/en/download/closeout-policy/ and https://recuperacion.pr.gov/download/politica-de-cierre/.

14 General Provisions

14.1 Program Guidelines Scope

This document sets forth the policy governing the Program. 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, PRDOH reserves the faculty to authorize, in its sole discretion, the granting of Program benefits to any subrecipient or any other party involved, only when exceptional circumstances, not contemplated in these, 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.

14.2 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.

14.3 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 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 these Guidelines or any applicable federal or state law or regulation.

14.4 Established Periods of Time

Unless otherwise specified, all established periods of time are addressed in these, and all CDBG-MIT 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.

14.5 Conflict of Interest

As stated in the Federal Register Notice, 84 FR 45838, 45854, 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/MIT assisted activities. Therefore, PRDOH has enacted the Conflict of Interest 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 No. 97 of June 10, 1972, as amended, 3 LPRA § 441 *et seq.*;
4. The Anti-Corruption Code for the New Puerto Rico, Act No. 2-2018, as amended, 3 LPRA § 1881 *et seq.*; and
5. The Puerto Rico Government Ethics Act of 2011, Act No. 1-2012, as amended, 3 LPRA § 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/MIT 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/MIT assisted activities and/or operations. In accordance with 24 C.F.R. § 570.489, 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/MIT 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. Program officials, their employees, agents and/or designees are subject to state ethic laws and regulations, including, but not limited to Puerto Rico Government Ethics Act of 2011, Act No. 1-2012, as amended, in regard to their conduct in the administration, granting of awards and program activities.

According to Act No. 1-2012, 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 have 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 CDBG-MIT Program. On a case-by-case basis, PRDOH Program officials, their employees, agents and/or designees may still be eligible to apply and participate in a CDBG-MIT program if they meet all Program eligibility criteria as stated in the applicable 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 CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at https://recuperacion.pr.gov/en/resources/policies/ and https://recuperacion.pr.gov/recursos/politicas/.

14.6 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-MIT 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

Online at: https://recuperacion.pr.gov/en/contact-us/contact/ (English)

https://recuperacion.pr.gov/contactanos/contacto/ (Spanish)

In writing at: Puerto Rico CDBG-DR/MIT Program
P.O. Box 21365
San Juan, PR 00928-1365

The Citizen Participation Plan and all CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at https://recuperacion.pr.gov/en/resources/policies/ and

https://recuperacion.pr.gov/recursos/politicas/. For more information on how to contact PRDOH, please refer to https://recuperacion.pr.gov/en/cdbg-mit/.

14.7 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-MIT 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) working days**, where practicable, as a CDBG grant recipient. See 24 C.F.R. § 91.115(h) and 24 C.F.R. § 570.486(a)(7).

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

Via email at: CDBGresponde@vivienda.pr.gov

Online at: https://recuperacion.pr.gov/en/contact-us/complaints/ (English)

https://recuperacion.pr.gov/contactanos/quejas/ (Spanish)

In writing at: Puerto Rico CDBG-DR/MIT Program
Attn: Public and Community Affairs Division - Complaints
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.

The Citizen Complaints Policy and all CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at https://recuperacion.pr.gov/en/resources/policies/ and https://recuperacion.pr.gov/recursos/politicas/.

14.8 Anti-Fraud, Waste, Abuse or Mismanagement

PRDOH, as grantee, is committed to the responsible management of CDBG-DR/MIT 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 84 FR 45838, PRDOH implements adequate measures to detect and prevent fraud, waste, abuse, or mismanagement in all programs administered with CDBG-MIT 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, regarding the CDBG-DR/MIT Program, to report such acts to the CDBG-DR/MIT 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/MIT 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 CDBG-DR/MIT Program.

REPORT FRAUD, WASTE, ABUSE, OR MISMANAGEMENT TO PRDOH CDBG-DR/MIT	
CDBG-DR/MIT Hotline	787-274-2135 (English/Spanish/TTY)
Postal Mail	Puerto Rico Department of Housing CDBG-DR/MIT Internal Audit Office P.O. BOX 21355

REPORT FRAUD, WASTE, ABUSE, OR MISMANAGEMENT TO PRDOH CDBG-DR/MIT	
	San Juan, PR 00928-1355
Email	hotlineCDBG@vivienda.pr.gov
Online	Filling out the **AFWAM Submission Form** available in English and Spanish at https://recuperacion.pr.gov/app/cdbgdrpublic/Fraud or https://recuperacion.pr.gov/app/cdbgdrpublic/Fraud?culture=es-ES
In person	Request a meeting with the Deputy Audit Director of the CDBG-DR/MIT Internal Audit Office located at PRDOH's Headquarters at 606 Barbosa Avenue, Building Juan C. Cordero Davila, Río Piedras, PR 00918.

REPORT FRAUD, WASTE, ABUSE, OR MISMANAGEMENT DIRECTLY TO HUD OIG	
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	HOTLINE@hudoig.gov
Online	https://www.hudoig.gov/hotline

The AFWAM Policy and all CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at https://recuperacion.pr.gov/en/resources/policies/ and https://recuperacion.pr.gov/recursos/politicas/.

14.9 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.

14.10 Cross-Cutting Guidelines

Some federal and local requirements apply to all programs funded by CDBG-DR/MIT. Cross-Cutting Guidelines cover topics such as: financial management; environmental review; labor standards; acquisition; relocation; civil rights; 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 and CDBG-MIT Action Plan and any subsequent amendments.

The Cross-Cutting Guidelines and all CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at https://recuperacion.pr.gov/en/resources/policies/ and https://recuperacion.pr.gov/recursos/politicas/.

15 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.

16 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.