



DEPARTMENT OF
HOUSING



CDBG-DR

PROGRAM GUIDELINES

WORKFORCE TRAINING PROGRAM

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PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR PROGRAM GUIDELINES
WORKFORCE TRAINING PROGRAM
VERSION CONTROL

VERSION NUMBER	DATE REVISED	DESCRIPTION OF REVISIONS
1	February 21, 2020	Original version
2	March 26, 2020	Edits to Eligible Entities section to include for profit entities, as authorized under 24 C.F.R. § 570.201(o).
3	November 29, 2021	Language was added in Section 3.1 about PRDOH oversight mechanisms to track subrecipient performance and to Section 11.7 about the applicability of Conflict of Interest Policy to subrecipients, partners, consultants, vendors, and contractors. Section included on civil rights and non-discrimination. Updated Environmental Review Section.

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1 Overview

On September of 2017, the Island of Puerto Rico was severely damaged by Hurricanes Irma and María (the **Hurricanes**). Torrential downpour, sustained winds up to 155 miles per hour (**mph**), and gusts over 175 mph crippled the Island's infrastructure and economic systems. In the wake of the Hurricanes, most residents were left without access to electricity, fuel, water, or basic communications. Many businesses operations became immediately restricted in the ability to operate, leaving many residents without employment income during a time of dire need.¹ Additionally, in the years leading up to the Hurricanes, Puerto Rico had already been struggling with a period of constant economic contraction specifically in the previous years leading up to the Hurricanes.

The last two decades saw how most, if not all, of Puerto Rico's social and/or economic growth efforts were hindered by the continuous downwards spiral of the Island's fiscal, budgetary and business restrictive conditions for much of the last decade. These limiting conditions were seriously exacerbated by, the lasting impact of the Hurricanes, there are several voids within the Puerto Rican economy that have emerged. One such void lasting impact is the even greater need for job and skills training to help essential to bolster the economic rebirth of the Island. The Workforce Training Program's (**WFT** or **Program**) goal is to fill that void by training a labor force that meets the Island's reconstruction needs. This in turn, will aid in the development of a new skilled local workforce into capable of pushing Puerto Rico's economy a brighter future. WFT assistance will help boost economic development and create jobs by investing Community Development Block Grant-Disaster Recovery (**CDBG-DR**) funds into resources that enable skills development through education, technical assistance, and mentorship programs.

Job training is defined in the WFT Program as a method of skills development different from rather than the types of education typically delivered to students seeking high school diplomas or college degrees. Job training focuses under the WFT Program primarily focus is on the practical application of work-related skills rather than theoretical abstract concepts. While there may be some theoretical classroom learning, the focus of this type of training offered by WFT Program subrecipients will be is specific to a current skill set for a particular job or job opportunity. Consequently, training offered by the program will consist of specialized technical training for on demand occupations and provide a competency certification to students who successfully complete a training program, versus teaching general concepts.

As funding for this Program will be released in two phases; as such, these Program Guidelines currently address the eligibility criteria and guidelines for participation in Phase One (1) of the Program, and to introduce the concept of Phase Two (2). These Program

¹ Estudios Técnicos Inc., Industriales Puerto Rico, *Preliminary Estimate: Cost of Damages by Hurricane María in Puerto Rico*, October 6, 2017, <https://estadisticas.pr/files/inline-files/Preliminary%20Estimate%20Cost%20of%20Maria-1.pdf>

~~Guidelines will be later amended to address the eligibility criteria and guidelines for participation in Phase Two (2).~~

2 National Objective

All CDBG-DR funded activities must meet one (1) of the three (3) National Objectives defined in the authorizing statute of the CDBG program at 104(b)(3) of the Housing and Community Development Act of 1974 (**HCDA**), as amended, 42 U.S.C. § 5304.

PRDOH anticipates that each national objective shown below will be used to qualify projects for ~~Phase One (1)~~ of the WFT Program. PRDOH will work with eligible entities who are funded through the program to determine the national objective for each project. Projects in the WFT Program will meet of one (1) of the following national objectives:²

- Benefit to low- and moderate-income persons (**LMI**) (24 C.F.R. § 570.483(b))
 - Area Benefit
 - Limited Clientele
 - Job Creation/Retention
- Urgent Need (**UN**) activities (24 C.F.R. § 570.483(d))

PRDOH has set a goal to expend sixty percent (60%) of WFT Program funds on projects that result in a benefit to LMI individuals or that demonstrably serve LMI areas.

3 Program Description

The goal of the WFT Program is to prepare Puerto Rican residents with the skills required to gain employment in industries that will drive the Island's economy over the next decade. In addition to training programs that meet the current construction and contractor needs to rebuild in the continued disaster recovery of the Island ~~aftermath of the Hurricanes~~, the WFT Program will engage with eligible entities in an endeavor to train residents with skills sets need in industries that are expected to grow in the coming years; namely, tourism, hospitality, technology, construction, manufacturing and healthcare.³

While the above-mentioned industries have been primarily identified as areas with unmet needs in the areas of economic development and availability of a suitable and ready to use skilled workforce, entities from other industries that also have training programs plans

² More information on CDBG LMI income limits can be found here: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.

³ The CDBG-DR Action Plan provides more information about industries expected to grow in Puerto Rico. The latest version of the Action Plan approved by HUD is available on the PRDOH website at: <https://cdbg-dr.pr.gov/en/action-plan/>
<https://cdbg-dr.pr.gov/en/download/action-plan-amendment-4-substantial-amendment-effective-on-august-17-2020/>.

are encouraged to apply for the WFT Program that should be a part of Puerto Rico's growing economy are encouraged to apply to this Program.

The main purpose of this Program is to support entities that seek to expand existing or launch new workforce training and/or apprenticeship programs. As part of the second phase of this Program, entities may be able to purchase, retrofit, or upgrade facilities that are or will be used for training programs.

Applicant entities should be prepared to demonstrate the number of people they plan to train, establish criteria for either a recognized certification or a professional licensing in their respective field, provide proof of available jobs to be filled, and identify potential pipelines to help trainees get placed in meaningful jobs.

As funding for the WFT Program will be released in two phases, Phase One (1) The Program will start with the release of a Notice of Funding Availability (NOFA) soliciting applications from entities that seek to expand existing or launch new workforce training programs and/or apprenticeship programs. Phase Two (2) will release a NOFA soliciting applications for construction or renovation of facilities to be used by a training program and may include funding for technical assistance along with a construction project.

PHASE ONE (1) – The WFT Program will focus on expanding existing Expand Existing or developing new Workforce Training Programs. The Program will receive and evaluate applications received through the NOFA process from entities with a project plan to expand their current training programs or to develop new programs that address the current and/or future training needs of the people of Puerto Rico. Funding will allow entities to accept and train a greater number of students and to offer special skills training in new on demand subjects trades or services occupations to potential trainees in Puerto Rico.

• **PHASE TWO (2) – Construction or Renovation of a Facility for a Workforce Training Program:**

After Phase One (1) begins, a second NOFA will be released to solicit Applications from entities that want to build, renovate, or expand a physical space where a training program will be administered. This funding will allow for Applicant entities to construct or improve spaces for training programs across the Island.

Applicants entities are encouraged to consider other available complementary or additional funding sources in their project plans as CDBG-DR funds can only be used on costs specifically defined in these guidelines and contemplated in the NOFA.

3.1 Roles

3.1.1 PRDOH

The Puerto Rico Department of Housing (PRDOH) is the administering entity for the WFT Program. In this role, PRDOH administers the NOFA process to solicit and select

applications from qualified entities. PRDOH then enters into Subrecipient Agreements (SRA) with selected entities and monitors performance throughout the grant's life cycle.

3.1.2 Subrecipients

Subrecipients are entities that respond to the NOFA with a viable Application and are selected to enter into an SRA with PRDOH. Subrecipients are responsible for project implementation under PRDOH guidance and instruction. Subrecipients are also responsible for cooperating with CDBG-DR compliant procurement processes, as well as all other applicable Federal requirements and established PRDOH policies in order to execute all project components effectively. Subrecipients are also required to comply with all milestone reporting requirements as per PRDOH Program policies.

To ensure Subrecipients are performing eligible activities in compliance with applicable local and federal statutes and regulation, PRDOH has oversight authority and mechanisms in place to track Subrecipient progress, monitor its performance. Under 2 C.F.R. Part 200, PRDOH monitoring of Subrecipients is required to ensure that:

- Subawards are used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions included in the SRA; and
- Subaward performance goals are achieved in a timely manner.

The Subrecipient will be monitored as deemed necessary by PRDOH to guarantee that use of allocated is for authorized purposes and in compliance with Federal statutes, rules, regulations, and the terms and conditions of the SRA.

PRDOH may, at its discretion, choose to use affiliate government agencies to achieve any program eligible activities when a Subrecipient's execution of its duties is contrary to the terms and conditions of the SRA.

For more information about Subrecipients' responsibilities, please refer to the Subrecipient Management Policy available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/download/subrecipient-management-policy/> and <https://www.cdbg-dr.pr.gov/download/politica-para-el-manejo-de-subrecipientes/>.

4 Eligible Use of Funds

The total allocation for the WFT Program is ~~forty-nine~~ million dollars (\$49,000,000), with ~~twenty million dollars (\$20,000,000)~~ available for Phase One (1) subject to change with additional CDBG-DR Action Plan Amendments. The maximum grant award for eligible entities ~~applying to one (1) or more phases~~ is five million dollars (\$5,000,000). However, it is possible that not all eligible entities will receive the maximum award amount. The maximum grant award ~~Funding through the Program~~ will be based on organizational capacity as ~~demonstrated through submitted in~~ the applicant's proposals.

4.1 Eligible Activities

Eligible activities for this WFT Program, per the HCDA Housing and Community Development Act of 1974, include:

- Section 105(a)(8), provision of public services (42 U.S.C. § 5305(a)(8));
- Section 105(a)(14), provision of assistance to public or private nonprofit entities (42 U.S.C. § 5305(a)(14));
- Section 105(a)(15) assistance to neighborhood-based nonprofit organizations, local development corporations, and nonprofit organization (42 U.S.C. § 5305(a)(15));
- Section 105(a)(17), economic development assistance that creates or retains jobs (42 U.S.C. § 5305(a)(17)); and
- Section 105(a)(21), provision of assistance to institutions of higher education (42 U.S.C. § 5305(a)(21)).

4.2 Eligible Use of Funds

As a general guideline, Subrecipients may use CDBG-DR funds for the following activities/expenses:

- Recruitment activity costs that are allowable under federal cost principles and approved by PRDOH;
- Screening and skills assessment of participants;
- Training, instruction, and certification of participants;
- Software and instructional materials for training and educational purposes. All purchased materials and supplies will need to be acquired through proper procurement procedures as defined by PRDOH;
- Tuition, books, supplies, and other materials necessary for participants to complete their training;
- Job placement activities;
- Indirect costs;
- Rent and utilities that are directly related to executing a training program; and
- Subrecipient staff salaries, benefits, supplies, and travel costs that are directly associated with implementing the training programs funded through the WFT Program. Travel costs will be reimbursed in compliance with Federal regulations.

~~Phase Two (2) Eligible Use of Funds~~

~~During Phase Two (2) subrecipients will be able to use funds for the following additional activities/expenses:~~

~~Acquisition of land and buildings for a training facility;~~

~~Architectural, engineering and design costs for construction or rehabilitation of a training facility; and~~

~~Preservation, renovation, or rehabilitation of existing buildings for use a training facility.~~

- ~~All entities receiving CDBG-DR assistance shall agree to apply green building and business standards for residential buildings with the goal of becoming certified.⁴ Since construction under the WFT Program will not be residential, green building standards are not required but are encouraged~~

4.3 Ineligible Use of Funds

The Subrecipient shall **NOT** use WFT Program funds for the following **ineligible activities/expenses**:

- Entertainment, including amusement, diversion, and social activities; food and alcohol associated with parties or socials, meals, lodging, transportation, and gratuities associated with entertainment;
- Pre-award costs, including preparation of the **WFT Program** grant proposal;
- Donations and contributions, including cash, services, or property;
- Fundraising activities;
- Lobbying;
- Stipends for participants;
- Supplanting Federal and State Funds;
- Any other unallowable **items** under federal cost principles as stated in 2 C.F.R. Part 200.

4.4 Tie to the Hurricanes

The United States Department of Housing and Urban Development (**HUD**) requires that all CDBG-DR funded projects in Puerto Rico are related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from the major disaster caused by the passing of hurricanes Irma and María in 2017. With every municipal government in Puerto Rico being determined by HUD to be a "most impacted and distressed" **area**, as stated in Federal Register Vol. 83, No. 28 (February 9, 2018), 83 FR 5844, funding is available to all communities across Puerto Rico. In accordance with 83 FR 5844, "[a]ll CDBG-DR funded activities must clearly address an impact of the disaster for which funding was allocated."

4.5 Grant Underwriting

PRDOH follows HUD's guidelines as the financial underwriting framework for evaluating the feasibility of proposed projects. PRDOH recognizes that different levels of review are appropriate **given the** differences in size and scope of proposed projects, and in the case of microenterprises or other small businesses the differences in the capacity and level of

⁵ Section 3 Worker: means any worker who currently fits or when hired within the past five (5) years fit at least one of the following, as documented: (i) the worker's income for the previous or annualized calendar year is below the income limit established by HUD; (ii) the worker is employed by a Section 3 Business Concern; (iii) the worker is a YouthBuild participant.

sophistication among ~~businesses~~ entities of differing sizes are taken into account when a determination of a level of review is made under HUD's underwriting guidelines.

The objectives of the underwriting guidelines are to ensure that all Applicants meet the CDBG Underwriting Criteria as sated at 24 C.F.R. § 570.209(a) and for PRDOH to evaluate project costs and financial requirements to ensure that:

- Project costs are reasonable;
- All sources of project financing are committed;
- To the extent practicable, CDBG-DR funds are not substituted for non-Federal financial support;
- The project is financially feasible;
- To the extent practicable, the return on the owner's equity investment will not be unreasonably high; and
- To the extent practicable, CDBG-DR funds are disbursed on a pro rata basis with other finances provided to the project.

5 Program Eligibility

The WFT Program is designed to fund entities to support, strengthen and reinforce existing training programs and ~~to~~ launch new workforce training programs in Puerto Rico. Proposals from eligible entities will be evaluated based on the level of quality of services proposed for ~~workforce~~ trainees. Selected Subrecipients are accountable to ~~the CDBG-DR grantee~~ PRDOH. Subrecipients will have, administrative and other responsibilities in order to implement successful workforce ~~grant compliant projects~~ training programs in compliance with applicable local and federal statutes and regulations. Eligible WFT Applicants must meet the requirements set forth in the following sections of this program guide.

5.1 Eligible Entities

Eligible entities under the WFT Program are:

- NGOs (26 U.S.C. § 501(c)(3)) or Not for Profit Entities
- Professional Associations and Trade Associations
- Community Based Development Organizations
- Municipal Governments
- Public Institution of Higher Learning (Universities)
- Administrative Agencies or a Department of the Government of Puerto Rico (State Agencies)
- For Profit Entities, as authorized under 24 C.F.R. § 570.201 (o)

5.2 Program Eligibility Requirements

Eligible Program Applicants must meet all the following requirements:

- Must be physically located in Puerto Rico, branch offices are acceptable.
- Must be running an existing training program with proven capacity or have a training curriculum developed for the immediate implementation of a new or a training curriculum developed to expand an existing training program.

5.3 Additional Considerations

All proposed projects submitted with the Application must meet the above WFT Program eligibility requirements. PRDOH will score Applications against a preset number of factors that are deemed critical to the execution and delivery of WFT Program's objectives. Scoring factors, including the relative weight and importance assigned to each factor, will be detailed in the NOFA. The scoring factors may include, but are not limited to, the following criteria:

- Organizations that have a proven track record of training.
- Projects for training programs that specifically target LMI individuals and LMI communities.
- Projects for training programs that train Puerto Rican citizens who meets the criteria for a Section 3 Worker⁵ or a Section 3 Targeted Worker.⁶
- Projects for training program designs that will reach multiple municipalities.
- Projects for training programs that offer accredited or certified training programs.
- Projects for training programs or organizations that are able to provide career development services and resources to support job placement for successful trainees.
- Projects for training programs that work with incarcerated or formerly incarcerated individuals.
- Projects for training programs that show other sources of funding, either public or private.
- Projects for training programs that show a connection with local or municipal government entities.

⁵ Section 3 Worker: means any worker who currently fits or when hired within the past five (5) years fit at least one of the following, as documented: (i) the worker's income for the previous or annualized calendar year is below the income limit established by HUD; (ii) the worker is employed by a Section 3 Business Concern; (iii) the worker is a YouthBuild participant.

⁶ Targeted Section 3 Worker: For Housing and Community Development financial assistance, a Targeted Section 3 Worker is defined as: (i) A worker employed by a Section 3 Business Concern; or (ii) A worker who currently fits or when hired fit at least one (1) of the following, as documented within the past five (5) years: a. Living within the Service Area or the Neighborhood of the Project, as defined herein; or b. A YouthBuild participant.

A "Section 3 Resident" is:

1. A public housing resident; or
2. A low- or very low- income person residing in the metropolitan area or non-metropolitan county where the Section 3 covered assistance is expended. (More detailed information regarding Section 3 requirements is available in the CDBG-DR Section 3 Policy which can be accessed at: <https://www.cdbg-dr.pr.gov/en/download/section-3-policy/>.)

- Entities that have experience with administering federally funded programs.

6 Application Process

PRDOH will implement the WFT Program by issuing a ~~separate NOFA for each phase of the Program~~ Notice of Funding Availability (**NOFA**). After the issuance of the NOFA, potential respondents will have a specified period of time to submit Applications to PRDOH detailing their projects and how it meets the objectives of the WFT Program. At the closing of the NOFA period, PRDOH will review Applications for eligibility threshold requirements and evaluate how the proposed project(s) within the Application align with the goals of the WFT Program and the established scoring criteria. PRDOH will then inform and work with ~~the~~ selected entities through the remaining steps in successfully completing a SRA process. PRDOH will post the final selected ~~Applicant~~ projects to its website.

Eligible entities that wish to submit an Application will need to follow ~~this~~ NOFA Process and submit all required documents required in the NOFA.

6.1 NOFA Process

The following is a broad process outline for the WFT Program Application solicitation:

1. PRDOH will inform the public that a NOFA to participate in the WFT Program is open. After formally announcing the WFT Program, PRDOH will post the NOFA to the PRDOH website and/or other outreach locations.
2. The NOFA will be posted for **sixty (60) calendar days**.
3. Applicants will have a predetermined period of time to submit their proposal.
4. After the Applications have been evaluated and selected, PRDOH will inform the selected respondents and begin the post selection process outlined in the NOFA.
5. PRDOH will execute SRA's with selected Program Applicants.

Further guidance on specifics related to Application process will be provided within the published NOFA. PRDOH will, at its discretion, determine the final items to be provided in the NOFA which will include additional information, criteria, and considerations for Application selection. When the NOFA is released and published, it will be posted to the PRDOH website and additional information may be appended to these guidelines.

7 Environmental Review

Environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. 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 well as to the HUD environmental review regulations at 24 C.F.R. Part 58 on

Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.

~~The WFT Program activity encompassed in the fifty thousand dollar (\$50,000) grant program which funds the provision of technical assistance, and the purchase of moveable equipment has been determined to have a level of environmental review of EXEMPT in accordance with 24 C.F.R. § 58.34 (A)(9). Except for the applicable requirements of 24 C.F.R. § 58.6 (addressed below), the PRDOH does not have to undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities in 24 C.F.R. § 58.5 for the activities associated with the aforementioned WFT Program activities.~~

~~Technical assistance activities and the purchase of moveable equipment under the WFT Program have also been approved by PRDOH's Certifying Officer as exempt activity per 24 C.F.R. § 58.34(A)(9), as accredited in the Certificate of Exemption for HUD Funded Projects signed on April 25, 2019 that resides in the project file.~~

Therefore, an environmental review process is required for all awards to be issued under the WFT Program to ensure that the proposed activities do not negatively impact the surrounding environment and that the property itself will not have an adverse environmental or health effect on end users.

Specifically, 24 C.F.R. § 58.22 on limitations of activities pending clearance, prohibits the commitment or spending of federal or non-federal funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environmental review. Environmental clearance must be obtained for each project prior to the commitment of federal or non-federal funds. A violation of this requirement may jeopardize federal funding for the WFT Program and disallow all costs that were incurred before completion of the environmental review.

All Program awards must have documented that they comply with NEPA and other environmental requirements. Therefore, all projects shall have an Environmental Review Record (**ERR**), as required by NEPA and related laws. The ERR for the projects will set forth: (a) the existence of negative impacts on a site; (b) the means to mitigate negative impacts; (c) alternatives to the project (if needed); and (d) the rejection of the proposed activities if all other options fail and it becomes the most prudent action to take.

Environmental reviews will be conducted concurrently with duplication of benefits (DOB) reviews, when feasible. Environmental reviews must be completed prior to determining Program assistance to be offered to an eligible Applicant.

For more information on Environmental Review, please refer to the Cross-Cutting Guidelines available in English and Spanish on the PRDOH website at <https://cdbg->

dr.pr.gov/en/download/cross-cutting-guidelines/ and <https://cdbg-dr.pr.gov/download/guias-intersectoriales/>.

7.1 Environmental Level of Review

To conduct the appropriate level of environmental review, the Program will need to determine the environmental classification of the project. 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. There are four (4) major classifications of environmental review for projects:

- **Exempt Activities:** Those activities which are highly unlikely to have any direct impact on the environment.
- **Categorically Excluded Activities:** Those activities that may have an impact to the environment, but not to extent that an Environmental Assessment under NEPA or Environmental Impact Statement is required. There are two (2) types of Categorically Excluded Activities, as follows:
 - Categorically Excluded Not Subject to 24 C.F.R. § 58.5: Include those activities included under 24 C.F.R. § 58.35(b) and require environmental checks for the items listed at 24 C.F.R. § 58.6. For activities under this classification, no public notice or request for release of funds is required to use grant funds.
 - Categorically Excluded Subject to 24 C.F.R. § 58.5: Refers to those activities included under 24 C.F.R. § 58.35(a) and require environmental checks for the items listed at 24 C.F.R. § 58.5 and 24 C.F.R. § 58.6. If any environmental items are identified as potentially impacting (such as floodplains), a Request for Release of Funds (including publication of Notice of Intent) is required.
- **Environmental Assessment:** Includes those activities that could potentially have a significant impact on the environment. In addition to compliance with the laws and authorities at 24 C.F.R. § 58.5 and 24 C.F.R. § 58.6, environmental assessments must consider an array of additional potential impacts of the project, including a National Environmental Policy Act analysis. This environmental assessment requires publishing a Notice of Intent to Request Release of Funds as well as a Finding of No Significant Impact (assuming such is found).
- **Environmental Impact Statement:** Those activities that require a detailed written statement required by Section 102(2)(C) of NEPA for a proposed major Federal Action significantly affecting the quality of the human environment. These statements are normally used for major housing (2,500 units or more) or infrastructure projects.

7.2 Categorically Excluded Activities

Examples of categorically excluded activities not subject to related laws and authorities under 24 C.F.R. § 58.5 include: tenant based rental assistance; supportive services; operating costs; economic development activities; activities to assist homebuyers to purchase existing dwelling units or units under construction; and affordable housing predevelopment costs with no physical impact. To complete environmental requirements for categorically excluded activities not subject to 24 C.F.R. § 58.5, the Program must make a finding of categorical exclusion and include such finding in the Environmental Review Record. When these kinds of activities are undertaken it is not required to issue a public notice or to submit a request for release of funds. In any case, environmental compliance is required for the items listed in 24 C.F.R. § 58.6.

Examples of categorically excluded activities subject to related laws and authorities under 24 C.F.R. § 58.5 include: acquisition, repair, improvement, reconstruction, or repair of public facilities; special projects directed toward the removal of material and architectural barriers; and repair of buildings and improvements for residential units and non-residential buildings. The Environmental Review Record for these activities must contain a written determination of the finding of a categorical excluded activity subject to 24 C.F.R. § 58.5 including a description of the project, a citation of the application of subsection 24 C.F.R. § 58.35(a), and written documentation as to whether there were any circumstances which required compliance with 24 C.F.R. §§ 58.5 and 58.6.

The documentation must support its determinations related to compliance including correspondence with applicable agencies having jurisdiction. Upon completion there should be one (1) of three (3) environmental findings: (1) the project converts to Exempt (i.e. 24 C.F.R. § 58.34(a)(12)); (2) the project invokes compliance with one or more of the laws and/or authorities and, therefore, requires public notification and approval from HUD; or (3) the unusual circumstances of the project result in a significant environmental impact and, therefore, compliance with NEPA is required. If upon completion it is determined that compliance is required for one (1) or more of the Federal laws and authorities listed in 24 C.F.R. § 58.5, then a public notification known as Notice of Intent to Request Release of Funds must be posted. After a **seven (7) day** comment period, a Request for Release of Funds and Environmental Certification must be prepared. The Environmental Certification certifies compliance with all environmental review requirements.

7.3 Activities Requiring an Environmental Assessment

These are activities which are neither exempt nor categorically excluded and, therefore, will require that the responsible entity prepare an Environmental Assessment documenting compliance with NEPA, HUD, and with environmental requirements of other applicable federal laws. Once the Environmental Review Process is completed and

any public comments are appropriately addressed, the project may be found not to constitute an action that significantly affects the quality of the human environment and, therefore, does not require the preparation of an Environmental Impact Statement (**EIS**); or the project constitutes an action that significantly affects the quality of the human environment and, therefore, requires the preparation of an EIS. 24 C.F.R. § 58.40.

If it is determined that the proposed action does not significantly affect the quality of the environment, then the WFT Program will concurrently disseminate and/or publish a Combined Notice composed of the Finding of No Significant Impact (**FONSI**) and the Notice of Intent to Request Release of Funds (**NOI/RROF**) for a minimum public comment period of **fifteen (15) days**. The **Combined Notice** must be disseminated and/or published in the manner prescribed by 24 C.F.R. § 58.43 and § 58.45 before the FONSI (Environmental Certification), is signed by the responsible entity and sent to HUD with the RROF.

The RROF with the Environmental Certification or FONSI must be submitted to HUD after the public comment period for the Concurrent Notice has elapsed. HUD will not approve the RROF for any project before **fifteen (15) calendar days** have elapsed from the time of receipt of the RROF and the FONSI, or from the time specified in the Combined Notice published pursuant to 24 C.F.R. § 58.70, whichever is later. If no comments are received during this time, HUD will send a signed Authorization to Use Grant Funds and the project may proceed.

7.4 Certification of Exemption

Planning and administration activities associated with the WFT Program have been determined to have an EXEMPT level of environmental review in accordance with 24 C.F.R. § 58.34 (a)(1). Except for the applicable requirements at 24 C.F.R. § 58.6, PRDOH does not have to undertake any environmental review, consultation, or other action under NEPA and other provisions of law or authorities as listed in 24 C.F.R. § 58.5 for the activities associated with planning and administration activities related to the WFT Program.

Should PRDOH amend the WFT Program to include other activities different from those exempted, a new determination of the level of environmental review will be performed and documented in the program files. If any modification to the WFT Program changes the level of environmental review required by the NEPA or HUD, future reviews should be performed in accordance with the new level of environmental review.

8 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 as to which they have received

financial assistance under any other program, from private insurance, charitable assistance, or any other source of benefits. As such, PRDOH must consider disaster recovery aid received by WFT 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-DR funds under the WFT Program and as part of the application process, all applicants must confirm and provide assurance that efforts will be made to avoid any "duplication of benefits." PRDOH understands and expects that some projects funded through the WFT Program, may receive other types of financial assistance that may duplicate benefits available to the project for the same purpose from the WFT Program, therefore, a DOB analysis will be performed per project.

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, to reflect recent CDBG-DR supplemental appropriations acts and amendments to the Robert T. Stafford. As such, the duplication of benefits policy outlined in the WFT Program guidelines follows the guidance issued in 84 FR 28836, when applicable.

9 Civil Rights and Non-Discrimination

As a program receiving Federal CDBG-DR funding, the Workforce Training Program shall be implemented in a manner that does not deny any individuals the opportunity to participate in, access, or benefit from the Program on the basis of any federally or locally designated protected classes. Funded activities shall be designed and implemented in a manner that avoids disproportionate negative impacts on protected classes of people and vulnerable communities, is accessible to people with disabilities, and creates opportunities to address economic inequities facing communities. PRDOH has adopted several policies to which PRDOH, its Subrecipients, and all contractors must adhere in the design and implementation of CDBG-DR Programs. All PRDOH CDBG-DR 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/>.

9.1 Fair Housing & Equal Opportunity Policy

The Fair Housing and Equal Opportunity (FHEO) Policy establishes requirements and protocols that have the goal of ensuring that all CDBG-DR Program activities are conducted in a manner which will not cause discrimination on the basis of race, color, national origin, religion, sex, disability, familial status, gender identity, sexual orientation, marital status, or age. Included in the FHEO Policy is a summary of all civil rights-related and anti-discrimination laws which must be complied with, strategies and requirements

for the affirmative marketing of programs to potential participants, the handling of discrimination complaints, equal opportunity employment requirements, communication requirements, recordkeeping requirements, and other information critical for ensuring compliant design and implementation of the WFT Program.

9.1.1 Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO)

All entities receiving an award from the WFT Program are required to comply with Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (**ADA**), and Equal Employment Opportunity (**EEO**) requirements in the execution of job training, creation, or retention activities. All facilities that are constructed or modified using CDBG-DR funds, the provision of public services, as well as employment practices, must comply with Section 504 and ADA to be accessible to persons with disabilities. Trainers and employers must comply with regards to employment requirements under these statutes as well as EEO.

9.2 Reasonable Accommodation Policy

Federally funded programs, such as the PRDOH CDBG-DR Program, are required to make reasonable accommodations and modifications for individuals with disabilities to avoid discrimination and ensure these individuals have an equal opportunity to access and enjoy the benefits of the Program. Requests for accommodations (changes to a rule, policy, practice, or service) and reasonable modifications (structural changes to a building or dwelling) most commonly arise in housing programs, however Section 504 applies to all federally funded programs and activities.

Any person with disability-related needs may submit a request for accommodation or modification to PRDOH, its Subrecipients, or contractors involved in the implementation of CDBG-DR programs. PRDOH has established the Reasonable Accommodation Policy⁷ to guide individuals on how to submit a non-employment related request, and instruct PRDOH employees, Subrecipients, and contractors on how to receive and evaluate reasonable accommodation and modification requests. Any employment-related reasonable accommodation request should be directed to the individual's employer.

PRDOH and its Subrecipients will ensure that program participants are made aware of their right to request reasonable accommodations, and that every effort is made to meet the disability-related needs of requesting individuals to the maximum extent feasible, so

⁷ See <https://cdbg-dr.pr.gov/en/download/reasonable-accommodation-policy/> (English) and <https://cdbg-dr.pr.gov/download/politica-de-acomodo-razonable/> (Spanish).

far as providing the requested accommodations or modifications is considered reasonable.

9.3 Language Access Plan (LAP)

PRDOH, its Subrecipients, and contractors are responsible for complying with the PRDOH Language Access Plan (LAP).⁸ The purpose of the LAP is to ensure meaningful access to federally assisted programs and activities for persons who as a result of national origin, are limited in their Spanish or English proficiency. The LAP provides concrete action steps that shall be followed by PRDOH, subrecipients, and contractors to ensure that appropriate language services are provided and vital documents are translated and made available to potential and actual WFT Program participants, as well as in outreach activities and the provision of funded services, in accordance with the LAP.

10 General Provisions

10.1 Program Guidelines Scope

This document sets forth the policy governing the WFT 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, PRDOH reserves the faculty 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.

10.2 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 WFT Program from the date of its issuance, that is, the date that appears on the cover of these guidelines. Each version of the

⁸ See <https://cdbq-dr.pr.gov/en/download/plan-de-acceso-al-idioma/> (English) and <https://cdbq-dr.pr.gov/download/plan-de-acceso-al-idioma/> (Spanish).

program guidelines will contain a detailed version control log that outlines any substantive amendment, inclusions and/or changes.

10.3 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~~ municipalities of the Island are considered "most impacted and distressed" areas. Therefore, these guidelines apply to all 78 municipalities of Puerto Rico.

10.4 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 these guidelines or 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.~~

10.5 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.

10.6 Written Notifications

All determinations made by the Program will be notified in writing. If an Applicant believes that any determination was made in writing, the applicant may request that such decision be made in writing and duly substantiated.

10.7 Conflict of Interest

As stated in the Federal Register Vol. 83, No. 28 (February 9, 2018), 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 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 and ~~24 C.F.R. § 85.36~~;
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 Act of 2011, 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 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. Program officials, their employees, agents and/or designees are subject to local ethic laws and regulations, including, but not limited to Puerto Rico Government Ethics Act of 2011, in regards 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 WFT 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 WFT 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 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/>.

10.8 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
- **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/citizen-participation/> and <https://www.cdbg-dr.pr.gov/participacion-ciudadana/>. For more information on how to contact PRDOH, please refer to www.cdbg-dr.pr.gov.

10.9 Citizen Complaints

Citizens who wish to voice a complaint related to PRDOH's published Action Plan, any substantial amendments to the Action Plan, performance reports, or other issues related to CDBG-DR funded activities may do so through any of the following methods:

• Via email at: infoCDBG@vivienda.pr.gov

• Online at: www.cdbg-dr.pr.gov, via the Contact Form available in the "Citizen Participation" – Contact Section of the website

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:** LegalCDBG@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
Attn: CDBG-DR Legal 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.⁹

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/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/politicas-generales/>.

⁹ Hours may vary due to COVID-19. PRDOH recommends calling prior to arrival to corroborate attention hours.

10.10 Anti-Fraud, Waste, Abuse 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, 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 CDBG-DR Program.

REPORT FRAUD, WASTE, ABUSE, OR MISMANAGEMENT TO PRDOH CDBG-DR	
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	hotlineCDBG@vivienda.pr.gov
Online	Filling out the AFWAM Submission Form available in English and Spanish at www.cdbg-dr.pr.gov or https://cdbg-dr.pr.gov/app/cdbgdpublic/Fraud www.cdbg-dr.pr.gov https://cdbg-dr.pr.gov/app/cdbgdpublic/Fraud (English/Spanish)
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 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 7 th Street SW

	Washington, D.C. 20410
Email	HOTLINE@hudoig.gov
Online	https://www.hudoig.gov/hotline

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/>.

10.11 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 WFT 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 WFT Program without the need to amend these guidelines.

10.12 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; 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.

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/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

11 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 WFT Program.

12 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.