



DEPARTMENT OF
HOUSING



CDBG-DR PROGRAM GUIDELINES

HOUSING COUNSELING PROGRAM

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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 L.P.R.A. Ap. V, R. 68.1.~~

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1 Overview/Background

The involvement of the Department of Housing and Urban Development (HUD)-Approved certified Housing Counseling Agencies (HCAs) to provide case management; expertise in home repair financing, homeowner's insurance, and oversight; connections to disaster recovery networks; and expertise in the construction process has proven to be a valuable part of long-term recovery.

Subsection 106(a) of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701x authorizes the provision of funding for public or private organizations to provide a broad range of housing counseling services to homeowners and tenants to assist them in improving their housing conditions and in meeting the responsibilities of tenancy or homeownership. Subsection 106(a) also states that HUD's Secretary is authorized to provide counseling and advice to tenants and homeowners with respect to property maintenance, and financial management. In addition, to such other matters as may be appropriate to assist homeowners and tenants in improving their housing conditions and in meeting the responsibilities of tenancy or homeownership.

The Housing Counseling Program (HC Program or Program) from the Puerto Rico Department of Housing (PRDOH) will serve Applicant's needs in providing educational services to promote the understanding of housing counseling, mitigate default/foreclosure proceedings, and many other services through trained knowledgeable unbiased HCAs.

According to the PRDOH's Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan, Substantial Amendment, the HC Program has a total budget allocation of \$17,500,000 and has a maximum award of \$3,000,000 per HCA. If distinct HUD-certified counseling organizations are unable to provide services, any remaining funds could be provided, or made available, to one (1) or more of the contracted HCAs.

2 Program Description

The HC Program will foster resilience through public education and advocacy delivered by HCA's staff professionals to explain available options to Applicants receiving housing counseling services or beneficiaries, or potential beneficiaries, of other forms of housing assistance. These services may include a range of approved subjects, including but not limited to, one-on-one counseling and formal training sessions.

Through the HC Program, counseling services are provided, to current and potential homeowners, or tenants, to assist them in improving their housing conditions and in meeting the responsibilities of homeownership, or tenancy. Counseling services can be

provided in formal group classes.¹ Additionally, counseling may take place in the HCA offices, at alternate locations, or by telephone, as long as it is mutually acceptable to the housing counselor and applicant or client. Nevertheless, all HCAs participating in the HC Program that provide counseling services directly to applicants must provide in-person counseling to applicants that prefer in-person counseling services.² Furthermore, all participating HCAs that offer group educational sessions must also offer individual counseling on the same topics covered in-group educational sessions.³

With an established curriculum and instructional goals in place; in a group or classroom setting, or other educational or counseling formats approved by PRDOH, HCAs may cover approved housing counseling, education, and outreach topics⁴ such as, but not limited to:

- Prepurchase/homebuying, including, but not limited to: Advice regarding readiness and preparation, Federal Housing Administration-insured financing, housing selection and mobility, search assistance, fair housing and predatory lending, budgeting and credit, loan product comparison, purchase procedures, and closing costs;⁵
- Resolving or preventing mortgage delinquency, including, but not limited to: Default and foreclosure, loss mitigation, budgeting, and credit;⁶
- Home maintenance and financial management for homeowners, including, but not limited to: Escrow funds, budgeting, refinancing, home equity, home improvement, utility costs, energy efficiency, rights, and responsibilities of homeowners, and reverse mortgages;⁷
- Rental topics, including, but not limited to: HUD rental and rent subsidy programs; other federal, state, or local assistance; fair housing; housing search assistance; landlord tenant laws; lease terms; rent delinquency;⁸
- Homeless assistance, including, but not limited to: Information regarding emergency shelter, other emergency services, and transitional housing;⁹
- Tenant rights;¹⁰

¹ 24 C.F.R. § 214.1 and 24 C.F.R. § 214.300.

² 24 C.F.R. § 214.300 (a)(3).

³ 24 C.F.R. § 214.300 (a)(6).

⁴ 24 C.F.R. § 214.300 (e).

⁵ 24 C.F.R. § 214.300 (e)(1).

⁶ 24 C.F.R. § 214.300 (e)(2).

⁷ 24 C.F.R. § 214.300 (e)(3).

⁸ 24 C.F.R. § 214.300 (e)(4).

⁹ 24 C.F.R. § 214.300 (e)(5).

¹⁰ 24 C.F.R. § 214 (a)(8) states that: "All participating agencies that provide rental housing counseling shall address issues related to the rental of residential property, which may include counseling regarding future homeownership opportunities, the decision to rent, responsibilities of tenancy, affordability of renting, and eviction prevention".

- The entire process of homeownership;¹¹
- How to maintain a home or homeowner education;
- Fair Housing Act of 1968, as amended, 42 U.S.C. § 3601, *et seq.*;
- Identifying and reporting predatory lending practices;
- Rights for persons with disabilities;
- Relocation;
- Disaster preparedness and recovery;
- Financial literacy;
- The importance of maintaining good credit; and
- Other HCA eligible disaster recovery services as discussed in [HUD Housing Counseling Disaster Recovery Toolkit](#).

Educational sessions regarding the Fair Housing Act may include the promotion and protection of civil rights and their relationship with ensuring equal opportunity housing. Therefore, ~~these~~ sessions may range from topics such as identifying and reporting discriminatory policies, procedures, practices, fair lending, predatory lending; and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

The Program will provide documentation certifying completion of the educational courses delivered.

3 National Objective

The national objective of the HC Program is to benefit low- and moderate-income (LMI), persons below 80% Area Median Family Income (AMFI), and Limited Clientele (LC) persons (51% of the beneficiaries of an activity must be LMI persons) according to HUD's Modified Income Limits for Puerto Rico's CDBG-DR Program, ~~as well as those who are considered to be urgent need as defined by HUD~~. The Program will be offered as a public service.

4 Eligible Use of Funds

HCAs can provide assistance in several ways. The most commonly used is one on one counseling due to the personalized approach of review for each family's financial and housing situation. While identifying barriers to housing goals of each applicant and

¹¹ As stated in 24 C.F.R. § 214 (a) (7) HCAs "that provide homeownership counseling, shall address the entire process of homeownership, including, but not limited to, the decision to purchase a home, the selection and purchase of a home, the home inspection process, issues arising during or affecting the period of ownership of a home (including, but not limited to, financing, refinancing, default, and foreclosure, and other financial decisions), and the sale or other disposition of a home".

developing an action plan¹² to address each barrier. Services offered to each applicant can include, but are not limited to:

- Homeownership counseling;¹³
- Housing counseling;¹⁴
- Rental housing counseling;¹⁵
- Financial status or financial resource assessment;
- Applying for public and private resources;
- Negotiating mortgage and rent forbearance;
- Short and long-term budgeting living expenses;
- Explaining insurance options;
- Orientation specific to first-time homebuyers;
- Acting as a safeguard against fraud and scams;
- Hurricane season planning and preparation;
- Working with repair/reconstruction contractors;
- Walk-through of PRDOH Housing Recovery Programs;
- Link to short-term housing options;
- Services for renters including working with landlords, tenant rights, etc.;
- Relocation counseling for search of replacement home purchase options;
- Establishing property purchase eligibility/capacity;
- Credit repair counseling;
- Group education addressing how to remediate mold; and,
- Connection, or referrals, to other resources that provide home repair relief and emergency assistance.

5 Program Criteria

5.1 Goals

As part of the Program, PRDOH will work with HUD approved HCAs to ensure the following:

¹² A plan that outlines what the housing counseling agency and the client will do to meet the client's housing goals and, when appropriate, addresses the client's housing problem(s). 24 C.F.R. § 214.3.

¹³ 24 C.F.R. § 214.3; Homeownership counseling is housing counseling that covers the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including financing, refinancing, default, and foreclosure, and other financial decisions) and the sale or other disposition of a home. 24 C.F.R. § 5.100.

¹⁴ 24 C.F.R. § 214.3; Housing counseling is independent, expert advice customized to the need of the consumer to address the consumer's housing barriers and to help achieve their housing goals and must include the following processes: Intake; financial and housing affordability analysis; an action plan, except for reverse mortgage counseling; and a reasonable effort to have follow-up communication with the client when possible. The content and process of housing counseling must meet the standards outlined in 24 C.F.R. part 214. Homeownership counseling and rental counseling are types of housing counseling. 24 C.F.R. § 5.100.

¹⁵ 24 C.F.R. § 214.3; Rental housing counseling means counseling related to the rental of residential property, which may include counseling regarding future homeownership opportunities when provided in connection with PRDOH'S HC Program. Rental housing counseling may also include the decision to rent, responsibilities of tenancy, affordability of renting and eviction prevention. 24 C.F.R. § 5.100.

- 1) Deliver educational services to recovering residents on financial literacy; homebuyer counseling; credit repair counseling; expanding homeownership opportunities; improving access to affordable housing; searching the housing market for available and eligible properties; and preserving homeownership; among other housing and financial topics.
- 2) Ensure counseling needs of low, very low and extremely low-income households are met to the greatest extent feasible.
- 3) Target initial outreach to recovering residents located in high-risk areas (identified flood areas, storm surge areas, and landslide risk areas) and/or those who were denied Federal Emergency Management Agency (**FEMA**) assistance.
- 4) Administer housing counseling programs in accordance -and remain in compliance- with corresponding ~~departmental~~ regulations and guidance and the following nondiscrimination regulatory and legislative requirements:
 - Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, *et seq.*;
 - Fair Housing Act of 1968, as amended, (Fair Housing Act), 42 U.S.C. § 3601, *et seq.*;
 - Executive Order No. 11063 (1962), Federal Register, Vol. 27, No. 228, p.11527, 27 FR 11527 (November 24, 1962);
 - Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C § 794;
 - The Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, *et seq.*;
 - Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101, *et seq.*;
 - Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, *et seq.*
- 5) Services may be delivered in any of Puerto Rico's disaster-declared municipalities in the wake of Hurricanes Irma and/or María. PRDOH may choose geographic assignments based on capacity of respondent providers, application caseloads for programs, and other criteria. Geographic assignments may be adjusted, throughout the program, based on capacity and applicant need.

5.2 Training

As part of the HC Program, PRDOH may train HUD approved HCAs on programs offered under PRDOH's CDBG-DR Program. The curriculum will cover the scope of available programs and cover eligibility requirements in depth.

Additional training sessions to educate surge staff for housing counseling services can be provided as necessary to ensure service providers are appropriately staffed to meet applicant needs. All HCAs receiving funding under the HC Program must participate in PRDOH-sponsored training, as required.

HCA's may be required to satisfactorily complete special training seminars, prove capacity to handle caseloads, be equipped with sufficient staff to ensure the successful provision of counseling and educational services and to complete a capacity assessment for their service area.

6 General Eligibility for Housing Counseling Program of Housing Counseling Agencies

6.1 Eligible Applicants

The HC Program will provide counseling services to eligible low- and moderate-income (LMI) applicants, who are households below 80% Area Median Family Income (AMFI) and Limited Clientele (LC) persons (51% of the beneficiaries of an activity must be LMI persons), according to HUD Modified Income Limits for Puerto Rico's CDBG-DR Program. Adjusted income limits are updated annually by HUD and can be accessed at the HUD Exchange website.¹⁶

The HCAs will screen applicants for eligibility to ensure compliance with HC Program requirements. Applicants will be required to provide complete and accurate information regarding their household composition and household income. Failure to disclose accurate and complete information will affect eligibility, and all such instances will be referred to the HC Program for further action.

Applicants may be required to repay PRDOH if they are found to have submitted inaccurate or incomplete information to appear to meet eligibility requirements.

Each application will be reviewed for the following eligibility criteria:

6.1.1 Income

The applicant's household must qualify as low or moderate income. Income for all household members will be considered when calculating annual household taxable income. Applicants must provide to the corresponding HCA income documentation for all household members **eighteen (18) years** of age, or older, at the time of program application. Income types and associated documentation required for income verification may include, but are not limited to:

- Wages: Three (3) recent paystubs within the past **three (3) months**, W-2 Forms;
- Retirement/Social Security:
 - Three (3) monthly bank statements (Social Security and Pension only)
 - Current Social Security benefits letter (including benefits paid to minors)

¹⁶ Current income limits for Puerto Rico CDBG-DR purposes only, can be found on the HUD website: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>

- Current Pension/Retirement Benefit letter, or prior year 1099 Form
- Current Annuity Payment letter
- Other income information:
 - Self-employment income
 - Rental income
 - Unemployment benefits
 - Court-ordered alimony or spousal maintenance
 - No income: Adult household members who receive no income will be required to submit a Certification of No Income.
 - The HC Program will be assessed documentation for other less common types of income based on the type of income reported.

6.2 Eligibility Determinations

Eligibility determinations will be made by participating HCAs based on the documentation submitted by applicants. This includes *tieback forms* completed by applicants. HCAs will use the information provided in the *tieback form* to determine if Hurricanes Irma and/or María directly or indirectly affected the applicant. Eligibility determinations must be made based on applicable federal statutes and regulations, state and local codes and ordinances, and these guidelines.

Applicants who are deemed eligible will be informed thereof through a Housing Counseling Program Eligibility Determination notification.

If it is determined that an applicant is not eligible for the Program, they will be notified via a Housing Counseling Program Ineligibility Determination notification. These notifications will outline the basis for the determination, outline any relevant next steps, and provide instructions on how to submit a Program-based Reconsideration Request, an Administrative Review Request, and/or Judicial Revision. See the **Program-based Reconsideration** section of the Guidelines, for more information.

6.3 Housing Counseling Agencies

HCAs will provide counseling services to all eligible residents of Puerto Rico. PRDOH will chose from HUD's certified HCAs that best met, but not limited to, the following criteria:

- Are located in Puerto Rico and/or service Puerto Rico;
- Have documented HUD-certified team members;
- Have a proven track record of providing HUD counseling services and managing caseload;
- Have a proven ability to work with residents outside of the area of their locations as needed;
- Will provide a workplan for residents to provide an overview of the overall needs they will be addressing;

- Have been functioning for at least **one (1) year** in Puerto Rico;
 - HCAs without prior experience in Puerto Rico may be considered if they are able to provide documented experience in serving populations with similar demographic compositions and needs.

PRDOH will coordinate with each HCA the requirements for resident applications, intake process and process for receiving services. Residents will be paired with one of the HCAs based on an evaluation of their need, location, and ability to interface with the housing counseling agencies.

6.4 Housing Counseling Staff

The HCA staff housing counselors must be HUD-certified. They must also possess a working knowledge of HUD's and PRDOH's housing and single-family mortgage and insurance programs, such as Federal Housing Administration (FHA).¹⁷ Housing counselors must also be knowledgeable of other state and local housing programs available for a particular community (including renter's needs) and Consolidated Plans (including an analysis of impediments to fair housing choice and the Puerto Rican housing market).¹⁸ The HCA staff should also be familiar with housing programs offered by conventional mortgage lenders and other housing or related programs that may assist their clients.¹⁹

Housing counselors must be able to offer assistance that addresses applicant's unique financial circumstances or housing issues.²⁰ They must focus their efforts on ways of overcoming specific applicant's obstacles to achieving a housing goal such as:

1. Repairing credit;
2. Addressing a rental dispute;
3. Purchasing a home;
4. Locating cash for a down payment;
5. Being informed of fair housing and fair lending requirements of the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
6. Finding units accessible to persons with disabilities;
7. Avoiding foreclosure; or
8. Resolving a financial crisis²¹

Except for reverse mortgage counseling, all counseling shall involve the creation of an action plan for each applicant.²² HCAs must periodically monitor the work of the housing counselors by reviewing client files with the housing counselor to determine the

¹⁷ 24 C.F.R. § 214.103(h).

¹⁸ Id.

¹⁹ Id.

²⁰ 24 C.F.R. § 214.3; 24 C.F.R. § 214.300.

²¹ Id.

²² Id.

adequacy and effectiveness of the housing counseling.²³ The HCA must document these monitoring activities and make the documentation available to HC Program staff, or PRDOH CDBG-DR Program staff, upon request.²⁴

6.5 Housing Counseling Resources

The HCAs must have sufficient resources to implement an approved housing counseling work plan.

All participating HCAs must deliver housing counseling services consistent with its own housing counseling work plan.²⁵ The work plan should identify housing counseling services to be provided in response to one or more of the needs in targeted communities and geographic areas where the HCA provides housing counseling services.²⁶ As part of their work plans, HCAs may also conduct marketing and outreach, including, but not limited to, providing general information about housing opportunities, conducting information campaigns, and raising awareness about critical housing topics such as predatory lending and fair housing topics.²⁷ In sum, the HCA must implement the housing counseling work plan and demonstrate reasonable achievement of the outcome objectives approved by PRDOH.²⁸ Please refer to section 8 (Outreach & Marketing) and section 10 (Housing Counseling Work Plan) in this Guide for more information on these topics.

The HCAs must employ trained and HUD-certified housing counseling staff that have at least **six (6) months** of working experience on the job they will perform in the HCA's housing counseling program. Evidence of staff experience and training must be documented in the HCAs' employee files. Documentation of staff experience and training will be assessed by the HC Program before HCA's complete their applications for grant funding and will be further assessed during HC Program's regular performance reviews. Newly hired employees counselors must be HUD certified within **one (1) year** of their hire date. HCAs and housing counselors must maintain current HUD certification during the life cycle of the HC Program for continued participation in the program.²⁹

6.5.1 Change Order

If an HCA lacks the resources needed to complete Program work, it may submit a request to acquire additional necessary resources. These resources may include, but are not limited to, staff members, technology, and office space. Change order requests with

²³ 24 C.F.R. § 214.303(h).

²⁴ Id.

²⁵ 24 C.F.R. § 214.300(d)(1).

²⁶ Id.

²⁷ 24 C.F.R. § 214.300(d)(2).

²⁸ 24 C.F.R. § 214.303(d).

²⁹ 24 C.F.R. § 214.103; 24 C.F.R. § 214.303(a).

justification for the need of additional resources must be requested by the HCA and may be approved by Program Staff on a case-by-case basis.

PRDOH will evaluate all change order requests to determine whether additional resources are necessary and reasonable ~~in order~~ for the HCA to provide adequate levels of housing counseling to its assigned region.

Without prior authorization, any work performed outside of the approved scope of work by means of a change order, is not reimbursable under PRDOH's CDBG-DR Program. HCAs shall be responsible for all costs incurred due to activities performed beyond the approved scope of work or beyond the approved resource level without prior authorization by a duly authorized change order.

6.6 State and Local Requirements

In accordance with 24 C.F.R. § 214.103(k) a housing counseling agency, its branches, and affiliates must meet all state and local requirements for its operation.

6.7 Accessibility and Facilities

In accordance with 24 C.F.R. § 214.103(l), all housing counseling facilities of the HCA and its branches, affiliates, and sub-grantees must meet the following criteria:

- The office should operate during normal business hours and offer extended hours when necessary;
- Provide privacy for in-person counseling and confidentiality of client records;
- Provide vital documents and information in alternative formats, as well as provide accessibility features or make alternate accommodations for persons with disabilities, in accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, 24 C.F.R. parts 8 and 9, and the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101, *et seq.*;
- The housing counselor(s) must be fluent in the language of the clients they serve. In addition, all documents provided to clients must be available in both English and Spanish; and
- Have a clearly and properly identified office, with space available for the provision of housing counseling services. There must be permanent signage identifying the housing counseling office.

6.8 Housing Counseling Agency Ineligibility

HCAs must comply with all applicable fair housing and civil rights requirements in 24 C.F.R. § 5.105 (a).

HCAs are deemed ineligible if said agency:

- a) Has been charged with an ongoing systemic violation of the Fair Housing Act; or

- b) Has been a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or
- c) Has received a letter of findings identifying ongoing systemic noncompliance under Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act 1973, or section 109 of the Housing and Community Development Act 1974, as amended.

Under section 808(e)(5) of the Fair Housing Act, PRDOH has a statutory duty to affirmatively further fair housing in its activities. PRDOH requires the same of its subrecipients. HCAs must affirmatively further fair housing for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Housing counseling agencies are expected to help remedy discrimination in housing and promote fair housing rights and fair housing choice.

Therefore, if ~~and only if~~ the charge, lawsuit, or letter of findings referenced in subparagraphs (a), (b), or (c) has been resolved to PRDOH's satisfaction, then will the HCA be considered eligible. This result will vary on a case-by-case basis.

7 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. 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. To that effect, Counselors at the HCAs shall review their system of record to assess if a person has already received or is currently receiving counseling services from another vendor. If it is determined that a case has been duplicated, the Housing Counselor must mark it manually and inactivate the duplicate application. Furthermore, individual participants receiving services from the HCAs will be required to fill out a certification to inform if they have previously received any assistance from other sources or for receiving housing counseling services.

8 Outreach & Marketing

HCAs working as subrecipients with PRDOH are to provide outreach through multiple media platforms including but not limited to radio, newspapers, social media, local marketing initiatives, local events, or fairs. This outreach should be documented, measurable, and create impact. Outreach and data regarding the targeted population will be measured through quarterly reports.

Initial outreach should be targeted to recovering residents located in high-risk areas (identified flood areas, storm surge area, and landslide risk areas) and/ or those who were denied Federal Emergency Management Agency (**FEMA**) assistance.

As previously stated, the provision of information to raise awareness about critical housing topics, such as predatory lending, fair lending, and fair housing issues, including what to do if you think you've been discriminated against (i.e., how to file a complaint). Additionally, the availability of housing counseling and other forms of assistance should be part of the outreach and marketing performed. Marketing and outreach include distributing materials, presentations at community events, conducting informational campaigns, public service announcements (**PSAs**), advertisements, or other forms of media campaigns, and advocating with lenders and other industry partners.

All outreach plans must be submitted to PRDOH for review and approval prior to the HCA beginning work. Outreach and marketing materials related to CDBG-DR programs must be pre-approved by PRDOH before publication and should be provided in both English and Spanish.

9 Application Requirements & Selection

9.1 Selection Review of HCA Awardees

Existing or new certified housing counseling agencies servicing Puerto Rico were encouraged to apply for the grant funding provided through this Program.

PRDOH published a Notice of Funding Available (**NOFA**), requesting documentation that outlined the qualifications based on previous work experience, capacity, and ability to provide services as well as methodology and approach to provide the requested scope of services.

Scoring and funding methodology for the NOFA was intended to ensure that Program goals are met. PRDOH assigned a ranking and scoring system in the NOFA. Scoring under this NOFA rewarded high-quality services, oversight, and quality control, meeting key needs, and efficient program administration.

These qualifications included, but were not limited to, the HCAs:

- Being HUD-certified Housing Counseling Agencies;
- Being located in Puerto Rico and/or service Puerto Rico;
- Having a proven track record of providing these types of services in Puerto Rico as demonstrated through an understanding of:
 - The needs and problems of the target population;
 - How the agency will address one or more of these needs and problems with its available resources;

- The type of housing counseling services offered;
- Fee structure, if applicable;
- The geographic service area to be served; and
- The anticipated results to be achieved within the period of approval.
- Having a proven track record for managing their caseloads;
- Having sufficient staff to properly service residents in Puerto Rico;
- Having a proven record of expertise in the area of service they will be applying;
- Having a proven ability to work with residents outside of the area of their locations;
- Having a proven methodology for program/project implementation that yields results.

Approval of HCAs was based on PRDOH's verification of all documents and information submitted. PRDOH maintains the right to request additional documentation or provide addenda as needed. HCAs with branches or affiliates for which the parent entity exercises control over the quality and type of housing counseling services rendered, must submit a single application for approval.

These decisions were made based on applicable statutes, codes of federal regulation, state, and local codes and ordinances, local guidelines, and Program guidelines.

9.2 Approval of Application

If the application package is selected by PRDOH for funding, PRDOH will approve an HCA for a period up to **two (2) years**, with options to extend. PRDOH will notify the HCA of its approval in the form of a Notice of Approval to the agency's main office. This notification will outline the eligibility determination made and outline next steps, if applicable.

Upon approval, PRDOH will provide an Award Notice that will include information on the amount of funding made available to the HCA, as the awardee. PRDOH will notify the winning awardee(s) and host a kickoff meeting to outline the services, training sessions, and any other additional requirements to be completed, including the preparation of a CDBG-DR Housing Counseling Work Plan.

10 Housing Counseling Work Plan

10.1 Required Components

The Housing Counseling Work Plan must:

- Describe the demographics, housing needs and problems, and geographic boundaries of the service target area(s).
- Identify housing counseling services to be provided in response to one or more of the needs in targeted communities and geographic areas where the agency and its branches and affiliates will provide their housing counseling services.

- Identify group education, marketing, and outreach strategies.
- Address, if appropriate, alternative settings or formats for the provision of housing counseling services for cases in which the agency and the client mutually agree on the need for an alternative setting or alternative format and cases in which the agency's facilities are not accessible.
 - Alternative formats can include telephone counseling or remote counseling systems designed using video-call technology, video cameras, and the internet. Video-call technology systems can also be used to deliver group education workshops and sessions.
- Detail the agency's plan for follow-up communication with the client.
- Identify existing fee structure and provide information on how to ensure that participants seeking CDBG-DR funded services will not be charged.
 - Services provided through CDBG-DR Housing Counseling services must be free of charge to participants. The HCA will receive payment from PRDOH to provide these services.
 - HCAs will be reimbursed for the following eligible activities: delivery of counseling and education services that benefit clients, including the supervision and quality control necessary to provide high-quality services; cost of client education and materials; program oversight; cost of compliance and quality control; supervision of housing counseling staff; housing counselor training; and marketing and outreach initiatives.
- HCA Work Plans are subject to approval by PRDOH. Once approved, any changes to the Work Plan must be subsequently approved.

10.2 Recordkeeping and Reporting

As per 24 C.F.R. § 214.315, the HCAs must have an established system of recordkeeping that permits PRDOH and HUD to easily access all information needed for a performance review.

Participating HCAs must maintain a separate confidential file for each counseling client to document the action plan and the services provided to the client. The client file must include an action plan and may be for an individual or household or for a group of clients with the same housing need. HCAs must ensure the confidentiality of each client's personal and financial information, both electronic and paper, including credit reports, whether the information is received from the client or another source. Failure to maintain the confidentiality or improper use of credit reports may subject the agency to penalties under the Fair Credit Reporting Act, as amended, 14 U.S.C. § 1681, *et seq.* Hard copies of client files must be kept in locked filing cabinets and electronic client files must be kept secure and be accessible only by authorized employees.

Additionally, HCAs must maintain a separate confidential file for each course provided. This file must contain a list of all participants, their race, ethnicity and income data, course title, course outline, instructors, and date of each course. Likewise, each HCA must document in the client's file termination of housing counseling.³⁰ Please refer to section 10.5 (Termination of Services) for more information on this topic.

Furthermore, participating HCAs shall utilize an electronic housing counseling client management system for the collection and reporting of client-level information including, but not limited to, financial and demographic data, counseling services provided, and outcomes. Agencies shall be required to interface with PRDOH's databases.

Reports will be submitted to PRDOH on progress of the outreach, rate of intake, identification of any key areas of resident need not being met and goals achieved/remaining.

10.3 Identification of Program Participants

PRDOH will work with HCAs to identify their pipeline of potential participants. Other CDBG-DR funded programs may refer participants, including the Home Repair, Reconstruction or Relocation (**R3 Program**), the Homebuyer Assistance Program (**HBA**), directly from PRDOH, or self-referred participants. Participants will be referred based on both service area and specific services provided by an HCA. Once an HCA receives a referral from one of these sources, they shall contact the participant within **two (2) business days** to initiate intake. For participants referred from these other CDBG-DR-funded programs, no additional eligibility determination process is required to be performed by the Housing Counseling Agency. Services for participants referred from the CDBG-DR Homebuyer Assistance Program who surpass the LMI threshold will be funded by said Program.

10.3.1 Relocation Voucher Participants of the R3 Program

Applicants to the R3 Program, who are provided a Relocation Voucher, will be referred ~~required to participate in~~ the Housing Counseling Program. Applicants will receive homeownership counseling assistance during the process of searching for a property. In addition, they will be awarded CDBG-DR funds to complete optional homeowner education courses with an HCA's Housing Counseling Program. ~~As a condition of receiving a relocation award from the R3 Program, these applicants must complete a homeowner education course provided by a CDBG-DR funded HCA and provide documentation certifying completion of the curriculum. The homeowner education course must be completed prior to the applicant's R3 Program real estate closing event.~~ For more information regarding the R3 Program, please see the program guidelines for

³⁰ 24 C.F.R. § 214.315 (h).

the Home Repair, Reconstruction, or Relocation Program, available at www.cdbg-dr.pr.gov.

The Housing Counseling Program will support applicants throughout the relocation process by providing assistance in the following areas ~~assisting with things like~~: identifying a suitable replacement home, homeowner education, and connecting applicants with social services providers in the areas being considered by the applicant. HUD-certified HCA may assign qualified personnel to applicants with special needs to offer ~~particular~~ appropriate assistance on a case-by-case basis.

Applicants must work with an HCA to identify a suitable replacement home. R3 Program Staff will verify that the applicant has taken appropriate action to identify suitable options commensurate to household composition and family needs and work closely with the applicant's HCA to ensure sufficient efforts are being made.

10.4 Initial Consultation with Program Applicants

HCAs will provide Applicants an initial consultation upon successful completion of intake for counseling services. ~~In order to~~ To best serve the Applicant, while scheduling this consultation, the HCA should confirm resident's information, such as contact information, recovery needs, etc.

At the initial consultation, the HCA will meet and discuss the housing needs with the Applicant and any other household members that attend. The HCA must confirm the application information and collect any documents supplied by the Applicant in connection to their ~~particular~~ specific needs, as well as provide a list of additional documentation that will be required as next steps based on identified needs.

Applicants should provide all required documents within a reasonable timeframe to ensure the progress and success of their participation in the Program. HCAs are responsible for two (2) follow-up contacts with the Applicant to meet their consulting needs and/or maintain the application status as current.

If the Applicant fails to attend two (2) scheduled consultations without notifying the HCA, then their case may be put on hold. The Applicant will be notified of this action.

HCAs will individualize consulting recommendations for each Applicant based on their identified need and provide services in line with those needs. Upon completion of service delivery to a participant, the HCA will provide any required beneficiary and outcome information to PRDOH.

10.5 Termination of Services

Participating HCAs must document termination of housing counseling in the client's file. Termination occurs or may occur under any of these conditions:

- The client meets their housing need or resolves the housing problem;
- The agency determines that further housing counseling will not meet the client's housing need or resolve the client's housing problem;
- The agency attempts to, but is unable to, locate the client;
- The client does not follow the agreed-upon action plan;
- The client otherwise terminates housing counseling; or
- The client fails to appear for housing counseling appointments.

10.6 Application Closeout

Participating HCAs shall coordinate a closeout process with the Applicant, which **must** include the completion of a Closeout Survey that evaluates the services provided by the HCA. ~~may include an exit interview and an evaluation of the services needed, services provided, and outstanding needs, if any.~~ Applicants may request an exit interview where they provide feedback regarding additional services needed or outstanding needs. Applicants may **also** provide feedback to the HCA in writing.

Any complaint submitted to the HCA should be discussed, documented, and resolved with a report. See the Complaints and Appeals section of the Cross-Cutting Guidelines found at www.cdbg-dr.pr.gov. HCAs are responsible for completing aggregate reports to quantify the services they have provided and the outcomes for each case.

11 Program-based Reconsideration and/or Administrative Review

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

11.1 Program-based Reconsideration Request

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

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

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

Filing a Program-based Reconsideration Request does not substitute, negate, or preclude any legal right that an Applicant has to challenge a determination made by the Program. Therefore, Applicants who believe the initial determination of the Program to be erroneous, may submit, at their discretion, either a Program-based Reconsideration Request or a petition for review of the decision made by the Program by filing an Administrative Review Request at PRDOH in accordance with Regulation Number 4953, of August 19, 1993, which regulates the Formal Adjudication Process for PRDOH and its Adjunct Agencies (Regulation 4953).³¹

11.2 Administrative Review Request

If an Applicant disagrees with a Program determination, or with the Reconsideration Request Denial determination, said party may file directly to PRDOH, as grantee, an Administrative Review Request in accordance with the Regulation 4953. The Applicant must submit such request, in writing, within **twenty (20) calendar days** from the date a copy of the Program determination or a Reconsideration Request Denial determination notice was filed in the record of the agency. Provided, that if the date on which the copy of the notice is filed in the records of the agency differs from the mailing date (postal or electronic), the **twenty (20) calendar day-term** shall be calculated from the mailing date (postal or electronic). Notices distributed via electronic communication shall be considered valid. In the event a notification is sent via postal and electronic mail, the notification date will be the one sent beforehand. Submit the request via email to: LegalCDBG@vivienda.pr.gov; via postal mail to: CDBG-DR Legal Division, P.O. Box 21365, San Juan, PR 00928-1365; or in person at PRDOH's Headquarters at: CDBG-DR Legal Division, 606 Barbosa Avenue, Juan C. Cordero Davila Building, Río Piedras, P.R. 00918.

³¹ For more details, you can access Regulation 4953 (in Spanish) at: <https://www.vivienda.pr.gov/wp-content/uploads/2015/09/4953-Reglamenta-los-procedimientos-de-adjudicacion-formal..pdf>

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

12 Program Compensation and Closeout

Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed and meet the standards required in 2 C.F.R. §200.430(h)(8)(i).

PRDOH will require HCAs to provide final reports for the outcomes of all serviced residents, as well as summary dashboards to indicate hard metrics of results achieved with the funding provided. All records shall be retained and maintained for a period of at least **five (5) years**, starting from the closeout of the grant. Furthermore, they must be made available to PRDOH upon request.

All HCAs must be able to demonstrate and document the actual cost of service provision. The amount billed cannot exceed the actual cost of the service provided.

Records must support the distribution of employees' salaries and wages among specific activities or cost objectives if the employee works: on more than one Federal award; a Federal award and a non-Federal award; an indirect cost activity and a direct cost activity; two (2) or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity.

12.1 Invoicing

Budget estimates alone (i.e., estimates determined before the services are performed) do not qualify as support for charges to awards. Records must reasonably reflect the total activity for which employees are compensated. Costs for deliverables such as outreach publications, rental space for group meetings, and associated operational expenses may be reimbursed by the HC Program in accordance with the subrecipient agreement.

HCAs will submit requests for payment in accordance with PRDOH invoicing guidance. Funds will be disbursed monthly on a draw basis. No disbursements are allowed unless the CDBG-DR Agreement is signed and dated by both parties (HCA and PRDOH). The HC Program will consider only costs identified in the CDBG-DR Agreement and that are eligible for payment/reimbursement. Accounting of disbursements and expenditures will be ongoing to ascertain that funds are expended according to the terms of the

subrecipient agreement. This process will help identify HCAs that do not comply with agreed upon goals. Quarterly Each month, HCAs will track and report to PRDOH fund commitments and expenditures, and beneficiary information when available.

13 General Provisions CDBG-DR Compliance

13.1 Program Guidelines Scope

This document sets forth the policy governing the Program. The program guidelines contained herein 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, all federal and state laws and regulations in effect, as applicable, in the execution of program activities.

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

13.2 Program Guidelines Amendments

PRDOH reserves the authority 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 amendments, inclusions, and/or changes.

13.3 Disaster Impacted Areas

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

13.4 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 extension of deadlines strictly applies to program deadlines or established program terms. Under no circumstance(s) does the faculty to extend deadlines apply to the established terms of time in any applicable federal or state law or regulation, or to the terms of times established in these guidelines to request a Program-based Reconsideration, administrative review, and/or judicial review.

13.5 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.

13.6 Written Notifications

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

13.7 Conflict of Interest

As stated in the Federal Register Vol. 83, No. 28 (February 9, 2018), 83 FR 5844, Federal regulations require 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. § 214.303(f); 24 C.F.R. §570.611.;
2. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200 at § 200.112 and § 200.318 (c)(1);
3. Puerto Rico Department of Housing Organic Act, Act 97 of June 10, 1972, as amended, 3 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 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 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, the COI Policy also includes standards of conduct governing employees engaged in the award or administration of contracts.

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

Such conflicts of interest will not be tolerated by PRDOH. Program officials, their employees, agents, and/or designees are subject to state ethics laws and regulations, including, but not limited to Puerto Rico Government Ethics Act of 2011, Act 1-2012, as amended, regarding their conduct in the administration, granting of awards and program activities.

According to the Puerto Rico Government Ethics 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 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 Program. On a case-by-case basis, PRDOH Program officials, their employees, agents, and/or designees may still be eligible to apply and to receive assistance from the Program if the applicant meets all Program eligibility criteria as stated in these guidelines. PRDOH Program officials, their employees, agents, and/or designees should disclose their relationship with PRDOH at the time of their application.

The COI Policy and all 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/>.

13.8 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.

13.9 Citizen Complaints

As part of addressing Puerto Rico's long-term recovery needs, citizen complaints on any issues related to the general administration of CDBG-DR funds are welcome throughout the duration of the grant. It is PRDOH's responsibility, as grantee, to ensure that all complaints are dealt with promptly, consistently and at a minimum, to provide a timely, substantive written response to every **written** complaint within **fifteen (15) calendar 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)
Error! Hyperlink reference not valid. <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.³²

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/>.

13.10 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,

³² Hours may vary due to COVID-19. PRDOH recommends calling ahead prior to arrival to corroborate attention hours.

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/cdbgdrpublic/Fraud |
| 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 7th 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/>.

13.11 Related Laws and Regulations

These guidelines refer 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.

13.12 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://cdbg-dr.pr.gov/en/resources/policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>

14 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.

15 Severability Clause

If any provision of these guidelines, or the application thereof to any person, partnership, 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.