



DEPARTMENT OF  
**HOUSING**



# CDBG-DR PROGRAM GUIDELINES

**MUNICIPAL RECOVERY PLANNING PROGRAM**

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PUERTO RICO DEPARTMENT OF HOUSING  
CDBG-DR PROGRAM GUIDELINES  
**MUNICIPAL RECOVERY PLANNING PROGRAM**  
VERSION CONTROL

| <b>VERSION NUMBER</b> | <b>DATE REVISED</b> | <b>DESCRIPTION OF REVISIONS</b>  |
|-----------------------|---------------------|--|
| 1                     | September 16, 2019  | Original Version   |
| 2                     | May 28, 2020        | Changes throughout the whole document. All edits are marked in gray for ease of reference.   |
| 3                     | November 15, 2021   | Changes made to the Procurement section to include an exemption for Municipalities PRDOH Administrative Order 21-20, changes in the DOB, Program-based Reconsideration, Administrative Review, General Provisions sections, and required program timelines and deadlines, among other edits. All edits are marked in gray for ease of reference. |
| 4                     | August 15, 2022     | Changes Made throughout the whole document to include Regional Planning Activities and Studies.  |
| 5                     | January 13, 2023    | Changes made throughout the whole document to include Individual Specialized Planning Analysis Activities.   |
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## 1 Overview

In September 2017, Hurricanes Irma and María (**Hurricanes**) cut across Puerto Rico, crippling the power grid, flooding coastal, and alluvial plains, and causing significant landslide and wind damage. These forces collectively impacted cities, economies, municipal systems, and natural ecosystems, and exacerbated geological vulnerabilities. All seventy-eight (78) municipalities were subsequently declared disaster impact areas under Puerto Rico Hurricane Irma DR-4336 and Puerto Rico Hurricane María DR-4339.

Through the Municipal Recovery Planning Program (**MRP Program or Program**), the Puerto Rico Department of Housing (**PRDOH**) aims to address municipal needs in the Disaster Impact Areas (**DIA**) from the Hurricanes. ~~This area~~ The DIA encompasses all of Puerto Rico's islands, thereby qualifying all seventy-eight (78) municipalities as eligible Applicants to the Program.

~~The seventy-eight (78) municipalities of Puerto Rico represent cities and towns across the three (3) main islands. Municipalities are the primary legal subdivisions and contain cities, towns and unincorporated or informal settlements within their boundaries. Cities and towns are comprised of smaller communities and neighborhoods, including some designated as "special communities". These special communities will be served by the Whole Community Resilience Planning (WCRP) Program, a separate planning program that addresses their specific needs. This document~~ The MRP Guidelines contained in this document, however, will focus on a ~~the~~ larger scale, efforts will be directed to a municipal level, as well as regional level.

### 1.1 Planning

Disasters do not stop at political boundaries, as such, recovery and resilience planning should be conducted both at a Municipal level and at a regional level. Thus, the Program anticipates a critical need for municipalities to develop strategies for individual and regional hurricane recovery and mitigation of future disaster events.

The MRP Program defines "planning" as a process by which local administrations collaborate with community residents, businesses, neighboring municipalities, and central government agencies to identify actions and projects necessary for holistic recovery from Hurricanes. Municipalities will have time and space to envision a potential future and plan for individual, specialized, regional recovery, and resilience. Throughout the planning process, the Program will ask communities to consider multiple factors allowing for a thorough design. These factors are, among others, future stressors (hurricanes, earthquakes, landslides, economic downturns, other social or geophysical shocks, etc.), environmental integrity, economic diversity and viability, hazard mitigation opportunities, historic preservation, equity, and vulnerability, infrastructure redevelopment or augmentation, and other issues they deem necessary. The designing process will take place as ~~three (3) two (2)~~ consecutive components: Individual Municipal

Planning, Specialized Planning Analysis, and Regional Municipal Planning. (See **Program Description** section)

The planning processes (Individual/Municipal/Specialized/Regional) outcome will generate public plans which lay out findings and visions for future success for each participating municipality and region, as well as identifying specific issues, solutions, implementation, and funding strategies.

## 1.2 Planning in Puerto Rico

Puerto Rico has a long history of planning in response to natural disasters, economic recessions, neighborhood development, and infrastructure growth. The plans are often devised on a smaller scale, community level, or on a larger scale, Island-wide level. This Program will unify and build existing efforts while giving municipalities the resources to develop ideas from the communities they represent; thus encouraging larger-scale understanding and direct attention to future needs. Incorporating past planning efforts, the MRP Program seeks to benefit individual municipalities, regional groups of municipalities, and the future of Puerto Rico as a whole.

## 2 National Objective

Funds used for planning activities for the development of community plans are part of the twenty percent (20%) planning and administrative cap of the Community Development Block Grant-Disaster Recovery (**CDBG-DR**) funds. Funds with planning this designation do not need to meet a national objective requirement.

## 3 Program Description

The MRP Program is has been designed as three (3) ~~two (2)~~ consecutive components: Individual Municipal Planning, Individual Specialized Planning Analysis, and Regional Municipal Planning, and will operate in seven (7) ~~five (5)~~ consecutive periods<sup>1</sup>, subject to Program schedule, in order to identify projects and actions necessary for holistic recovery from the Hurricanes:

1. Pre-Planning Period
2. Individual Municipal Planning
3. Individual Municipal Planning Review Period
4. Individual Specialized Planning Analysis
5. Individual Specialized Planning Analysis Review Period
6. Regional Municipal Planning
7. Regional Municipal Planning Review Period

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<sup>1</sup> Periods can run simultaneously to previous ones, but deliverables are handed over consecutively.

The **Pre-Planning Period** process will commence immediately **upon execution of the subrecipient agreement (SRA)**. This period will consist of a series of tasks based on the planning services option chosen by the Subrecipient. The tasks may include, but are not limited to: Independent Procurement, mobilization, trainings, coordination with the assigned program manager, evaluation of personnel need, staff build up (hiring and assigning process), and program launch.

Once the **Pre-Planning Period** concludes, the **Individual Municipal Planning** process may begin. Each Municipality will envision a potential future and develop a plan for recovery and resilience for inhabitants within their Municipality. Throughout the planning process, the Program will ask communities to consider information input about multiple factors that allows a varied scale plan design. These factors are, among others, future stressors (hurricanes, earthquakes, landslides, economic downturns, other social or geophysical shocks, etc.). Also, environmental integrity, economic diversity and viability, hazard mitigation opportunities, historic preservation, equity and vulnerability, infrastructure redevelopment or augmentation, and other issues they deem necessary. This process will result in an Individual Municipal Plan. The individual plan is a public document which will be constituted of municipality's findings and visions for future success, as well as specific identified issues, solutions, ~~and~~ implementation and funding strategies.

After the **Individual Municipal Planning** period, the **Individual Planning Review Period** will commence. During this phase, the submitted **Individual Municipal Plans** will be reviewed and analyzed ~~in preparation for the transition toward the Regional Planning Activities.~~ Throughout or after the completion of the Individual Municipal Planning process, a municipality may identify unique circumstances requiring a highly technical planning analysis. These unique circumstances include but are not limited to specialized economic development assessments, housing or relocation analyses, environmental studies, surveys and census for demographic analyses, and other studies that require the participation of multiple specialists and/or experts from different fields. In such cases, the Municipality may request an **Individual Specialized Planning Analysis**. The Individual Specialized Planning Analysis will address subjects or elements identified through the Individual Municipal Planning process that require further analysis and are not regional in scope.

Furthermore, ~~Once the Individual Municipal Planning and/or the Individual Specialized Planning (if requested and approved by PRDOH as established in this Guidelines) this process are is advanced and/or finalized or running simultaneously to a developed individual planning process,~~ the **Regional Municipal Planning** process may begin. Jurisdictions will work with their adjacent Municipalities to understand complex issues that extend beyond civic boundaries and identify solutions that are regional in nature. These issues and solutions may include energy considerations, watershed planning and flood mitigation, or environmental and resource conservation planning, among others. During



the process, Municipalities will be asked by PRDOH to consider inter-governmental coordination of resources to provide actionable solutions, especially projects, to large area considerations.

The objective of the **Individual Specialized Planning Analysis** is to address the needs and essential or desirable planning interventions at the municipal level and identified through the **Individual Municipal Planning** that, given their complex condition, require additional efforts and professional specialization to prepare municipal governments for the development of future recovery and/or mitigation strategies. Municipalities shall execute a new SRA, before the beginning of any Individual Specialized Planning Activity. These studies can support municipalities in future competitive applications that could become available under CDBG programs. The **Individual Specialized Planning Analysis** may commence during the Individual Municipal Planning effort if they are identified during the ongoing Individual Municipal Planning activities. **Individual Specialized Planning Analysis** should not begin prior to PRDOH approval.

The intent of the **Regional Municipal Planning** process is to prepare all levels of government for immediate and wise use of future recovery or mitigation funding that could become available under CDBG programs. In some cases, Regional Planning activities may commence prior to the ~~Individual Planning effort~~ the completion of the Individual Municipal Planning effort if they fit within the context of the ongoing planning activities. ~~if deemed appropriate by Regional Planning Activities~~ should not begin prior to PRDOH approval and the execution of a new SRA.

### 3.1 Program Method

Planning firms will collaborate with municipalities to conduct outreach, communication, and discussions with community residents and stakeholders. This inclusive planning process will result in Individual Municipal Recovery Plans. Later, as a separate phase and if approved by PRDOH, the inclusive planning process can result in the Individual Specialized Planning Analysis and/or Regional Municipal Recovery Plans. The plans will strategically position individual municipalities and regions to qualify for funding through other CDBG-DR programs described in the PRDOH CDBG-DR Action Plan, such as the City Revitalization Program.

While the contents and recommended strategies for recovery contained within these Plans are expected to vary by locality, the recovery planning process will follow a consistent methodology and will result in an outcome of consistent format and structure.

#### 3.1.1 Planning Process

The planning process shall be composed, at minimum, of the following tasks:

- a. Public engagement, outreach, and collaboration at a municipal and/or regional scale.

- b. A critical review of existing plans, policies, and regulations that impact resilience and rebuilding activities. This may include environmental plans, local zoning, and future land use maps, local policies and procedures, capital outlay plans, or other strategic, spatial, or special area planning.
- c. Data gathering, studies, or analysis necessary to carry out planning activities.

### 3.1.2 Planning Outcomes

The planning process is expected to provide concrete goals along with specific actions or projects that will lead to the recovery and resilience of municipalities and address critical infrastructure, environmental, and economic deficiencies. The following elements are the expected result of the planning processes performed under the Program:

- a. A plan document, in both digital and physical format, that identifies recovery and resilience strategies, along with mitigation projects eligible for funding under current and future CDBG allocations, as well as other recovery or mitigation funding opportunities.
- b. Identification of recovery, resilience, and mitigation actions that can be undertaken by municipalities and stakeholders.
- c. Creation of an implementation and funding strategy.
- d. Compilation of local risk profiles.
- e. Monitoring and evaluation framework.
- f. Development of a Mitigation and Resilience Toolkit. The toolkit may include strategies to address considerations such as:
  - o Economic Development
  - o Coastal Zone Management
  - o Natural Habitat Restoration
  - o Debris Management
  - o Municipal Master Planning
  - o Regional Master Planning
  - o Community Development or Redevelopment
  - o Capital Improvement
  - o Codes, Ordinances, Standards, and Regulations
- g. Municipal staff will work closely with vendors to build key skill sets required to manage long-term recovery activities associated with CDBG-DR grant funds.

## 4 Eligible Use of Funds

The Program provides funding to municipalities to acquire additional staff and equipment as necessary to support management and leadership of the Individual Municipal and Regional Municipal Recovery Planning processes, as well as to hire planning firms (vendors) to carry out eligible program activities, as defined by 24 C.F.R. §

570.205. Municipal staff will work closely with the vendors to build key skill sets required to manage long-term recovery activities associated with CDBG-DR grant funds.

#### **4.1 Eligible Activities**

Certain activities are considered eligible for reimbursement when procured in accordance with CDBG-DR guidelines:

1. Activities necessary to develop a recovery plan. These activities may include:
  - Data gathering and analysis, participating and contributing to necessary studies or mapping effort
  - Outreach and coordination with citizens and stakeholders
  - Communications and messaging
  - Participation in development of vision, goals, objectives, and activities
  - Participation in development of implementation strategy
  - Findings review
  - Plan drafting
2. Activities necessary for monitoring, evaluation, and oversight of vendor activities and deliverables. These activities could include:
  - Monitoring reports and evaluations
  - Invoicing and documentation
  - Coordination, oversight, and management of planning vendors
  - Coordination with PRDOH and MRP project manager
  - QA/QC and review of deliverables
3. Equipment and software necessary to conduct the activity.
4. Vendor activities necessary to develop a Recovery Plan.

#### **4.2 Ineligible Activities**

Certain activities are considered NOT eligible for funding or reimbursement.

- Engineering, architectural and design costs related to a specific project, such as detailed engineering specifications and working drawings.
- Construction or any costs of implementation of projects or plans.
- Costs not associated with the development of plans or other planning activities, as described in 24 C.F.R. § 570.205.

### **5 Program Eligibility**

Potential grant recipients include any of Puerto Rico's seventy-eight (78) designated municipalities.

For Regional Planning Activities, potential grant recipients include: any inter-municipal alliance or consortium, agreements within municipalities, trusts and collaborative

agreements duly created in accordance of Act No. 107-2020, as amended, 21 L.P.R.A. § 7001 *et seq.*, known as the Puerto Rico Municipal Code.

The different inter-municipal alliances or consortiums must be organized and constituted by virtue of a written agreement, duly signed by the Mayors, with the approval of an absolute majority of the members of each of the concerned Municipal Legislatures, 21 L.P.R.A. § 7013(p).<sup>2</sup>

Municipalities interested in Individual Specialized Planning Analysis and/or Regional Planning Activities must be participants in the MRP Program.

## 6 Program Application

### 6.1 Applications for Individual Municipal Planning

The Program is funded through the CDBG-DR Program allocations from the United States Department of Housing and Urban Development (**HUD**) under Public Laws 115-56, 115-123, and 116-20. For the Individual Municipal Planning process, as per the distribution table provided to municipalities, the funding granted to recipients of MRP Program grants ~~will be~~ was determined by an award formula, ~~which will~~ that considered factors including:

- Municipal Population;
- Municipal land area;
- Municipal Coastline length;
- Municipality area covered by water; and
- Assessed damages data.

This method is described in further detail in the MRP Program Notice of Funding Availability (**NOFA**), issued on November 30, 2019.

Municipalities interested in participating in the Program were required to submit their applications in accordance with the instructions detailed in the NOFA. The NOFA established a **sixty (60) day** application period. Applications were reviewed on a first-come, first-served basis.

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<sup>2</sup> Act 107-2020, as amended, 21 L.P.R.A. § 7001 *et seq.*, known as the Puerto Rico Municipal Code, enumerates the following vested municipal powers:

- I. "Create inter-municipal alliances or Consortiums that allow two (2) or more municipalities to identify common problems, plan and develop activities or services jointly [...]", 21 L.P.R.A. § 7013(p);
- II. "Enter into agreements and contracts with the federal government, agencies, departments, public corporations, instrumentalities of the Government of Puerto Rico and municipalities [...]" 21 L.P.R.A. § 7013(q);
- III. "The constitution of trusts for the administration of assets [...]", 21 L.P.R.A. § 7013 (cc);
- IV. "The creation of Public-Private Partnerships to carry out those functions that the municipal governments consider pertinent, which may be administered through the establishment of trusts [...]", 21 L.P.R.A. § 7013 (dd).

PRDOH has provided technical assistance in the form of workshops and/or one-on-one discussions in order to assist Applicants in the initial stages of the planning process.

Upon completion of initial Application submission and Technical Assistance training, participants entered into a ~~Subrecipient Agreement (SRA)~~ with PRDOH certifying compliance with CDBG-DR requirements to access allocated funding and establishing planning process requirements.

Municipalities were asked to submit a single application in response to the MRP Program NOFA for access to Program funds. Applications for **Individual Municipal Planning Activities** were to be submitted no later than the Application Due Date stated in the Schedule Section of the MRP Program NOFA. Responses to the NOFA submitted after the deadline would not have been accepted and funds would not have been guaranteed if a Municipality did not go through Application process.

## **6.2 Applications for Individual Municipal Recovery Plans, Individual Specialized Planning Analysis and Regional Municipal Planning**

### **Individual Specialized Planning Analysis Activities**

Municipalities that completed the initial Application process for the MRP Program can request an **Individual Specialized Planning Analysis**, which includes studies of a specific area requiring a highly technical planning analysis. If the study is tied to an identified overall recovery need, the municipalities can receive a direct allocation for planning purposes. The proposals shall be submitted via email at [PlanningCDBG@vivienda.pr.gov](mailto:PlanningCDBG@vivienda.pr.gov) and will undergo a **sixty (60) day** review process. During the review process, PRDOH may require additional information from the proposers through documentation or presentations to clear up any topic/criteria deemed inconclusive in the submitted proposal, such as goals and objectives, the scope of work, or services. Selected Individual Specialized Planning proposals will be notified through a Proposal Approval Letter. In the letter PRDOH will detail the evaluation process, the allocation amount and notify the next steps in the planning activities. Proposals evaluated and not selected will received a Proposal Denial Letter from PRDOH.

### **Regional Municipal Planning Activities**

Municipalities, participating consortiums and other types of municipal entities and/or arrangements, as established by the Puerto Rico Municipal Code, shall submit a proposal for a planning study or specific topic that addresses regional challenges in Puerto Rico. If the activities area is tied to an immediate unmet need, these groups or consortiums can receive a direct allocation for planning purposes. The proposals shall be submitted via email at [PlanningCDBG@vivienda.pr.gov](mailto:PlanningCDBG@vivienda.pr.gov) and will undergo a **thirty to sixty (30-60) days** review process. During the review process, PRDOH may require additional information from the proposers through documentation or presentations to clear up any topic/criteria

deemed inconclusive in the application, such as: goals and objectives, the scope of work or services, etc.

### **6.3 Application Process Requirements for Individual Municipal Planning**

To effectively manage and provide oversight to its disaster recovery programs, PRDOH provided a shared online application tool to support programs identified in the CDBG-DR Action Plan for Puerto Rico. Within the PRDOH hosted online Application Portal,<sup>3</sup> Applicants to the MRP Program had to comply with the following:

- Provide required municipality information, including the point of contact for the municipality.
- Provide current Municipal staff information, qualifications, and work approach.
- Upload existing municipal plans relevant to current and future activity, including but not limited to:
  - Disaster Mitigation
  - Disaster Resilience
  - Disaster Recovery
  - Infrastructure
  - Housing
  - Land Use/Zoning
  - Economic Development
  - Community Development,
  - Transportation
  - Coastal Plans
  - Environmental Plans
  - Studies and Data Gathering Endeavors
  - Existing data, demographics, studies, etc.
- Upload relevant georeferenced data (**GIS**), which may include, but is not limited to:
  - Zoning Layers (Classification & Qualification)
  - Parcel Registry Layer (**CRIM**)
  - Structure Layers, and Roads

### **6.4 Application Process Requirements for Individual Specialized Planning Analysis and Regional Municipal Planning**

**As part of the submission of proposals in for the Individual Specialized Planning Analysis or the Regional Planning phase, the following shall be provided:**

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<sup>3</sup> The portal was available during the application submission period set in the NOFA.

- Detailed technical description of the proposed Planning Study or subject and the conditions to be improved by the proposed study or Plan. The technical description will include the following variables: urban, environmental, social, economic, housing and other as needed for the fulfillment of the plan.
- Full description of the scope and the needs or benefits for the municipality or the region and the participant municipalities associated with the plan or study.
- How the plan or study fulfills the DR and/or MIT objectives.<sup>4</sup>
- A program document describing the goals, outcomes, activities, phases, schedule, benefits and costs of the plan or study.
- Stakeholder engagement and Outreach Strategy to present the plan or study concept to the different communities impacted or benefited by the proposal.
- Any other document or analysis necessary for the development of an **Individual Specialized Planning Analysis** or **Regional Municipal Planning** process or study.

Municipalities interested in Individual Specialized Planning Analysis and/or Regional Municipal Planning Activities must be participants in the Individual Municipal Planning/MRP Program.

## 6.5 Individual Municipal Planning Vendor Partners

The MRP Program offers participating Municipalities three (3) alternatives to perform Individual Municipal Planning functions.

### Option 1 Pre-qualified planning service providers

Under this option, Municipalities will be assigned a prequalified vendor procured by PRDOH to perform planning activities. Vendors are assigned based on planning needs defined by Municipalities. The Vendors may also provide specialized planning services and support to municipal employees administering the MRP Program.

### Option 2 Independent procurement of planning service providers

Under this option, Municipalities will undergo a Request for Proposals (RFP) process to procure planning services directly. The municipality must conduct all procurements in accordance with the federal procurement rules and regulations found in 2 C.F.R. §200.318 through §200.327. This option is subject to PRDOH approval.

### Option 3 Additional hiring of municipal personnel to carry out MRP Program planning activities

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<sup>4</sup> For more information, access the CDBG-MIT Action Plan at: <https://cdbg-dr.pr.gov/en/cdbg-mit/> (English) and <https://cdbg-dr.pr.gov/cdbg-mit/> (Spanish).

Under this option, Municipalities will hire additional staff or designate existing staff to conduct all planning activities and meet all MRP Program deliverables without the help of a planning service provider. This option is subject to PRDOH approval.

The total funding allocation provided to each Municipal entity will be used for planning services based on the subrecipient's procurement option, additional staffing capacity, and equipment and supplies. Applicants must follow the requirements outlined in the Program Guidelines as it relates to Procurement, MBE/WBE and Section 3.

## 7 Procurement

The Uniform Guidance procurement requirements (2 C.F.R. Part 200, Subpart D) went into effect on July 1, 2018. The requirements are applicable to CDBG-DR funded projects. These policies and procedures ensure federal dollars are spent fairly and encourage open competition at the best level of service and price. All parties involved in the procurement must comply with these requirements.

On April 14, 2021, PRDOH issued Administrative Order 21-20, exempting Municipalities from compliance with the provisions of the Procurement Manual for the CDBG-DR Program (Regulation No. 9205). The Administrative Order allows PRDOH to follow its own procurement policies and procedures, in accordance with 2 C.F.R. §200.317, and, in turn allows Municipalities to conduct procurement process related to the CDBG-DR Program by implementing the provisions of federal statute 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327. Therefore, all Municipalities are exempted from complying with the Procurement Manual effective immediately and retroactively.

PRDOH requires the Municipalities comply with the policies and procedures necessary for the responsible use of CDBG-DR funds. Specifically, Municipalities shall keep comprehensive records and documentation of procurement processes to allow PRDOH to effectively carry out monitoring processes when required.

Standards for procurement of supplies, equipment, construction, engineering, architectural, consulting, and other professional services are outlined in 2 C.F.R. §200.318 through 2 C.F.R. §200.327. PRDOH follows the standards to ensure goods and services are procured efficiently, at a fair price, and in compliance with all applicable Federal and State laws, as well as executive orders.

For Individual Specialized Planning Analysis and Regional Planning Activities, Municipalities may undergo an RFP process to procure planning services directly, staff up, or if available PRDOH may provide planning services through contracted service provider. The municipality must follow the rules and guidelines for procurement and contracting as established, by PRDOH and HUD, and conduct all procurements in



accordance with the federal procurement rules and regulations found in 2 C.F.R. § 200.318 through §200.327. The RFP option is subject to PRDOH approval.

## 8 Minority and Women Owned Business Enterprises (M/WBE)

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

Compliance is ensured by requiring that, as applicable, subrecipients, program partners, and contractors to make feasible efforts to achieve an overall M/WBE participation goal of twenty percent (20%) of the entire contract value, consisting of ten percent (10%) percent for MBE and ten percent (10%) for WBE.

If, after making good faith efforts, a subrecipient is unable to meet M/WBE goals, subrecipients may submit a request for an M/WBE Waiver for their overall goal. The request must set forth the reasons for the inability to meet any or all of the participation requirements together with an explanation of the good faith efforts undertaken.

The MWBE Policy is available in English and Spanish at: <https://cdbg-dr.pr.gov/en/download/mwbe-policy/> and <https://cdbg-dr.pr.gov/download/politica-mwbe/>.

## 9 Program Closeout Timeline

Upon completion of the Individual Planning Activity period, PRDOH will conduct a final review of the Individual Municipal Plans. Within that time, the Individual Municipal Review period will be executed and specific work relating to Individual Specialized Planning Analysis or Regional Municipal Planning Activities may begin. All Individual Municipal Planning activities ~~program activities~~, including final reporting and closeout, must be concluded within **thirty-six (36) months** from the execution of the SRA and subject to ~~or up to the end term of~~ CDBG-DR funds availability.

Due to the nature of the Individual Specialized Planning Analysis and Regional Municipal Planning, the time frame for planning activities may be more flexible. Regional Municipal planning-specific activities and Individual Specialized Planning Analysis ~~will last~~ may be performed ~~for an additional~~ within **fifteen (15) months**. **PRDOH may extend that period based on pre-approved specific planning analysis that an Individual Municipal Plan Individual Specialized Planning Analysis or a Regional Municipal Plan may require.**

All program activities, including final reporting and closeout, must be concluded within **forty forty (40) months** from the execution of the Municipality's first SRA Subrecipient

Agreement related to Individual Municipal Planning or, at PRDOH's discretion, no later than the end term of the CDBG-DR funds availability.

**Milestone and Deliverable Timeline for Individual Municipal Planning Activities**

|  |  |
|--|--|
| <b>Analysis of Existing Conditions</b> | Deliverables due within one (1) month from the start of Individual Municipal Planning Activities.  |
| <b>Data Analysis</b>                   | Deliverables due within two (2) months from the start of Individual Municipal Planning Activities.   |
| <b>Public Engagement</b>               | Deliverables due within three point five (3.5) months from the start of Individual Municipal Planning Activities.  |
| <b>Plan Development</b>                | Development to begin by the three (3) month mark from the start of Individual Municipal Planning Activities.<br><br>Deliverables due towards the end of month five (5) from the start of Individual Municipal Planning Activities. |
| <b>Reporting and Compliance</b>        | Deliverables will be ongoing throughout the six (6) month Individual Municipal Planning period.  |
| <b>Coordination</b>                    | Deliverables will be ongoing throughout the six (6) month Individual Municipal Planning period.  |

**Individual Planning Review Period**

|   |   |
|---|---|
| <b>Programmatic and Management Review</b> | Deliverable due two (2) months from the end of the Individual Planning Activities Period. |
|---|---|

**Milestone and Deliverable Timeline for Individual Specialized Planning Analysis Activities.**

|   |  |
|---|--|
| <b>Analysis of Individual Municipal Plans, Transition of Documentation and Conditions</b> | Deliverables due date submission will vary according to the type of Individual Specialized Planning Analysis Activities. |
| <b>Review and analysis of Existing Data and Specialized Planning Proposals</b>            | Deliverables due date submission will vary according to the type of Individual Specialized Planning Analysis Activities. |
| <b>Public Engagement</b>  | Deliverables due date submission will vary according to the type of Individual Specialized Planning Analysis Activities. |

|  |  |
|--|--|
| <b>Individual Specialized Planning Analysis Activities Development</b> | Deliverables due date submission will vary according to the type of Individual Specialized Planning Analysis Activities. |
| <b>Reporting and Compliance</b>  | Deliverables will be ongoing throughout the Individual Specialized Planning Analysis Activities.                         |
| <b>Coordination</b>  | Deliverables will be ongoing throughout the Individual Specialized Planning Analysis Activities.                         |

**Individual Planning Specialized Analysis Review Period**

|   |   |
|---|---|
| <b>Programmatic and Management Review</b> | Deliverables review will vary according to the type of Individual Specialized Planning Analysis Activities. |
|---|---|

**Milestone and Deliverable Timeline for Regional Municipal Planning Activities. (15 months)**

|   |  |
|---|--|
| <b>Analysis of Individual Municipal Plans, Transition of Documentation and Conditions</b> | Deliverables due within two (2) months from the start of the Regional Planning Period.   |
| <b>Review and analysis of Existing Data and Region Proposals</b>                          | Deliverables due within four (4) months from the start of the Regional Planning Period.  |
| <b>Public Engagement</b>  | Deliverables due within four (4) months from the start of the Regional Planning Period.  |
| <b>Plan Development</b>   | Development to begin by the fifth (5) month mark of the Regional Planning period.<br><br>Hence, starting by month eleven (11) of the date of the start of Individual Municipal Planning.<br><br>Deliverables due by month twelve (12); which marks eighteen (18) months of the date of the start of Individual Municipal Planning. |
| <b>Reporting and Compliance</b>   | Deliverables will be ongoing throughout the fifteen (15) months Regional Planning Period.  |

|                     |   |
|---------------------|---|
| <b>Coordination</b> | Deliverables will be ongoing throughout the fifteen (15) months Regional Planning Period. |
|---------------------|---|

**Regional Municipal Planning Review Period**

|   |   |
|---|---|
| <b>Programmatic and Management Review</b> | Deliverable due two (2) months from the end of the Regional Planning Activities Period. |
|---|---|

Upon completion of ~~both~~ all phases of planning activities, the MRP Program closeout processes shall commence. The process will ensure all work performed has been accepted by the Applicant, all milestones have been met, all deliverables have been completed, and Program activities have been performed in compliance with Program requirements. Evaluation of the work shall be performed at each milestone, upon submission of each deliverable, and during final inspection of work performed. PRDOH will perform a complete review of Applicant files to ensure all necessary documentation is present and that the grant is ready for closeout.

General requirements for closeout are as follows:

- All milestones have been met and deliverables submitted, each in accordance with all Program requirements.
- Final evaluation, review, and final approval of completed documentation in accordance with the required planning activities.
- All eligibility and duplication of benefits documentation are found to be in accordance with all requirements of this Program.
- All Program forms required throughout the entirety of the application process have been duly completed and executed by the appropriate parties, which may include Program staff, the planning firm, and the Applicant.
- All funds used for the Program, whether CDBG-DR or received using a subrogation of funds, have been properly accounted for and reconciled with payments made to the Municipality, Planning Firm, and other subrecipients.
- All payments have been issued to the Planning Firm, including applicable retainages.
- All other requirements for closeout, as established in the Planning Firm's contract, have been met.

Outreach will be made to the Applicant, the Planning Firm, or any other party involved if any additional information is necessary to close-out the project. Once all levels of quality control review are passed, the Applicant will receive an MRP Program Final Notice, and their Applicant file will be placed in a closeout complete status.

## 10 Environmental Review

Every project undertaken with federal funds, and all activities associated with such project, are subject to the provisions of the National Environmental Policy Act of 1969 (**NEPA**), as 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.

Laws and regulations which contain environmental provisions with which the Program must be in compliance include, but are not limited to:

- Protection of Historic Properties (36 C.F.R. Part 800)
- Floodplain Management and Protection of Wetlands (24 C.F.R.-Part 55, Executive Order 11988 and Executive Order 11990)
- Sections 307 (c) and (d) of the Coastal Zone Management Act of 1972 (**CZMA**), as amended, (16 U.S.C. § 1456)
- Sole Source Aquifers (40 C.F.R. Part 149)
- Interagency Cooperation - Endangered Species Act of 1973, as amended (50 C.F.R. Part 402)
- Section 7 (b)(c) of the Wild and Scenic Rivers Act of 1968 (**WSRA**), as amended, (16 U.S.C. § 1278 - Restrictions on Water Resources Projects)
- Air quality provisions as found in Sections 176 (c) and (d) of the Clean Air Act, as amended, (42 U.S.C.A. § 7506) and in Title 40 of the Code of Federal Regulations (40 C.F.R. Parts 6, 51, and 93)
- Farmland Protection Policy Act (**FPPA**) (7 U.S.C. § 4201 *et seq.*, implementing regulations 7 C.F.R. Part 658, of the Agriculture and Food Act of 1981, as amended)
- Environmental Criteria and Standards
  - Noise Abatement and Control (24 C.F.R. §§51.100 - 51.106)
  - Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature (24 C.F.R. §§ 51.200 - 51.208)
  - Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields (24 C.F.R. §§ 51.300 - 51.305)
- Toxic/Hazardous Materials (24 C.F.R. § 58.5(i)(2)(i))
- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898 signed on February 16, 1994)

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. **Planning activities qualify as an exempt activity.**

### 10.1 Exempt Activities

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

## 11 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. Any assistance determined to be duplicative must be deducted from the Program's calculation of the Applicant's total need prior to awarding assistance.

When possible, PRDOH will electronically verify disaster recovery assistance received through federally and locally maintained datasets, such as FEMA Individual Assistance and Small Business Administration disaster home loan datasets.

The duplication of benefits guidance included in Federal Register Vol. 84, No. 119 (June 20, 2019), 84 FR 28836, updates the duplication of benefits guidance issued in Federal Register Vol. 76, No. 221 (November 16, 2011), 76 FR 71060, for CDBG-DR grants received in response to disasters declared between January 1, 2015, and December 31, 2021. It is applicable to any new activities submitted to HUD in an action plan or action plan amendment on or after the effective date of notice 84 FR 28836, and for existing activities, to the extent that the grantee amends its action plan to change its treatment of loans in accordance with the 2019 DOB Notice.

The Duplication of Benefits Policy is available in English and Spanish on the PRDOH CDBG-DR website at <https://cdbg-dr.pr.gov/en/download/duplication-of-benefits-policy/> and <https://cdbg-dr.pr.gov/download/politica-sobre-la-duplicacion-de-beneficios/>.

## 12 Program-Based Reconsideration and/or Administrative Review

Applicants of the MRP 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 MRP Program or request an Administrative Review directly with PRDOH, as stated below. If the Applicant fails to contest a determination within the allotted time, the inaction will be deemed as an acceptance of the determination.

### 12.1 Program-Based Reconsideration Request

Applicants who wish to contest a Program determination may file a Program-Based Reconsideration Request directly with the MRP 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 documents 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 MRP Program has the discretion to accept or reject new documentation based upon its relevance to the Program-Based Reconsideration Request.

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

Filing a Program-Based Reconsideration Request does not substitute, negate, or preclude any legal right that an Applicant has to challenge a determination made by the Program. Therefore, Applicants who believe the initial determination of the Program to be erroneous, may submit, at their discretion, either a Program-Based Reconsideration Request or a petition for review of the decision made by the Program by filing an Administrative Review Request at PRDOH in accordance with Regulation

Number No. 4953, of August 19, 1993, which regulates the Formal Adjudication Process for the PRDOH and its Adjunct Agencies (Regulation No. 4953).<sup>5</sup>

## 12.2 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 aforementioned Regulation No. 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 e-mail to: [LegalCDBG@vivienda.pr.gov](mailto:LegalCDBG@vivienda.pr.gov); via postal mail to: CDBG-DR Legal Division, P.O. Box 21365, San Juan, PR 00928-1365; or in person at PRDOH's Headquarters at: CDBG-DR Legal Division, 606 Barbosa Avenue, Juan C. Cordero Davila Building, Río Piedras, P.R. 00918.

If the Applicant disagrees with any **final** written determination on an Administrative Review Request notified by PRDOH after completing the Administrative Adjudicative Procedure, said party may file a Judicial Review petition before the Court of Appeals of Puerto Rico within **thirty (30) 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 L.P.R.A. § 24 *et seq.*, and Section 4.2 of Act 38-2017, as amended, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico, 3 L.P.R.A. §9672.

## 13 General Provisions

### 13.1 Program Guidelines Scope

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

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<sup>5</sup> For more details, you can access Regulation 4953 (in Spanish) at: <https://www.vivienda.pr.gov/wp-content/uploads/2015/09/4953-Reglamenta-los-procedimientos-de-adiudicacion-formal..pdf>



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.

### **13.2 Program Guidelines Amendments**

PRDOH reserves the right to modify the policies established in the 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 the guidelines. Each version of the program guidelines will contain a detailed version control log that outlines any substantive amendment, 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, for Puerto Rico, all components of the Island are considered “most impacted and distressed” areas. Therefore, the guidelines apply to all seventy-eight (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 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.

### **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 L.P.R.A. Ap. V, R. 68.1.

### 13.6 Written Notifications

All determinations made by the Program will be notified in writing. If an Applicant believes 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 that State grantees, in the direct Grant administration and means of carrying out eligible activities, be responsible with program administrative requirements, including those established in 24 C.F.R. § 570.489(h) related to conflicts of interest.

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

1. HUD conflict of interest regulations, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611;
2. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. §—Part 200 at § 200.112 and § 200.318 (c)(1);
3. Puerto Rico Department of Housing Organic Act, Act 97 of June 10, 1972, as amended 3 L.P.R.A. § 441 *et seq.*;
4. The Anti-Corruption Code for the New Puerto Rico, Act 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, the COI also includes standards of conduct governing employees engaged in the award or administration of contracts.

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

Such conflicts of interests will not be tolerated by PRDOH. PRDOH, Program officials, their employees, agents and/or designees are subject to state ethic laws and regulations, including, but not limited to the Puerto Rico Government Ethics Act of 2011, Act No. 1-2012, as amended, in regard to their conduct in the administration, granting of awards and program activities.

According to the 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 his/her family unit, relative, partner or housemate has a conflict of interest that may result in benefit for any of the abovementioned. In the case that any of the abovementioned relationships has ended during the **two (2) years** preceding the appointment of the public servant, they shall not intervene, either directly or indirectly, in any matter related to them until **two (2) years** have elapsed after their appointment. This prohibition shall remain in effect insofar the beneficial ties with the public servant exist. Once the beneficial ties end, the public servant shall not intervene, either directly or indirectly, in such matter until **two (2) years** have elapsed.

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

The COI Policy and all 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/>.

### **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](mailto:infoCDBG@vivienda.pr.gov)

- **Online at:** <https://www.cdbg-dr.pr.gov/en/contact/> (English)  
<https://www.cdbg-dr.pr.gov/contact/> (Spanish)
- **In writing at:** Puerto Rico CDBG-DR Program  
P.O. Box 21365  
San Juan, PR 00928-1365

The Citizen Participation Plan is posted as a standalone document in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/download/citizen-participation-plan/> and <https://www.cdbg-dr.pr.gov/download/plan-de-participacion-ciudadana/>. For more information on how to contact PRDOH, please refer to [www.cdbg-dr.pr.gov](http://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 and consistently and at a minimum, to provide a timely, substantive written response to every **written** complaint within **fifteen (15) business days**, where practicable. See 24 C.F.R. § 91.115(h) and 24 C.F.R. § 570.486(a)(7).

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

- **Via email at:** [LegalCDBG@vivienda.pr.gov](mailto: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.<sup>6</sup>

The Citizen Complaints Policy and all CDBG-DR Program policies are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/resources/policies/general-policies/> 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, 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<br>CDBG-DR Internal Audit Office<br>P.O. BOX 21355<br>San Juan, PR 00928-1355   |
| Email   | <a href="mailto:hotlineCDBG@vivienda.pr.gov">hotlineCDBG@vivienda.pr.gov</a>  |
| Online  | Filling out the <b>AFWAM Submission Form</b> available in English and Spanish at <a href="http://www.cdbg-dr.pr.gov">www.cdbg-dr.pr.gov</a> and <a href="https://cdbg-dr.pr.gov/app/cdbgdrrpublic/Fraud">https://cdbg-dr.pr.gov/app/cdbgdrrpublic/Fraud</a> |

<sup>6</sup> Hours may vary due to COVID-19. PRDOH recommends calling ahead prior to arrival to corroborate

|           |  |
|-----------|--|
| In person | Request a meeting with the Deputy Audit Director of the CDBG-DR Internal Audit Office located at PRDOH's Headquarters at 606 Barbosa Avenue, Building Juan C. Cordero Dávila, Río Piedras, PR 00918. |
|-----------|--|

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

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

### **13.11 Related Laws and Regulations**

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

### **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; fair housing; among others. The requirements described in the above referenced Cross-Cutting Guidelines, apply to all programs described in PRDOH's CDBG-DR Initial Action Plan and its amendments.

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

## **14 Program Oversight**

Nothing contained within these Program 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, 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.**