

October 20, 2018

The Honorable Fernando Gil Enseñat, Esq.
Secretary
Department of Housing
PO Box 363188
San Juan PR 00936-3188

To Secretary Gil Enseñat:

This document represents the comments of Legal Aid Puerto Rico (ALPR) to the Draft Amended Action Plan (BPA-E). These comments were prepared by our legal community work team and include input from individuals, communities, groups, and organizations that were part of the CDBG-DR Community Participation Day.

At Ayuda Legal Puerto Rico we reiterate our interest in promoting and facilitating spaces for education, participation and advocacy that result in the protection of decent housing and fair recovery. Attorney

Sincerely,

Lcda. Ariadna Godreau Aubert
Executive Director
Ayuda Legal Puerto Rico, Inc

Lcda. Mariel Quiñones Mundo
Community Attorney

Danishia Santiago Figueroa
Community Coordinator

Lcda. Sandra Negrón Zayas
Community Attorney

Endorsed by

Francisco Rodríguez
Coalición de Coaliciones

Lucilla Fuller Marvel
AICP, PPL

Beatriz Llenín Figueroa
PROTESTAMOS- UPR Mayagüez

Natasha Lycia Ora Bannan
LatinoJustice PRLDF

Julio López Varona
Hedge Clippers

Charlotte Gossett-Navarro
Hispanic Federation

David Carrasquillo Medrano
Sociedad Puertorriqueña de Planificación

Aracelis Cruz Suárez
*Programa Pro Bono, Escuela de Derecho,
Pontificia Universidad Católica de Puerto Rico*

Jan Susler
*People's Law Office
National Lawyers Guild Puerto Rico Subcommittee*

Movimiento Estudiantil
Universidad de Puerto Rico Mayagüez

Modesta Irizarry
Líder comunitaria Loíza

Martín Cobián
CAMJI- CETA

Jenifer de Jesus
Taller Salud

Diana Jordan Gonzalez
*Pro Bono Democracia y Participación Ciudadana
Escuela de Derecho, UPR*

Alana Feldman
Mesa Multisectorial del Bosque Modelo de Puerto Rico

ANDA, Inc.
*Asociación Nacional de Derecho Ambiental
Puerto Rico*

Lcda. Amarilis Pagan Jimenez
*Directora Ejecutiva
Proyecto Matria, Inc.*

Martha Quiñones
Ciudadanos en defensa del Ambiente CEDDA

Ivis García Zambrana
Planners for Puerto Rico

Diane Yentel
*President and CEO
National Low Income Housing Coalition and
Disaster Housing Recovery Coalition*

Omayra Rivera Crespo
*Diseñadora Comunitaria y Profesora
Taller Creando Sin Encargos y UPPR*

Adam Gordon
*Associate Director
New Jersey Fair Share Housing Center*

Cecille Blondet
Espacios Abiertos

Cynthia Burgos
La Maraña

Lcda. Maria Hernandez Torrales
*Clínica de Desarrollo Económico Comunitario y
Autogestión, Escuela de Derecho, Universidad de
Puerto*

Jonathan Álvarez
Eli Foundation

Carmen Rodríguez Droz
Comunidad Tiburones, Ponce

Zelides Perdigón
Comunidad Usubales, Canóvanas

Michel Nonó
Comunidad San Antón, Carolina

Comments from Legal Aid Puerto Rico to the Draft Action Plan with substantial amendments (BPA-E) of the CDBG-DR funds in Puerto Rico.

Our comments are organized into three parts:

- I. Recommendations on the rights of the people affected by Hurricanes Irma and María that must be respected and included in the final plan
- II. Detailed comments on the Draft Amended Plan of Action (BPA-E)
- III. Final Recommendations

Required actions that should be included in the PA-E are identified in this document in blue.

I. Recommendations on the rights of the people affected by Hurricanes Irma and María that should be included in the final Plan.

→ **Required Action: Include the rights listed below in the Action Plan and use them as guiding principles for the CDBG-DR funding plans that the Government of Puerto Rico proposes.**

1. **Right to decent housing** - This right involves the securing of safe, accessible, adequate, dignified, and community housing.
2. **Right to real and effective participation** - There must be a right to participation in long-term recovery in a direct, real and effective way. When vulnerable communities are not part of the government's plans, their needs are ignored and they risk being displaced. To safeguard their right to a decent life and housing, participation is essential. This includes the real possibility of obtaining information, commenting, going to public hearings, really being heard, and being part of the processes related to the use of CDBG-DR funds and other post-disaster recovery processes.

The highest standard of accessibility must be considered so that populations with functional diversity can participate in accordance with the provisions of local and federal regulations.

3. **Right to remain** - People affected by the disaster have the right to remain or return to their communities, as long as their homes and communities are safe and liveable. We define safe and habitable as those homes and communities to which they have been given a real, participatory, and reasonable opportunity to mitigate the damages suffered by the disaster. Mitigation should always be considered as the first alternative to relocation.

When the relocation of communities and individuals is necessary, the government must give priority to maintaining the integrity of the community, respecting geographical proximity and the special needs that may exist.

4. **Right to decide** - The right of individuals and communities to decide where they want to live must be respected. This includes the responsibility of the government and its contractors to promote community participation as well as prior and informed consent to

relocation and to relocation and eviction proposals. Communities have the right to make decisions about their future lives and the reconstruction of the country.

5. **Right to equal treatment and freedom from discrimination** - The government of Puerto Rico must guarantee fair, equal and non-discriminatory treatment to the affected people by providing adequate assistance throughout the recovery process. This includes the long-term recovery of their communities.

Through a dignified and just recovery, each community and person must be treated without consideration of race, sex, sexual orientation, gender identity, age, functional diversity, social condition, national origin or other classification. Equal treatment should be ensured in the implementation of projects aimed at flood protection and, equally, fair treatment must be ensured in the implementation of housing, infrastructure and economic revitalization projects.

The government of Puerto Rico must assume a proactive role in the protection and defense of the rights of historically vulnerable groups and identities such as the elderly, women, impoverished communities, people with functional disabilities, LGBTTIQ communities, homeless people, immigrants, and others.

6. **Right to a healthy environment** - Reconstruction and recovery must minimize environmental impacts. The focus should be on improving the quality of life of the most disadvantaged communities and those most impacted by the disaster. Living on a tropical island exposes us to greater consequences of global warming. The recovery must take into account the right to a sustainable and thoughtful development vis-à-vis the current state of the environment.

II. General Comments.

1. Lack of real and effective citizen participation.

→ **Action required: Make available an official translation of the first Allocation Notice (AN) into Spanish, as well as information on other matters related to CDBG-DR funds, to ensure effective communication about the program to the communities, and provide extensive notification of availability and criteria of eligibility of these funds.**

→ **Action required: Hold separate public hearings during the period provided to submit comments to the BPA-E so that the communities have enough time to evaluate whether the programs presented in the BPA-E effectively respond to their needs in terms of housing, infrastructure and economic revitalization, and so that they can access and participate effectively in both processes.**

The AN establishes the requirements for citizen participation and the publication of the action plan. We recognize that the Department of Housing (DV) has listened to the complaints we have presented and that, as a result, the comment period was increased to 30 days (instead of 14) and new public hearings were held. We recognize these as steps in the right direction.

Adequate participation includes language accessibility. However, the first AN, dated February 9, 2018, was not translated into Spanish, so its content - particularly regarding the criteria with which the Department of Housing (DV) must meet in its plan - has not been published in a format and language accessible to the general population. Thus, any attempt [by the public] to

participate in how the CDBG-DR funds will be used has been ineffective. There are also no educational materials on the AN in Spanish, and the material available on the CDBG-DR page of the DV that has been translated from English is extremely short.

The AN requires notification to the affected citizens prior to the publication of the B-PA. The DV has kept the publications and information notifications of the process through its online portal. Notifying citizens in general about the process of the funds - process of comments and public hearings - only through online notification platforms or methods is not a timely, effective and adequate notification. The broad campaign that the DV has made on the platform "We build" demonstrates the possibility of the agency to access other media channels such as radio, press, and television. It was not until after the BPA-E was published, and within the term of thirty (30) days of comments, that the public was informed of the public hearings that were held during this same period. The real and effective participation of civil society in general and of vulnerable communities is not promoted if two overlapping participatory processes are organized. Educating oneself on a highly technical and extensive action plan is itself an onerous burden. Adding the presentation of comments as well as the preparation of papers for public hearings within the same period prevents meaningful participation.

2. The data used as a basis for BPA-E are not adequate.

→ **Required Action: Identification of unmet needs through census data collected by community leaders.**

The sources of data used to support the identification of needs discovered in the BPA-E are inadequate and insufficient. Some of the main sources for BPA-E are FEMA, SBA and the Rebuilding Better Report of the government of Puerto Rico. Predictably, the most emphasized data are those provided by FEMA. Although the rule is to use this information, we are not convinced that it is the "best available data" in accordance with HUD regulations.

3. Transparency.

→ **Required Action: Exercise continuous and updated transparency.**

→ **Action Required: Publication of the entities that will manage the programs of the final action plan and their work to carry out the programs, as well as the qualifications to select them.**

→ **Action Required: Publish a guide with clear eligibility criteria so that citizens can know how, when and where to access the different assistance programs that promote the programs.**

→ **Action Required: Publish calls for proposals, contracts and subcontracts related to CDBG-DR funds in a timely manner and accessible to the general public.**

As part of the process of awarding the CDBG-DR funds, it is essential that the DV be transparent both in the process of approving the funds and in the selection process and agreements that are held with the actors or sub-recipients destined to carry out the programs of the final action plan. First and foremost, it is necessary that the implementation guides for each of the programs and the eligibility criteria be published as soon as possible.

It is important that the entity selection processes are made public and accessible. It is also important that, if auctions are called, they comply with the applicable statutes and regulations. Beyond DV's publishing of all the agreements and contracts on the online portal, it is imperative that the updated information on the development of the final action plan programs be published and that there be a record of which communities and how many low income families victimized by Hurricanes Irma or María are provided assistance so they can achieve a long-term recovery.

4. Alignment with other government plans.

→ **Action Required: Align all plans that advance the government's public policy regarding community development and long-term recovery.**

There is an almost complete lack of alignment and coherence between the different action plans presented by the Government.

It must be taken into account that the BPA-E includes the requirement of a second AN and that the BPA-E be compatible with the Economic and Disaster Recovery Plan for Puerto Rico (PREDPR). For these purposes, the specific course of action corresponding to the PREDPR is included in each of the BPA-E programs. However, to date, that PREDPR has not been approved by the United States Congress. Obviously, if the PREDPR is not approved and is amended, they will have the effect of amending the PAE, and the amendments must also be subject to citizen participation.

We also call attention to the fact that both documents (BPA-E and PREDPR) must be evaluated together. However, the only PREDPR published in Spanish is the draft that was subject to public comment, not the final document submitted to Congress for approval. This omission constitutes an impediment to the exercise of citizen participation, especially because, like the PA submitted by DV to HUD, the final PREDPR submitted to the Congress had substantial changes after the comment period.

IV. Detailed comments on the Draft Amended Plan of Action (BPA-E).

A. Planning

I. Integral Planning Program for Community Resilience.

→ **Action required: Publish the criteria that led to the formalization of the partnership with the Foundation for Puerto Rico, including any written agreement between the parties.**

→ **Action required: Publish the eligibility criteria for the communities that will receive grants through this Program.**

→ **Action required: Use censuses that already exist in numerous communities (also known as community plans) as the nexus of comprehensive community resilience planning.**

→ **Action required: Promote that communities formalize municipal advisory councils to influence and monitor the planning and implementation of the PA.**

Comprehensive community planning is essential to ensure that the identified needs to be met with CDBG-DR funds are identified by the communities themselves. Such planning also allows for determining the way the different programs will be implemented once the plan is approved, guaranteeing community participation throughout the process. It is for these reasons that this program must be, among all, the most carefully detailed.

The PAE indicates it will be under the co-administration of the DV and the Foundation for Puerto Rico. As of this date, the criteria or qualifications that justify the designation of the Foundation for Puerto Rico as a co-host of this program are unknown. It is not specified if this non-profit organization has specialized knowledge in planning, community work, or previous experiences that validate it as a member of this program. The written agreements that - we suppose - must mediate between the DV and the Foundation for Puerto Rico for fulfilling this delicate task have not been published.

The amount allocated to this program was increased from \$35 to \$55 million. While municipalities have a small role within the process (up to \$ 20,000 per municipality), it is the Foundation for Puerto Rico that will manage grants of up to \$500,000 for "some communities." We are not satisfied with what is established in the plan related to the criteria for these communities being announced in the first quarter of 2019. The centrality of this program requires transparency and specificity from the beginning, so we demand that the eligibility criteria be published in the PA.

B. Housing

1. Title authorization program.

→ **Action required: Complete the necessary processes with HUD to accept the declaration under oath of ownership accepted by FEMA for cases where there are no formal titles.**

→ **Action required: Eliminate or substantially reduce the amount allocated to this program to be assigned to strategic community planning, according to the parameters discussed above.**

→ **Action required: Publish the data, maps and other information supporting the determinations on floodplains, flood zones or high risk areas that will be deemed ineligible for the program.**

This program was not part of the BPA of the first assignment, nor was it part of the Action Plan presented for public participation. The program made an appearance on the Plan sent to HUD and approved by HUD on July 29. We require that the program be considered in its entirety as a substantial amendment and that the following comments be accepted. It should be noted that the NA expressly provides that the following modifications constitute substantial amendments: a change in program benefits or eligibility criteria; the addition or deletion of activities; or the allocation or reallocation of funds. Before a substantial amendment is adopted, it must comply with the process established in the AN, including the period of citizen participation. Likewise, in the PA, "substantial amendments" are defined as "changes in the criteria of some program on benefits or eligibility, the addition or elimination of the activity, or the assignments or reallocations of more than 10% of the grant funds," which will be published for no less than fourteen (14) days, to allow the citizenry to contribute input before incorporating them into the PA.

The content of the program, which is allocated \$40 million, does not explain how the authorization of titles will be achieved under current public policy in Puerto Rico. Individual legal strategies do not represent a real solution to the situation of ownership in Puerto Rico. There is also a concern about how people who are determined to live in “flood or unsafe” areas will be handled and what attention they will be given, particularly when those areas have not been identified by the government and the flood plans are still under review.

The DV is aware that FEMA denied between 40,000 and 77,000 requests for individual assistance, alleging that the ownership could not be verified. Contrary to what is established in the federal regulations, FEMA required the owners to have title deeds or, failing that, to present sworn statements to prove ownership. The disparate treatment received by the applicants caused thousands with the right to repair their homes to be unable to repair their structures and enjoy decent housing. Legal Aid Puerto Rico, along with other Puerto Rican entities, led an advocacy effort that culminated in the development of a sworn statement in accordance with FEMA guidelines, which includes the definition of “owner” under federal law. It was accepted by FEMA and allows people who were denied assistance for not being able to prove ownership to appeal their cases again. The approval of FEMA was based on the fact that both local and federal law do not require formal titles to determine property ownership and eligibility for assistance. Compliance with the statement under oath is sufficient to satisfy the ownership requirement required by the FEMA Individuals and Family Program and eligibility for assistance.

A similar process was carried out in Texas, where the legal community developed an instrument (affidavit of heirship) to allow people to prove ownership with FEMA. After Hurricane Ike in 2009, the state government - through its Land Department - approved that this same standard be used with respect to CDBG-DR funds and that it was not necessary to authorize titles to determine ownership and program eligibility.

Accepting the declaration as proof of ownership under the PAE will not only expedite recovery with the CDBG-DR funds, but will also provide the space to discuss and promote changes in the relevant public policies to address the issue of definitive and just ownership in Puerto Rico. Such action would significantly reduce the need to include this item in the PAE and could instead address it in the community strategic planning component discussed above

2. Repair, reconstruction or relocation program.

→ **Action required: Define the concepts of repair, reconstruction and relocation.**

→ **Action required: Publish the data, maps and other information supporting the determinations on floodplains, flood zones or high risk areas that will be deemed ineligible for the program.**

The concepts of repair, reconstruction or relocation are not defined in the program. Because they directly affect residents’ right to decent housing and their decisions to stay or leave, these definitions are indispensable. Likewise, the specific criteria to discern in which cases the person’s home will be repaired, reconstructed or relocated are not included.

Regarding the determination of program ineligibility for those people whose residences are in alluvial plains or floodplains, or are insecure, we reiterate our concern about how people who are determined to live in “flood or unsafe” areas will be handled and what attention they will be given, particularly when those areas have not been identified by the government and the flood plans are still under review.

3. Contributory credits for low-income housing.

→ **Action required: Establish that incentives will prioritize the purchase of vacated or vacant homes, instead of encouraging new construction.**

The allocation of this program in the PAE is increased from \$100 to \$400 million. This funding would be aimed at offering tax incentives to developers of "social interest" housing projects. As has been reiterated on numerous occasions, the construction of new properties does not promote the sustainable development of housing in Puerto Rico when, according to the Puerto Rican Planning Society, there are about 360,000 abandoned properties in Puerto Rico. Compliance with the cost-effectiveness criteria set forth in the AN must first include the occupation of existing unoccupied dwellings.

C. Economic revitalization.

→ **Action required: Explain how the proposed economic revitalization programs meet the minimum criteria established by HUD's Section 3 program.**

→ **Action required: Establish mandated compliance standards for hiring and training local people and businesses in compliance with HUD's Section 3 program.**

The BPA-E suffers from the same flaws in the description of economic revitalization programs as the PA approved by HUD. The action plan does not describe how these programs will benefit LMI people in their implementation. The DV should establish how the economic recovery programs will benefit LMI populations, including programs that have requested an exemption from HUD, such as the Tourism and Business Marketing program, for which \$ 115 millions of dollars will be allocated.

The BPA-E lacks specificity regarding compliance with HUD's Section 3 program. Section 3 establishes minimum requirements regarding hiring, training and other opportunities for individuals and small local businesses. However, the DV should adopt higher standards, requiring mandatory compliance with Section 3 for all recipients of CDBG-DR funds. Setting higher standards would not only increase and protect the local workforce, but also maintain the flow of funds within the jurisdiction, benefitting communities directly and in the long term. Gender should be taken into account when hiring, given the higher rates of poverty among women.

1. Job training program.

→ **Required Action: Specify how job training in the hospitality and tourism industry will benefit LMI people.**

→ **Action required: Provide more details about the proposed integrated training program and how it will identify participating economic sectors.**

The proposed job training program is designed to promote the construction, hospitality and tourism industries. The action plan indicates that there is a shortage of skilled labor within these industries, in light of the increased demand that has emerged post-hurricane. This program does not, however, describe how training in these areas will benefit LMI people. Training in

hotels and tourism – industries with particularly low wages – could limit the development of the local workforce in the long term.

The proposal also discusses an integrated training program, which will be managed by the DDEC. Best practices and necessary strategies will be identified to help develop this program, which will be implemented throughout the island. The public should be given a meaningful opportunity for input in the development of this integrated training programs, including input to help identify areas where the program can develop capacity and thus contribute to long-term economic development.

Under the integrated training program, the proposal states the Destination Marketing Organization (DMO) and the PR Tourism Board will work together to identify candidates to serve as sponsors to hire apprentices. We urge you to establish standards and controls to ensure that sponsors will hire local apprentices and ensure that local businesses and businesses start the process of hiring apprentices. Controls should be established to help facilitate the long-term development of apprentices in these areas to ensure sustainable long-term jobs.

In order to promote the food sustainability of Puerto Rico, a part of this job training program must be focused on sustainable agriculture. The University of Puerto Rico in Utuado, for example, has academic programs in agricultural technology and sustainable agriculture. An alliance with universities that work in these areas – as well as an apprenticeship program – would encourage the development of a workforce that promotes the agricultural economy and works in the long term for food sustainability.

2. Tourism and business marketing program.

→ **Action required: Publish information regarding Invest Puerto Rico's capacity or experience to manage this program, as well as any contracts or agreements between Invest Puerto Rico and the DMO.**

→ **Action required: Explain how the tourism and business marketing program will benefit LMI people.**

Under the proposal, some of the \$115 million allocated to this program will be assigned to the DDEC, DMO and Invest Puerto Rico. The proposal indicates that most business recovery and expansion services will focus on marketing and advertising campaigns. The DV must describe how these programs will benefit LMI people. In addition it must publish information regarding Invest PR's ability to receive and manage a portion of these funds, how much it received, and any agreements that exist between the DV and this entity.

3. Reborn agricultural of Puerto Rico - urban and rural agriculture.

→ **Action required: Effectively integrate and prioritize the participation of small farmers in need. The needs of small farmers must be central to designing or implementing an agricultural plan to support jobs, services and investments.**

The Renacer Agrícola program within the BPA-E is aimed at gastronomic tourism as a model to promote economic sustainability, but it does not include supports to strengthen small farmers. Moreover, the program does not describe how gastronomic tourism will benefit LMI people.

The program has no guidelines on how the proposed agricultural activities, such as community gardens, greenhouses and aquaculture, will be carried out. There is no description of the parameters or environmental and ecological standards with which companies must comply. As mentioned, small farmers are not included in the programs, and the program does not address how to support and protect their crops. This program should work together with a job training program in the area of sustainable agriculture. In this way, the prevailing need to create food sustainability will be addressed, fostering long-term labor development and the creation of new jobs and avoiding the loss of young workers trained in these areas.

D. Infrastructure.

1. Coordination with FEMA

→ **Action required: Publish any evaluations or analysis used to determine the allocation of funds under this proposal.**

→ **Action required: Publish the criteria and description of eligible projects under the program, including a description of how it would serve vulnerable and LMI people and unmet housing needs.**

The BPA-E does not identify the amount of funding for this program. In the PA submitted and approved by HUD on July 29, 2018, however, \$100 million was assigned to this program. Now, in the BPA-E, the amount of the allocation is increased to \$ 1 billion.

The program, as presented in the BPAE, may match CDBG-DR funds to match FEMA's Hazard Mitigation Grant Program (HMGP).

Although projects that benefit LMI people are identified as program priorities, the program does not specify which resilience projects would qualify, nor does it contain the eligibility requirements for project applications submitted under this program, nor how they benefit LMI people.

2. Crucial infrastructure resilience program.

→ **Action required: Include specific eligibility criteria and parameters for activities under the program.**

→ **Action required: Clarify how this program addresses unmet housing needs and serves vulnerable and LMI people.**

→ **Action required: Specify how this and other infrastructure programs will address the needs of populations with functional diversity or diverse mobility.**

A total of \$ 700 million is allocated to this newly created program to finance the reconstruction, strengthening, and improvement of crucial infrastructure. The program's goal is to improve and protect the health and safety of residents in the affected area.

Only municipalities impacted by the hurricane are eligible for this program. The proposed activity must be eligible for the CDBG-DR grant and serve 16 crucial infrastructure sectors. Although the program indicates which are those 16 sectors, it lacks specific guidelines or parameters to determine the eligible activities under it.

According to the proposal, the program would be aligned with PREDPR activities that prioritize in the short term, critical needs, such as health and safety. However, when evaluating the courses of action identified in the proposal, we see that most are directed to addressing telecommunications needs. Planning of emergency shelters (CPCB 7) is the only long-term activities identified.

While it is true that addressing the problem of telecommunications infrastructure is of vital importance, it is also important to address other areas of infrastructure, such as roads and bridges. We cannot ignore the fact that many communities were cut off from communication by damaged or destroyed roads and bridges. In addition, this same situation prevented the access of rescuers and supplies to these communities.

On the other hand, the BPAE must be aligned to address the particular needs of vulnerable populations. Defined as those groups that may be most vulnerable to becoming homeless after a disaster, these populations include people with functional diversity. Infrastructure planning must recognize the rights of people with disabilities and ensure their access to public life, for example, by maintaining the sidewalks in optimal conditions, installation of ramps, warning signs or visible warnings, and other accommodations in accordance with federal law, including the *Americans with Disabilities Act* and Section 504 of the *Rehabilitation Act*.

3. Community resilience centers

→ **Action required: Define "community resilience centers" and the functions they will perform.**

→ **Action required: Establish specific eligibility criteria for non-governmental organizations and municipalities.**

→ **Action required: Describe how this program meets addresses unmet housing needs and serves vulnerable and LMI people.**

The proposal allocates \$75 million to this newly created program to create a network of community resilience centers (CRCs) around the island in order to provide support and services during disasters. The program, however, lacks a concrete definition of what a CRC is and the specific functions of these centers.

Although the program indicates that both municipalities and non-governmental organizations (non-profit) are eligible, the program sets stricter standards for non-profit organizations, requiring them to have a building that will serve as the CRC and to verify that they can cover the expenses of maintenance and operation throughout the year since CDBG-DR funds under this program cannot be used for these expenses. However, the program puts forward a contradictory requirement that a CRC cannot be incorporated into an existing entity or agency. According to the program, the CRCs will be created through the renovation of existing facilities or new construction. The program does not indicate the criteria to determine the cases in which the renovation will occur or the scope of any renovations (it refers only to physical site or if the renovation includes other aspects). The program does not establish the criteria used to determine when new construction will occur.

It is not clear how the creation of the CRCs relates to the courses of action identified in the PREDPR.

E. Multisector initiatives.

The PAE includes a new multisectoral initiative to coordinate economic development and revitalization, infrastructure, planning, and housing. It includes two (2) newly created programs: a program to revitalize cities and a program to design Puerto Rico.

1. City revitalization program.

→ **Action required: Clarify how this program addresses unmet housing needs and serves vulnerable and LMI people.**

→ **Action required: Specify eligibility criteria for municipalities, NGOs and non-profit organizations, as well as the criteria and parameters for the projects to be considered under the program.**

According to the BPA-E, this \$1.2 billion program seeks to revitalize urban centers, including businesses and ecological rehabilitation. The program identifies municipalities, NGOs and non-profit entities as eligible applicants, who must comply with national LMI objectives and the prevention or elimination of slums.

It is striking that the program seeks to finance improvements to public spaces and cultural, artistic and recreational facilities. Eligible projects under this program are also covered by the proposal's housing, infrastructure and economic development programs. As a result, these funds could be diverted by the municipalities to address issues unrelated to unmet housing needs and low or moderate income populations. For example, through this program, the municipality of Cataño could obtain funding to make improvements to the Esperanza Park, the Wilson Ramos Activities Center or the Convention Center, and not to address the prevailing and unmet housing and mitigation needs of communities such as Juana Matos.

The program lacks specific criteria for both applicant organizations and projects regarding ecological rehabilitation.

This program has a \$ 100 million reserve for the development of urban areas and businesses around the Río Piedras and Mayagüez precincts of the UPR. However, the proposal does not indicate the reason why only these two communities can benefit from the program and not all the UPR communities. Moreover, the program does not indicate which "strategic investments" will be prioritized and who would qualify for these funds. This goes against the principle of transparency in the allocation and use of these funds.

Except facilitating municipal points of wireless connection (CIT 19), this program is unrelated to the courses of action identified in the PRED.

2. Design Puerto Rico.

→ **Action required: Clarify how this program addresses unmet housing needs and serves vulnerable and LMI people.**

→ **Action required: Publish any evaluation carried out to determine the allocation of funds to this program.**

Through this program, \$ 700 million is allocated to carry out an international design and construction competition in 2019 and to begin the construction of the winning project in 2020. Although the main objective is economic development and infrastructure, it is intended generate incidental benefits in housing, among others sectors.

The program does not establish criteria for the eligibility of the participants or the projects to be presented. It is unrealistic to start the competition in January 2019 given the lack of these criteria or guidelines regarding the nature or objectives of the projects to be submitted. This leads us to believe the program could be hastily implemented or designed in a vacuum, without public input.

We can infer this program is related to the following courses of action identified in the PRED: redevelopment of the Roosevelt Road Naval Base (ECN 15); redesign, reorganization and reconstruction of parks (NCR 20); and improvements to the Rafael Hernández airport (TXN 3).

It is evident that this program does not meet the main objectives of CDBG-DR funds - to address unmet housing needs and to benefit the LMI population.

III. Final recommendations.

As we stated in our past comments, the comments presented here - as well as comments others raised by other organizations - could and can be corrected through the real and proper participation of civil society. The proposal by the Department of Housing can only lead to a just recovery if it recognizes the work of the communities most affected by the disaster, as well as their needs. Otherwise, the proposal risks prioritizing the needs of others: the enrichment of sectors that do not contribute to the economy, the postponement of the needs of vulnerable populations, the marginalization and displacement of impoverished sectors, which is unacceptable. For this reason, once again, we make ourselves available to accompany and amplify the community voices that demand the protection of their rights.

We reiterate what has already been pointed out in our previous comments:

"We must not lose sight of the fact that these funds should be aimed at developing a disaster recovery plan, which will serve in future occasions and that will address long-term reconstruction rather than displacement of communities and the development of more housing and structures rather than to direct these critical resources to items that are not urgent at the moment or that do not respond to the needs of the most impoverished populations. Together with grassroots entities, non-profit organizations and community groups, we must adopt comprehensive mitigation plans and prioritize the development integral community plans, including the development of housing, infrastructure, and economic revitalization, in response to the social and economic needs of the diversity of people and families that coexist in community.