



CDBG-DR PROGRAM GUIDELINES

Whole Community Resilience Planning Program

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1 Overview

In September 2017, communities across Puerto Rico were severely impacted by Hurricanes Irma and María. These impacts were magnified due to vulnerabilities such as weak or insufficient infrastructure, poverty and inequality, lack of adequate healthcare, and structures located in floodplains. In the days, weeks, and months following the hurricanes, the impacts of the disasters expanded exponentially due to these vulnerabilities, contributing to significant hardships for residents, stunted recovery efforts, and a level of impact on human life that is still being understood.

Rebuilding the Puerto Rico of tomorrow will require innovative, long-term community and regional resilience planning, to ensure that recovery solutions embody holistic and inclusive long-term adaptation strategies. It is the goal of Puerto Rico to develop recovery strategies that not only protect life and property from future hazards, but more fundamentally promote an inclusive and participatory recovery process that enables all residents to realize the benefits of revitalized communities. This outcome-oriented community planning is critical in the disadvantaged and recovering communities across the Islands.

The Whole Community Resilience Planning Program (**WCRP**) of the Puerto Rico Department of Housing (**PRDOH**) exists to respond to current and future community needs in the Disaster Impact Areas (**DIA**) of federally declared disasters: FEMA-4336-DR, FEMA-4339-DR. This area encompasses all of Puerto Rico.

2 Planning

The WCRP Program defines “planning” as a process by which local administrations collaborate with community residents, businesses, neighboring communities, and central government agencies to identify actions and projects necessary for holistic recovery from Hurricanes Irma and María. Communities will have time and space to envision a potential future and to plan for recovery and resilience for all populations. Throughout this process communities will be asked to consider 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, and infrastructure redevelopment or augmentation, as well as other issues they deem important. This process will conclude in a public document which lays out community findings and visions for future success, as well as specific identified issues, solutions, implementation, and funding strategies.

3 Definitions

- **Communities** – For the purpose of this Program, the term communities include Puerto Rico communities, Special Communities, Non-Government Organizations

and Municipalities as the entities that qualify to apply for the Phase II of the Whole Community Resilience Planning CDBG-DR Program.

- **CDBG Funds** – CDBG Funds is a defined term at 24 C.F.R. §570.3 and includes any CDBG-DR funds and CDBG-NDR funds. The terms CDBG-DR funds is a term referring to grant funds made available by CDBG-DR awards.
- **Developers** – Private individuals and entities, including profit making and nonprofit organizations, typically formed for the purpose of undertaking projects involving the development of rental or homebuyer housing developments.
- **Notice of Funding Availability (NOFA)** – NOFA is a notice published each year in www.grants.gov for HUD's Discretionary Funding Programs. This Notice describes the type of funding available on a competitive basis and provides a contact where an application may be submitted, typically up to **sixty (60) to ninety (90) days** from the date of NOFA publication. Selection will then be made based upon specific factors and criteria identified within the NOFA.
- **Resilience** – The ability to anticipate, prepare for and adapt to changing conditions, and withstand, respond to, and recover rapidly from disruptions. Such disruptions may include, for example, a flooding event, a precipitous economic change, and effects of long-term environmental degradation, short-term or intermittent failure or under-performance of infrastructure such as the electrical grid. Resilience describes an area's capacity to prepare for, withstand, and recover from unpredictable shocks -minimizing impacts on people, infrastructure, environments, and economies. In practice, resilience provides a framework for guiding planning, investment, and actions to reduce vulnerabilities.
- **Resilient Community** – In the disaster recovery lexicon, resilience is commonly described as the ability of a community to quickly respond, recover, and prepare for unexpected events, such as a natural disaster. In this way, resilience goes far beyond immediate emergency response measures, back-up power generators, and hardened protective infrastructure. Indeed, these components are part of a resilient community. However, planning for and building a truly resilient community encompasses much more. A resilient community is one that can utilize available resources to respond to, withstand, recover from, and prepare for adverse situations in a timely and efficient manner.
- **Social Capital** – The existing networks of relationships among people who live and work in a community that allows it to function successfully.
- **Special Communities** – These are certain communities designated by the government of Puerto Rico with high concentrations of poverty, lack of basic infrastructure, unacceptable environmental conditions, poor housing status, and high social stressors. On March 2001, the Government of Puerto Rico enacted the Special Communities Integral Development Act into law to institutionalize efforts

to promote a better quality of life and social development in these designated communities. This designation has allowed Puerto Rico to assess dedicated financing and governmental support to these Special Communities and to stimulate the involvement of local residents in the improvement and development in their communities.

Today, there are currently 725 Special Communities across the island. The more than 208,000 household residents of these communities are important participants of the recovery programs. Large concentrations of Special Communities can be seen in Quebradillas, Hatillo, Yauco, Canóvanas, and Orocovis.

- **Special Flood Hazard Area** – Also known as the **100-year floodplain**. This term was adopted by FEMA's National Flood Insurance Program Insurance (**NFIP**) as the basis for mapping, insurance rating, and regulating new construction. This area is a floodplain that would be inundated in the event of a 100-year flood. The 100-year flood has a one percent (1%) chance of being equaled or exceeded during any given year. Projects located in the 100-year floodplain that receive assistance under CDBG-DR will be required to obtain and maintain flood insurance in perpetuity for all such property for which financial assistance is received. See Flood Insurance Requirements of the Cross-Cutting Guidelines found at www.cdbg-dr.pr.gov.

4 National Objective

Funds being used for planning activities for the development of community plans are part of the 20% planning and administrative cap of CDBG-DR funds as according to 24 C.F.R. §570.483(f). Funds with this designation do not need to meet a national objective requirement.

5 Program Description

According to the approved Disaster Recovery Action Plan of the Puerto Rico Department of Housing, the WCRP Program will result in comprehensive community recovery plans, the benefits of which will allow communities to develop policies, planning, and management capacity so they may effectively determine their needs.

The WCRP Program has two phases which will nurture civic engagement and allow communities to create a resilience plan and increase local capacity in their decision-making processes for future investment opportunities. In the process communities will collaboratively and effectively determine their unique needs, set long-term goals and short-term objectives, identify priorities and request funding for the development of a long-term resilience plan. The WCRP Program priority will be high-risk communities, which are defined as communities situated in the floodway or floodplain, landslide risk areas; and/or areas of concentrated damage.

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

Stakeholders	Roles and Responsibilities
Communities	Communities will participate in the validation of the resiliency and vulnerability data and provide support to the social capital mapping report from Foundation for Puerto Rico (FPR). They will be eligible to apply for funding after the publishing of the Notice of Funding Available (NOFA) for the design of their resiliency plans. Together with technical resource to work on the design of their resiliency plans
HUD- Federal Government	Grantor
PRDOH - State Government	Grantee from the Federal Government
Foundation for Puerto Rico - Non-governmental organization (NGO)	PRDOH Implementation Partner of the Whole Community Resiliency Planning Program
Puerto Rico Planning Board	Provide support for the data gathering and development of Community Plans
Municipalities	Validate data, collaborate, and support outreach efforts, support application effort from communities.
Working Group	Provide input on data available, guidance on index development, provide feedback on NOFA development.
Private Contractors	Provide professional services as needed.
Local NGOs	Support outreach efforts and communications with communities, some will act as solicitants of funding on behalf of a specific community or communities.
Academia	Provide expert support as needed.

5.1 Program Management

The FPR is a 501(c)(3) public charity founded in 2011 with a mission to transform Puerto Rico into a destination for the world by driving economic and social development through sustainable strategies. The FPR will be the lead partner of the PRDOH on the implementation of the WCRP Program. FPR will execute a sub-recipient agreement (**SRA**) with PRDOH, wherein FPR will act as a partner of PRDOH working in close coordination with and under the oversight of PRDOH to administer the program. FPR roles and responsibilities include program design, development of program guidelines, processes, and procedures; education and orientation, program implementation, including fund distribution and oversight to the awardees.

The SRA will further detail the specific roles and responsibilities of FPR and how it will interact with PRDOH. FPR will be the lead partner on the two phases of the Program and will act as a direct extension of PRDOH in coordinating with communities on support needs and development of deliverables in Phases I and II. FPR will oversee and manage the process of the allocation and distribution of funding, in collaboration and coordination with PRDOH.

FPR will serve as the primary point of contact and responsible party for coordination with other partners, municipalities, and subrecipients. FPR will collaborate with other core stakeholders such as the government, community stakeholders, and non-profit organizations to capitalize on intellectual capital resources as well as to coordinate parallel and relevant planning efforts, such as updated hazard mitigation plans. Throughout the program, PRDOH and the FPR will develop and implement a comprehensive outreach and educational program for communities and municipalities. More details of the program are included in sections below. PRDOH and FPR will also work with the Planning Board to provide technical assistance and data to participating subrecipients. In the initial phase, each municipality will be eligible to receive reimbursement for documented staff time related to conducting community-planning efforts supporting the Program.

5.1.1 Vendor Partners

Applicants will partner with qualified planning vendors to undergo a planning process.

5.1.2 Program Method

FPR will work with all municipalities to gather and validate data and provide assistance and information to communities on the program and the application process. Municipalities will be eligible to receive reimbursement for documented staff time during Phase I related to conducting community outreach efforts, data validation and analysis around community vulnerability and resilience profiles developed, and other activities associated with the initial phase.

6 Phase I

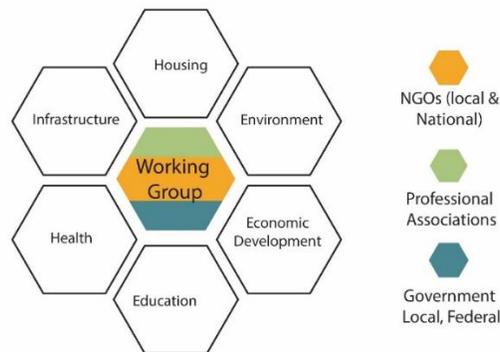
The **Phase I** of the Program will prepare communities to make informed decisions and prioritize future actions and funding decisions based upon greater understanding of their specific needs of housing, infrastructure, economic development, health and environment and education.

Phase I will focus on building a solid foundation to ensure good community planning outcomes. To achieve this, there needs to be access to quality data, clear and standardized frameworks, and strong technical support. FPR will assemble a team of experts in the community planning, data analysis, community outreach and monitoring and compliance areas to develop tools and manage the Phase I and Phase II of the Program.

FPR and PRDOH will lead a **“Working Group”** of key stakeholders comprised of Government Agencies and counterpart national and local not-for-profit organizations in the core areas of Housing, Infrastructure, Economic Development, Health/Environment, and Education. FPR, with the assistance of the Working Group, will recommend data sets in the core areas previously mentioned, collection processes and, vulnerability index development for Phase I. The Working Group will also assist FPR with content creation for the communication and outreach materials for the program, and support in the development of the NOFA for Phase II and Request for Qualifications (**RFQ**) for professional resources to support communities in the development of their community resilience plan.

In summary the following will be the Working Group functions:

- a. Make recommendations on data sets that will be used in each core area.
- b. Identifying existing data sources and support process to incorporate into vulnerability and resilience profiles.
- c. Advise FPR with content creation for the communication and outreach materials for the program in Phase I.
- d. Advise on and provide recommendations in the creation of a Data Validation Report.
- e. Support FPR with the creation of a Social Capital Mapping Index to provide map-based data and contact information to all communities of existing resources and NGO's in the area.



FPR and entities who may be part of the community-driven planning, will develop and implement a community outreach strategy through a team of island-wide community planning specialists to ensure broad community participation.

Phase I more specifically will result in the development of:

1. A public Community Resilience Web Portal (Dashboard) that will provide hazard, exposure, and other data elements to inform community vulnerability profiles;
2. Social Capital Mapping Report: In coordination with entities who may be part of the community-driven planning, a comprehensive community outreach strategy will be developed ensuring that municipalities and communities are adequately oriented about accessing and using the Dashboard, the Program requirements, and guidelines;

3. RFQ: development of the guidelines, solicitation process and evaluation criteria for technical expertise that will support the Community Planning Process; and
4. NOFA: Development of the guidelines, solicitation process, selection criteria, and evaluation process for applicants to request funding for their Whole Community Resiliency plan.

Each of these components has been further explained in the following section.

6.1 Community Resilience Web Portal (Dashboard)

The community resilience web portal will be developed in Phase I to provide backbone support with information and planning resources to communities across Puerto Rico, regardless of their local capacity or planning history and will allow residents to participate in the planning process more actively.

Phase I will also focus on gathering data to promote data driven decisions in future community planning activities, including Phase II of the program. The data will be collected at the state/federal level by FPR and supported by PRDOH and the Planning Board, to ensure uniform collection of local data, island-wide. Data collected will be used to create community vulnerability and resiliency index profiles using geo-referenced variables to identify communities at risk which will guide future local, regional, and island-wide planning, recovery, mitigation, and resilience efforts.

FPR will contract with technical resources that will support the Working Group discussions and efforts of the municipalities to validate the data gathered in Phase I, which will be invaluable for the development of more expanded community adaptation and resilience planning efforts, identify and develop project priorities, and contribute to setting the foundation for informing decision making and project formulation strategies for future funding opportunities through PRDOH or otherwise. The vulnerability analyses created will be uploaded to the community resilience web portal, demonstrating the resilience profiles for each community.

The following are the tasks to be developed as part of this strategy:

- a. Provide technical assistance to municipalities in data validation efforts;
- b. Identify, collect, and analyze data to create community vulnerability and resilience profiles - FPR will only use official government datasets (state and federal). Datasets that do not meet minimum information requirements (information on source, data collection/management, programming language, description, granularity, methodologies, etc.) will not be use in the project; and
- c. FPR will lead the development and deployment of the community resilience web portal.

6.2 Social Capital Mapping Index

Communities across Puerto Rico will have access to a new Social Capital Mapping Report. This report will include information on the existing social assets that allow a community to sustain economic development and have local knowledge of local

resources and initiatives in their community. The content of the report may include but is not limited to community-based organizations, local stakeholders, community organizers and elected officials, faith-based organizations, residents committee, employers, cultural institutions, spaces, and facilities. The information included in the report will help support communities in the creation of their application and community resilience plan in the Phase II of the program.



6.3 Comprehensive Outreach Strategy

The aim of this Program is to robustly engage communities in this process, with the understanding that the most effective plans are developed collaboratively, with the input of residents, subject matter experts and local stakeholders. In the planning world, oftentimes outside parties exclusively develop plans, and with perhaps only trivial or superficial consultation of residents and stakeholders. For a community plan to be truly effective, it must be developed in concert with the community it aims to serve.

Participatory planning, then, is the process by which residents and stakeholders are involved and engage in all stages of the process – from initial conceptualization, goal setting, decision making, and prioritization of actions. Plans that are developed in a participatory manner and have the buy-in of residents and stakeholders are more likely to be implemented and followed, opposed to remaining on the shelf.

FPR will create a Participatory Planning strategy. We will implement an Island-wide communication and outreach strategy to municipalities and communities to promote engagement and participation in the program. This includes but not limited to, reviewing and validating community data, individual meetings with community stakeholders, townhall meetings, and distribution of education materials. This will be executed through regional community outreach teams.

The following are the tasks to be developed as part of this strategy:

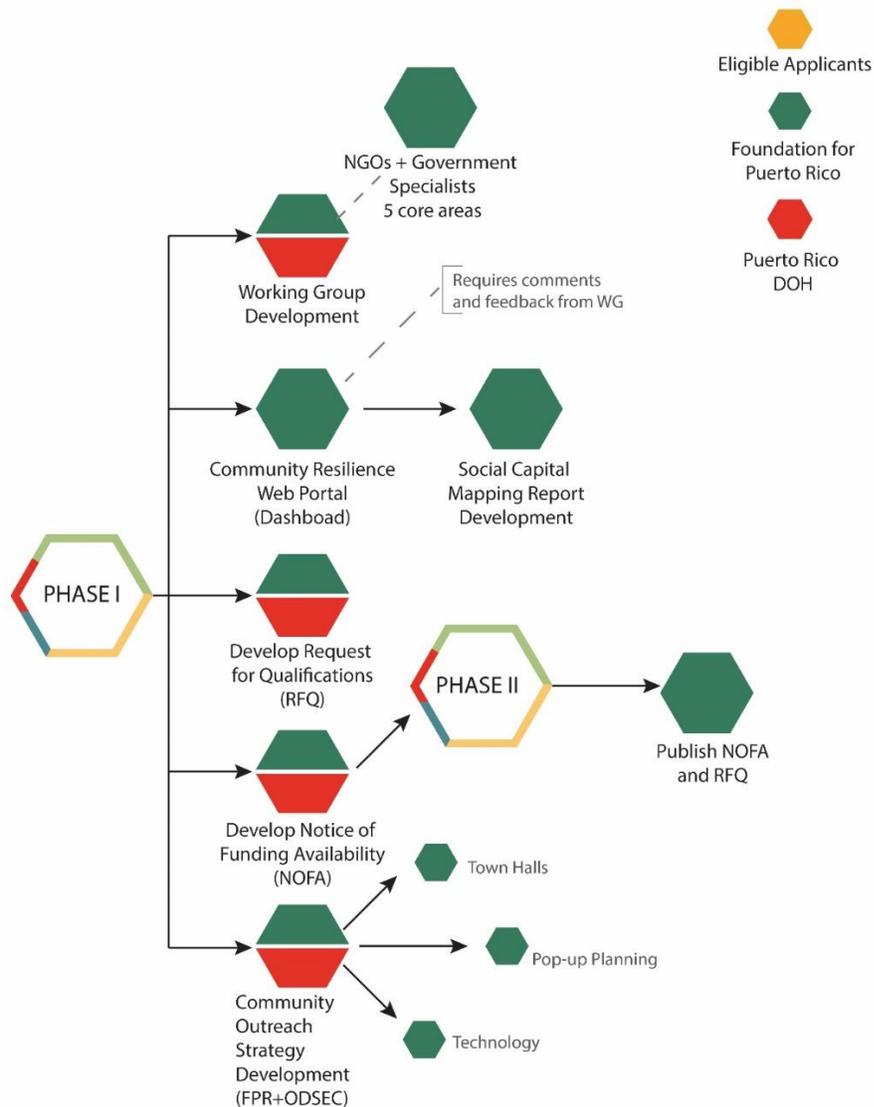
- a. Municipal orientation events on program guidelines and reimbursement requirements and outreach efforts to promote municipal participation in Phase I;
- b. Design and implement a community outreach and engagement strategy with residents, municipal staff and other stakeholders focused

in preparation for Phase II. This will include trainings on resilience, community planning, and Phase 2 requirements in preparation for portal launch; and

- c. Social capital mapping in the municipalities to identify the potential community support available during program dissemination and during the NOFA application process.

6.4 Request for Qualification

FPR, together with consulting experts and in coordination with PRDOH, will develop an RFQ for professional resources that will be available to the communities in Phase II. The professional services are a resource pool comprised of but not limited to planning, design, architecture, health professionals, IT, engineering services. The RFQ details will be developed during Phase I following program launch.



- Identification of potential funding sources for projects included in the Community Resilience Plan.

Phase II more specifically will result in the development of:

- NOFA Publication;
- Technical Assistance by Community Planning Specialists;
- Monitoring and Compliance; and
- Community Resilience Plans (prepared by awardees)

Each of these components will be further explained in the following section.

7.1 Notice of Funding Availability Publication

NOFA will be published online and through local media outlets FPR will perform an outreach effort to ensure communities are aware of the opportunity and the process to apply. The application process and selection criteria for Phase II funding will be published as part of the updated NOFA program guidelines. FPR will convene an evaluation committee that will include PRDOH representatives, FPR representatives, and certain additional stakeholders from the “Working Group” to evaluate and select grants awardees.

Timeline for plan completion will be a maximum of **eighteen months (18)** from the notice of award and execution of grant agreement with the awarded applicant. The additional founding cycles will always allow awardees, **eighteen months (18)** to complete approved grant activities. FPR will develop a roster of eligible consultants that are vetted and comply with all federal procurement requirements to provide grantees with specialized planning assistance.

7.1.1 Technical Assistance

FPR will provide technical ongoing assistance to applicants of the NOFA through its Community Planning unit. The Community Planning unit will include Community Planning and Outreach Specialists that will offer support to communities and NGO’s in the form of data analysis, and planning research needed to prepare and/or complete their application. The goal is to make stronger applicants, create an agile process and identify potential sources of funding.

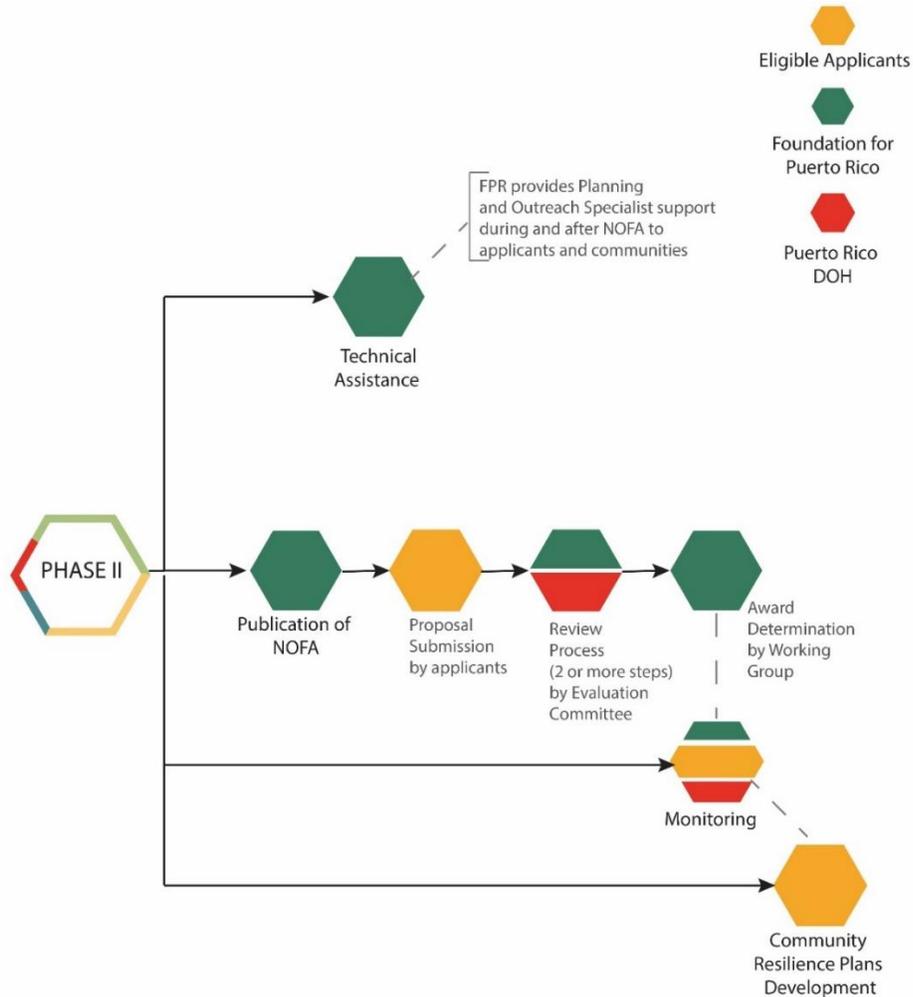
7.2 Monitoring and Compliance for Awardees

Providing a strong compliance and monitoring of awardees is at the core of the Program Guidelines. FPR will assign awardees, from each funding cycle, a Fiscal and a Program Officer that will work closely with their organization. The Fiscal and Program Officers will ensure compliance with the approved grant activities, provide guidance, and support for the execution and monitor that grant expenses are appropriately documented and made according with the applicable rules and regulations. FPR will be responsible of the disbursement of grants funds to awardees and will present quarterly reports to PRDOH.

7.3 Community Resilience Plans

Awardees will create community resilience plans in collaboration with community members addressing community risks and vulnerabilities identified in Phase I. Plans developed in Phase 2 will be based upon addressing community risks and vulnerabilities

identified in Phase 1. The goal for the outputs of Phase 2 will be to develop potential options for funding whether as a part of an adjacent initiative or program



8 Eligible Use of Funds

8.1 Eligible Activities

- Certain activities are considered eligible for funding or reimbursement when procured in accordance with CDBG-DR guidelines:
- Activities necessary to develop a recovery plan;
- Staff time for planning activities, including:
 - Coordination with FPR;
 - Coordination, collaboration, oversight, management of planning vendors;
 - Activities necessary to procure a planning vendor, following procedures set forth by PRDOH;
 - Quality Assessments/Quality Control and review of deliverables;
 - Monitoring, reporting, invoicing, evaluation;
 - Outreach and coordination with citizens and stakeholders; and

- Coordination, compilation, development, or analysis of new or existing data and studies.
- Data, analysis, studies, and maps; and
- Certain moveable property, software, and indirect costs.

8.2 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
- Additional ineligible activities and ineligible use of funds will be included in the NOFA.

9 Program Eligibility

Applications may be submitted by entities representing multiple jurisdictions, communities, or regions. Eligible applicants under Phase II include non-governmental non-profit organizations (representing one or more communities), local governments, and governmental, or quasi-governmental entities.

The selection criteria for Phase II funding will be released as part of the NOFA guidelines. Participation in Phase I is not required to be eligible to participate in Phase II.

10 Application Process

To effectively manage and provide oversight to its WCRP Program, FPR provides a shared online application and proposal tool.

Within the FPR hosted online application portal, applicants to the WCRP Program will proceed with the following submission process:

- Provide required community information, including the person of contact;
- Upload all existing community plans, relevant to current and future activity and
- Upload relevant georeferenced data (GIS)

All required document templates will be provided through the application portal and must be submitted for an application to be deemed complete. The application process will be described further in the NOFA.

11 Program Closeout

Program closeout timeline: All planning-specific activities must be concluded within **six (6) months** of start dates. All program activities, including closeout, must be concluded within **eighteen (18) months** of start dates.

Upon completion of all planning activities, program closeout processes shall commence. This process will begin by ensuring that all work performed has been accepted by the

applicant, all milestones met, deliverables completed, and program activities performed in compliance with Program requirements. Acceptance of the work shall be established at each milestone, upon submission of each deliverable, and during the final inspection of work performed. PRDOH will perform a complete review of the application file to ensure all necessary documentation is present and to ensure that the grant is ready for closeout.

General requirements for closeout are as follows:

- All milestones have been met and deliverables submitted, and each in accordance with all requirements of this Program.
- 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 Community, Planning Firm, sub-recipients, and other sub-recipients.
- All payments have been issued to the Planning Firm, including applicable retainages.
- Other requirements for closeout as established in Planning Firm's contract.

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 case. Once all levels of quality control review are passed, the applicant will receive a WCRP Final Notice, and their individual case will be placed in a closeout complete status.

12 Program-Based Reconsideration and/or Administrative Review

Applicants of the WCRP Program may contest any determinations or denials based on program policy. However, an Applicant may not challenge a federal statutory requirement. Applicants have the right to request a program-based Reconsideration with the Program or request an Administrative Review directly with PRDOH, as stated below.

12.1 Program-Based Reconsideration Request

Applicants may file a Program-based Reconsideration Request when it is believed there is an error with Program eligibility determinations, Program award, and/or failure to meet construction standards, among other determinations. An Applicant must submit a written Reconsideration Request directly with the WCRP Program 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 of said notice, the aforementioned **twenty (20) calendar day-term** shall be calculated from the mailing date. 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 WCRP 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) days** of its receipt. Applicants will be notified of the reconsideration determination via a Reconsideration Request Approved or a Reconsideration Request Denied notification. Applications with an approved Reconsideration Request will return to active Program status and continue with the process as normal. Applications with a denied Reconsideration Request will remain ineligible for the WCRP Program.

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 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 the PRDOH in accordance with Regulation Number 4953, of August 19, 1993, which regulates the Formal Adjudication Process for the PRDOH and its Adjunct Agencies (Regulation 4953).

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. 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 of said notice, the aforementioned **twenty (20) calendar day-term** shall be calculated from the mailing date.

Applicants who submit an Administrative Review Request must follow the procedure established in Regulation 4953. After the Administrative Adjudicative Procedure concludes, applications with approved Administrative Review Requests will return to active Program status and continue within the process as normal. Applications with denied Administrative Review Requests will remain ineligible for the WCRP Program.

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) days** after a copy of the notice has been filed. See Act No. 201-2003, as amended, known as the Judiciary Act of the Commonwealth of Puerto Rico of 2003, 4 LPRA § 24 et seq., and Section 4.2 of Act 38-2017, as amended, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico, 3 LPRA §9672.

If the Applicant fails to file a Program-based Reconsideration Request, or to contest a determination under the Administrative Adjudicative Procedure with PRDOH within the time allotted, the inaction will be deemed as an acceptance of the determination.

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.

However, the 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 these guidelines if the program guidelines, as written, do not reflect the intended policy or cause procedures to be impracticable, among any other circumstances. If an amended version of these guidelines is approved, the amended version fully supersedes all other previous versions and should be used as the basis for the evaluation of all situations encountered in the implementation and/or continuance of the Program from the date of its issuance, that is, the date that appears on the cover of these guidelines. Each version of the program guidelines will contain a detailed version control log that outlines any substantive amendment, inclusions and/or changes.

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, longterm recovery, restoration of housing, infrastructure, and economic revitalization in the impacted and distressed areas in Puerto Rico as identified in disaster declaration numbers DR-4336 and 4339. Through the Federal Register Vol. 83, No. 157 (August 14, 2018), 83 FR 40314, HUD identified that, for Puerto Rico, all components of the Island are considered "most impacted and distressed" areas. Therefore, these guidelines apply to all 78 municipalities of Puerto Rico.

13.4 Extension of Deadlines

The Program could extend deadlines on a case-by-case basis. The Program may decline to extend a deadline if such extension will jeopardize the Program's completion schedule or the schedule of an individual construction project. The aforementioned strictly applies to program deadlines or established program terms. Under no circumstance(s) does the faculty to extend deadlines apply to the established terms of time in any applicable federal or state law or regulation, or to the terms of times established in these guidelines to request a Program-based Reconsideration, administrative review and/or judicial review.

13.5 Established Periods of Time

Unless otherwise specified, all established periods of time addressed in this and all CDBG-DR Program Guidelines will be considered calendar days. On this matter, PRDOH, as grantee, will follow Rule 68.1 of the Rules of Civil Procedure of Puerto Rico, 32 LPRA Ap. V, R. 68.1.

13.6 Written Notifications

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

13.7 Conflict of Interest

PRDOH, Program officials, their employees, agents and/or designees are subject to state ethic laws and regulations in regards to their conduct in the administration, granting of awards and program activities.

No public servant shall intervene, either directly or indirectly, in any matter in which he/she has a conflict of interests that may result in his/her 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 aforementioned.

The aforementioned 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 this guideline. PRDOH Program officials, their employees, agents and/or designees should disclose their relationship with PRDOH at the time of their application. The Conflict of Interest Policy is posted as a standalone document at www.cdbg-dr.pr.gov. For more information on how to contact PRDOH, please refer to www.cdbg-dr.pr.gov.

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. The Citizen Participation Plan is posted as a standalone document at www.cdbg-dr.pr.gov. For more information on how to contact PRDOH, please refer to www.cdbg-dr.pr.gov.

13.9 Related Laws and Regulations

These guidelines makes 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.

13.10 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. For more information, please refer to the Cross-Cutting Guidelines found at www.cdbgdr.pr.gov.

14 Program Oversight

Nothing contained within these guidelines is intended to limit the role of PRDOH, HUD, and/or corresponding authorities from exercising oversight and monitoring activities of the Program.

15 Severability Clause

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