

GOBIERNO DE PUERTO RICO



Omar E. Negrón Judice, MBA
Comisionado



January 11, 2011

Mr. José R. Rivera
CPD Director
US Department of Housing and Urban Development
Caribbean Office, CPD Division – Region IV
Parque Las Américas
235 Federico Costas St. – Suite 200
San Juan, Puerto Rico 00918-00903

Subject: Disaster Recovery Enhancement Fund (DREF)

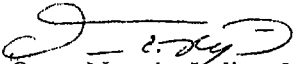
Dear Mr. Rivera,

As per your request, we are submitting a revised version of the Amendment to the Disaster Recovery Action Plan, previously submitted to HUD [Amendment to the Action Plan for the Utilization of CBDG Funds in response to the 2008 tropical storm Kyle, CDBG Supplemental Disaster Recovery Funds, Disaster Recovery Enhancement Fund (DREF)]

The amendment includes: 1) the eligible affected areas and eligible applicants; 2) the methodology to be used to distribute funds to those areas and applicants; 3) activities for which funding may be used; 4) consultation with local units; and 5) grant administration standards.

We thank you for your comments on the previous submission, and make ourselves available to make any additional changes you may require.

Kindest Regards,


Omar Negrón Judice, MBA
Commissioner

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**GOVERNMENT OF PUERTO RICO
OFFICE OF THE COMMISSIONER OF MUNICIPAL AFFAIRS**



**ACTION PLAN FOR DISASTER
RECOVERY 2008**
Substantial Amendment

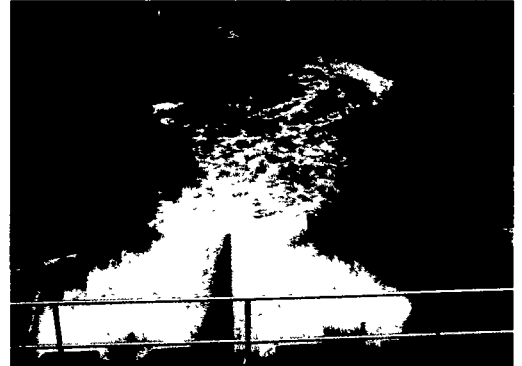
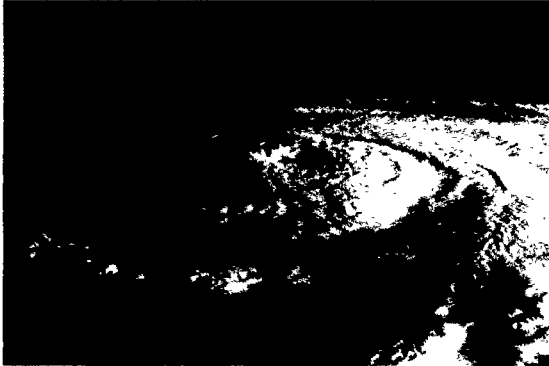
**SEVERE STORMS AND FLOODING
(1798-DR-PR)**

GRANT ALLOCATION FOR PUERTO RICO: \$17,982,887

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Government of Puerto Rico

Office of the Commissioner of Municipal Affairs



AMENDMENT TO THE ACTION PLAN FOR THE UTILIZATION OF CDBG FUNDS IN RESPONSE TO THE 2008 TROPICAL STORM KYLE

CDBG Supplemental Disaster Recovery Funds
Disaster Enhancement Recovery Fund (DERF)
Initial Allocation PL 110-329

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Oficina de Consejeros de Asuntos Municipales

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INTRODUCTION

On September 28, 2010, the U.S. Department of Housing and Urban Development notified The Commonwealth of Puerto Rico (Commonwealth) a \$12,000,000 award in Community Development Block Grant (CDBG) disaster recovery funds. The award responded to the Commonwealth's Identification of eligible activities under the Disaster Recovery Enhancement Fund (DREF). The Commonwealth of Puerto Rico has previously been awarded \$17,982,887.00 under Public Law (P.L.) 110-329 to assist in addressing the long-term recovery impacts from the 2008 disasters¹. This represents the third allocation under P.L. 110-329. Combined with this allocation, the Commonwealth has been awarded a total of \$29,982,887.00 under this appropriation. The aim of the additional allocation is to further meet the outstanding recovery needs of the State resulting from Tropical Storm Kyle.

The Commonwealth of Puerto Rico is submitting this amendment to the Action Plan in order to identify and describe the use of additional funds granted as required by regulations. The Commonwealth is required to publish an Action Plan for Disaster Recovery that describes the proposed use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2008 (Public Law 110-329, approved September 30, 2008). The Act provides for disaster relief of unmet needs resulting from severe weather in the State that occurred during 2008, for which the President declared a major disaster under Title IV of the Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.). The HUD guidance for the funding was published February 13, 2009 in the Federal Register as Docket Number FR-5256-N-01.

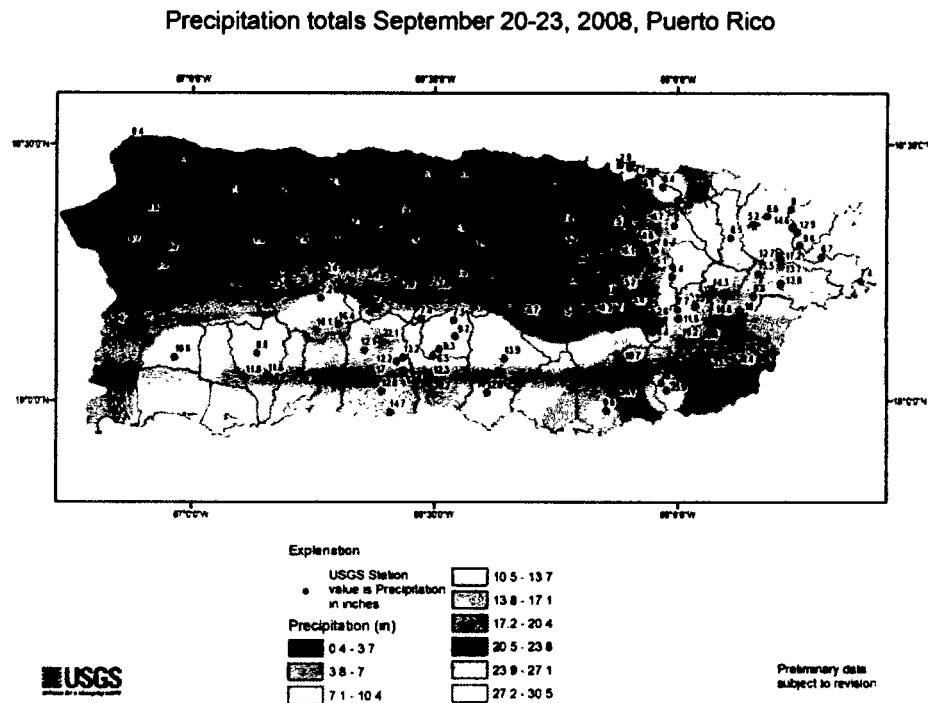
This amendment to the Action Plan describes 1) the eligible affected areas and eligible applicants; 2) the methodology to be used to distribute funds to those areas and applicants; 3) activities for which funding may be used; 4) consultation with local units; and 5) grant administration standards.

¹ Since the original submission of the State's Disaster Recovery Action Plan to HUD on August 4, 2009, and its following approval on September 17, 2009, the State has received CDBG disaster funds for unmet housing, infrastructure, and economic revitalization needs.

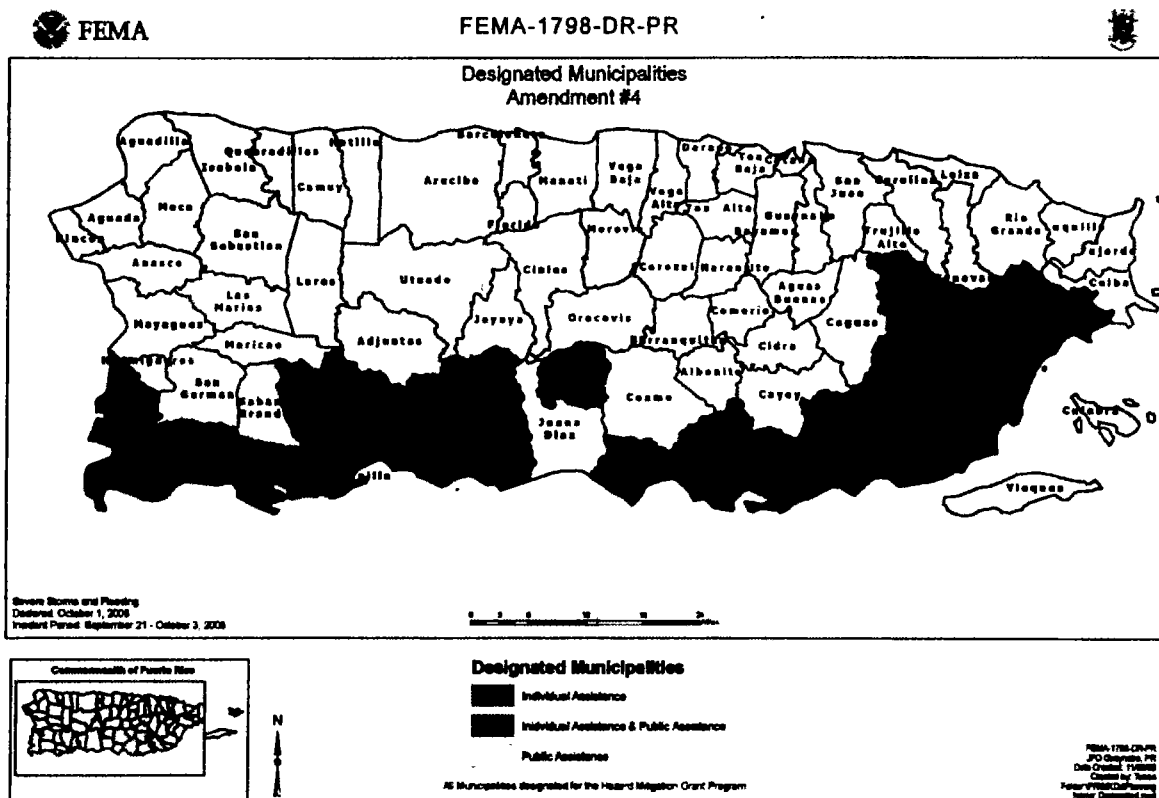
DESCRIPTION OF AFFECTED AREAS

The Disaster Recovery Action Plan provided a detailed description of the affected areas. In general, during the three day period of September 21-23, 2008, parts of Puerto Rico suffered from one of the most catastrophic flooding events of the season to date. The flooding affected many municipalities island wide. The torrential rainfall resulted in severe flooding to rivers, streams, and roads, causing sinkholes, land/mudslides, and structural collapses mainly across the southern half of the island. The heavy rainfall and subsequent flooding were a direct result of a large tropical disturbance named by the National Hurricane Center (NHC) as a Tropical Storm Kyle. The strongest effects of the tropical disturbance were first felt in Puerto Rico on Sunday, September 21, 2008. The 24-hour rainfall totals ending at 8 am Monday, September 22, 2008, which encompassed part of the southeastern section of the island, exceeded 200-year 24-hour rainfall totals.

The resultant flooding had considerable effects on the local population. An estimated 630 people in the affected areas were evacuated to shelters. In addition to the structural damage caused by the floods, some crops such as coffee, plantains, and other minor agricultural activity suffered greatly. In response the federal authorities issued a disaster declaration for portions of the island (FEMA-1798-DR-PR). The following charts summarize rain precipitation across Puerto Rico and FEMA declared disaster zones.



Source: National Weather Bureau.



NATIONAL OBJECTIVES

All funds will be distributed in accordance with the national objective: to benefit of low and moderate-income persons. Additionally, the allocation of program funds must benefit low- and moderate- income persons, in at least 50% of the total grant funds.

CONSULTATION WITH LOCAL GOVERNMENTS

In order to complete the Disaster Recovery Action Plan, OCMA conducted a need assessment process with the Municipalities. Yet, after the approval of the abovementioned Action Plan (September 17, 2009), Municipalities still had certain unmet needs. Based on the existing unmet needs, OCMA allocated DREF funds to Municipalities on June, 2010. Accordingly, OCMA implemented a consultation process with local governments so that Municipalities could re-certify their specific unmet needs. On October 26, 2010, OCMA conducted a seminar² with the Municipalities which

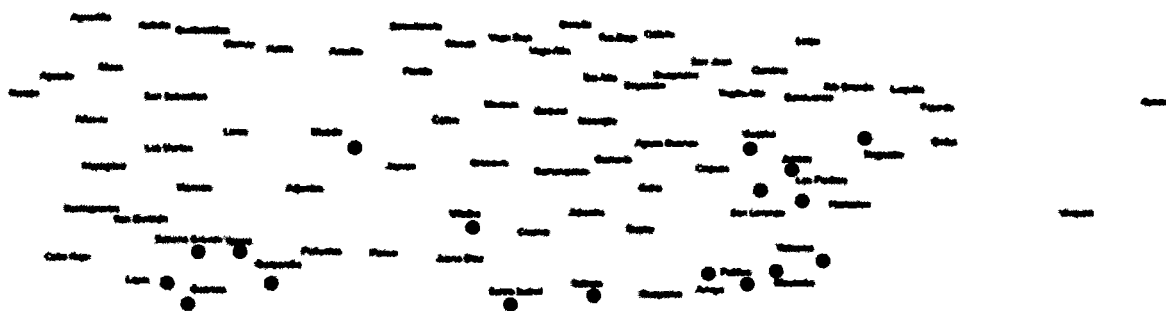
² The seminar was convened by a written communication to each Municipality.

outlined the program requirements and the proposed method of distribution. During the meeting, OCMA solicited feedback from Local Governments by requiring that each Municipality re-certify their unmet needs, by means of a written document detailing the number of families affected³ by Tropical Storm Kyle and the proposed relocation plan. Such letter was submitted to OCMA before November 5, 2010. Additional outreach efforts included email communications, phone calls, and meetings with local government officials. Once the certifications were received by OCMA, the 2008 Action Plan was revised accordingly. The Municipalities provided sufficient data supporting the need of safe homes for families who still lived in structures vastly deteriorated by the Storm.

The State will publish the Action Plan to the general public, by posting it on its website (<http://www.ocam.gobierno.pr>). OCMA recognizes that adding or deleting an activity or changing the planned beneficiaries of an activity, will constitute a substantial change requiring an amendment of the action plan.

The following qualifying municipalities informed their unmet needs:

MUNICIPALITIES THAT INFORMED THEIR UNMET NEEDS



*Arroyo
Guánica
Guayanilla
Gurabo*

*Juncos
Lajas
Las Piedras
Maunabo*

*Naguabo
Patillas
Sabana Grande
Salinas*

*San Lorenzo
Santa Isabel
Utua
Villalba*

*Yabucoa
Yauco*

The information revealed that each Municipality identified over 25 families of low-income living in dangerous high-risk areas with severe deteriorated housing units. The

³ Each Municipality could submit up to 25 previously qualified families.

data included local government certifications, photos, contracts, deeds, among others. See appendix for a complete list of certifications.

PROGRAM DESCRIPTION

The Commonwealth of Puerto Rico has designed the program “*A Safe Home for your Family*” in accordance with CDBG and Disaster Recovery eligible activities, described in the original Action Plan. Such activity qualifies with DREF eligible criteria as a Floodplain Area Buyout Program⁴.

The Program awards funds to a variety of activities aiming to address the housing needs of moderate and low income families in order to promote the revitalization high-risk areas and the safety of households battered by Tropical Storm Kyle. Additionally, the state will support HUD’s mission to promote the development of relocation programs, so that families move out high-risk areas and thus mitigate damage from future disasters. Moreover, the state will provide the beneficiaries with improved housing.

METHOD OF DISTRIBUTION

A. Basic Allocation

The \$12,000,000 in DREF funds will be allocated among 18 municipalities, as presented in the following table:

Municipality	Original Allocation	DREF Allocation	Total Allocation
Arroyo	540,499	400,000	940,499
Guánica	540,499	800,000	1,340,499
Guayanilla	560,000	800,000	1,360,000
Gurabo	800,000	400,000	1,200,000
Juncos	1,000,000	800,000	1,800,000
Lajas	1,000,000	800,000	1,800,000
Las Piedras	1,000,000	400,000	1,400,000
Maunabo	1,000,000	800,000	1,800,000
Naguabo	847,309	800,000	1,647,309
Patillas	999,964	800,000	1,799,964
Sabana Grande	400000	400,000	800,000

⁴ “Floodplain or critical fire or seismic hazard area buyouts programs under an optional relocation plan that includes incentives so that families and private sector employers move out of areas at severe risk for a future disaster...” (DREF Eligible Activities)

Salinas	400,000	400,000	800,000
San Lorenzo	1,000,000	800,000	1,800,000
Santa Isabel	800,000	800,000	1,600,000
Utuaado	647,309	800,000	1,447,309
Villalba	800,000	400,000	1,200,000
Yabucoa	1,000,000	800,000	1,800,000
Yauco	1,000,000	800,000	1,800,000
Sub Total	14,335,580	12,000,000	26,335,580
Admin	3,647,307	-	3,647,307
Totals	\$ 17,982,887	\$ 12,000,000	\$ 29,982,887

B. Eligible Activities

The following eligible activities were included⁵ in the original Disaster Recovery Action Plan:

A. Housing Activity Category- Housing activities must comply with the following:

1. Housing Rehabilitation - units affected as a direct result of the disaster (s).
2. Acquisition of new or existing unit- to relocate low and moderate income families affected as a direct result of the disaster(s).
3. Construction of new housing- to replace damaged or destroyed units as a direct result of the disaster(s).

B. Specific Housing Activities Requirements

1. Housing Rehabilitation- Units to be rehabilitated must comply with Housing Rehabilitation Standards. If the housing units that will be rehabilitated are located in flood areas, the recipient's must obtain and maintain flood insurance as required under applicable Federal Law. Owner has also a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood insurance.
2. Acquisition of existing housing must meet Housing Quality Standards - The maximum cost of construction will be in accordance with the HOME program limits established by the Puerto Rico Department of Housing.
3. Construction of new housing- The maximum cost of construction will be in accordance with the HOME program limits established by the Puerto Rico

⁵ Even Municipalities like Yauco had already executed such activities under the original Disaster Recovery Action Plan.

Department of Housing. A model plan for new housing unit should be submitted with the proposal.

4. Land acquisition is not considered under this grant.

General Requirements:

1. Puerto Rico Disaster Funds will be awarded to Municipalities in the form of a basic allocation. Such allocation is based on the unmet needs presented by the Municipalities to OCMA as described in the aforesaid consultation process. Each Municipality is receiving a basic allocation of \$400,000 up to a maximum of \$2,000,000. No Municipality will receive more than \$80,000 per home unit. See the following table for a detailed description of maximum eligible costs per activity.

“A safe Home for your Family”	
OCAM Unmet Needs Initiative – Buyout Program	Allocation per housing unit
Acquisition	\$69,000.00
Demolition	\$11,000.00
Sub-total per unit	\$80,000.00
New housing construction or Rehabilitation	\$67,500.00
Project delivery costs	\$1,500.00
Demolition	\$11,000.00
Sub-total per unit	\$80,000.00
Total Grant (150 families)	\$12,000,000.00

2. No Municipality may receive disaster CDBG recovery grant assistance with respect to any disaster loss that has been addressed by insurance proceeds, federal assistance or any other funding source.
3. Each application must include the following information, in order to be considered for funding:
 - Description/Narrative of the project and related activities.
 - National Objectives and compliance with at least 50% low and moderate income requirements.

- Location and census map. Indicate if the project is located in flood plain area.
 - Justification of the project in regard to declared disaster area and mitigation result.
 - Identify special needs population pertaining to your housing needs identify. (Elderly, Handicapped Single Mothers HIV/SIDA Terminally Illness, Battered Spouses and Battered Children.) (Housing Only)
 - Family Income and Family size should be provided. Section 8 Income limits will be taken in consideration. If the housing unit is overcrowding the municipal government should include this information. (Housing Only)
 - Project schedule/Time Table within 48 months from approval date should be provided
 - Budget Breakdown of the project including any professional services.
 - Budget Breakdown of planning and administrative cost.
 - Evidence of Citizen Participation. (In accordance with the applicable citizen participation Plan).
 - Residential Anti displacement and Relocation Plan if applicable
 - A certification from the family must be obtained by the municipality, certifying that the family is owner and was resident of the housing unit at the moment of the disaster(s) and do not have any other property.
4. To determine the appropriate amount, OCMA reserves the right to approve less funds than requested, based on the following:
- All applicable laws and regulations of the State CDBG requirements, used to evaluate each specific proposed project.
 - The Guidelines of the College of Engineers and Land Surveyors of Puerto Rico and the project breakdown in which includes: cost of material, labor, equipment, insurance, administrative and other cost related to the project to determine reasonable project cost.
 - Municipal governments must comply with Environmental Requirements and Regulations.

ACTIVITY DESCRIPTION

The following activities must be conducted as part of the process. In many cases, municipalities have already complied with Phase I during the needs establishment process:

Phase 1- The Municipality will visit families who reside in housing units severely deteriorated by the rainfalls of Tropical Storm Kyle and which are located in high-risk areas prone to future disasters. Once the unit is classified as unsafe, the Municipality will assess the income level of households in order to comply with the low-income condition.

Phase 2- The Municipality will provide for relocation to an alternative housing unit that could be previously rehabilitated, constructed or bought by the Municipality. Depending on how the Municipality acquired the structure the program could have different costs scenarios.

Phase 3- Once the transaction is completed, the Municipality will acquire the dominium of the old damaged property and will then proceed with the demolition of such structure.

ELIGIBLE APPLICANTS

OCMA will not be carrying out any program activities directly with regard to DREF funds. Eligible applicants are units of local government (Municipalities). Applicants must be Municipalities severely affected by Tropical Storm Kyle.

PROPOSAL PERIOD:

By January 7, 2011 OCMA submitted the amendment to the Action Plan. Upon approval by HUD, OCMA will notify the Municipalities within 15 days, other applicable procedures.

TIMELINE

The program must obligate its full appropriation before December 31, 2011. The aim is to relocate families in high-risk areas before the arrival of the 2011 tropical storm and hurricanes season. All grants between OCMA and local governments will have an 18 month contract, which could be extended for up to 24 months from the initial contract.

ADMINISTRATIVE, PLANNING AND TECHNICAL ASSISTANCE

The state will not allocate any funds to general state and local program administration costs. OCMA will specifically provide Technical Assistance to Municipalities in order to help them plan and implement the abovementioned activities. Such assistance could be

conducted by providing documentation, educational tools/workshops, on-site visits and guidelines, among others.

MONITORING

The State will utilize an established monitoring process used for the regular CDBG program, with the modifications detailed in approved ensuing Action Plan Amendments to specifically address the requirements of the CDBG Disaster Recovery Program and to ensure that all contracts funder under this disaster recovery allocation are carried out in accordance with federal and state laws, rules and regulations, and the requirements set out in the Federal Register notice.

SUBSTANTIAL AMENDMENT TO THE 2008 DISASTER RECOVERY ACTION PLAN

The Office of the Commissioner of Municipal Affairs (OCAM) is amending its Action Plan for the 2008 Disaster Recovery Program in the following ways:

- Modify the limits for the allocation per housing unit in the Buyout Program, under the Disaster Recovery Enhancement Fund;
- Add a general recapture policy for all activities under the 2008 Disaster Recovery Program;
- Modify the allocation of funds for various municipalities.
- Add several program requirements for the 2008 Disaster Recovery program and for the Disaster Recovery Enhancement Fund.

PUBLIC PARTICIPATION

According to federal regulations in, *Federal Register Vol. 74, No.29 Feb.2009*, notification to the public is required regarding changes that substantially amend an Action Plan. HUD is waiving the traditional requirement for citizen participation under CDBG, as to allow the publication period for no less than 7 calendar days of public comment. This final amendment will be posted in OCAM's official website along with a summary of citizen comments received within the 7-day comment period.

The announcement of this amendment was published on June 19, 2013; thus, the period for comments ended on June 28, 2013. A copy of the comments is attached at the end of this document, however, no comments were received. The Agency is submitting the final amendment to HUD for final approval.

CHANGES TO THE ACTION PLAN

The Commonwealth of Puerto Rico was originally awarded \$17,982,887.00 under Public Law (P.L.) 110-329 to assist in addressing the long-term recovery impacts from the 2008 disasters. The State's Disaster Recovery Action Plan was approved by HUD on September 17, 2009. Additionally, on September 28, 2010, HUD notified The Commonwealth of Puerto Rico an additional award in Community Development Block Grant (CDBG) disaster recovery funds for \$12,000,000. The award responded to the Commonwealth's identification of eligible activities under the Disaster Recovery Enhancement Fund (DREF). The combined allocation of these funds provided OCAM with a total of \$29,982,887.00 under both appropriations.

Various municipalities have formally requested a revision to the maximum that is allowed under the buyout program established for the Disaster Recovery Enhancement Fund (DREF). Due to changes in the housing market, OCAM is revising the caps for each of the activities under DREF. With these changes, municipalities will have greater flexibility in the management and development of their buyouts programs.

Due to several changes in the projects within the municipalities, OCAM is modifying the final allocation of funds for the municipalities outlined in the table below. The new allocation is based on several funds recaptured from DREF and Affordable Rental Housing Activities. Additionally, the new distribution

allocates additional funds to high performing municipalities, with existing programs and already identified projects.

Furthermore, OCAM is establishing a new recapture policy for the 2008 Disaster Recovery Program (DR-2008). Such policy will apply to the regular DR-2008 activities, affordable rental housing activities and all activities under the Disaster Recovery Enhancement Fund. OCAM is also allowing for a transfer of residual funds within municipalities' Basic Allocation projects, to their administration activity.

Finally, OCAM is encouraging municipalities to expend their funds in a timely manner for both its 2008 Disaster Recovery Fund and the Disaster Recovery Enhancement Fund.

All other sections of the initial amendment remain unchanged.

CHANGES IN COST ALLOCATION PER UNIT OF THE DREF PROGRAM

Previously under the DREF Program, municipalities could invest up to \$90,000 per home unit, including demolition and delivery costs. Such limit allowed for a particular set of caps for acquisition, rehabilitation, construction, delivery and demolition costs (see table below). With this amendment, OCAM is increasing this limit to \$125,000 per home unit. The previous caps established for acquisition, demolition, rehabilitation, construction, and project delivery costs are eliminated. The new cap is for the overall investment per unit (see table below). This will allow municipalities to have greater flexibility on how they manage and develop their projects. If a municipality decides to adapt its project to the proposed rules, it will need to show a detailed cost analysis by each specific address. Even though the caps for delivery and demolition are removed, OCAM will evaluate these costs for their reasonableness. Any municipality that used the exception process for the maximum allocation per housing unit- outlined in the previous amendment- will not be required to submit a new amendment to their proposals. Municipalities will be allowed via exception, to increase the cost allocation per unit, only under certain circumstances:

- The municipality is unable to find appropriate housing units inventory at prices below the cap per unit. In this case, the municipality must show that they conducted reasonable efforts to find appropriate housing units. Reasonable efforts include contacting local banks and inquiring about foreclosed properties, reviewing local classifieds in newspapers and specialized internet platforms, among other activities.
- The municipality is unable to build or rehabilitate housing units under the cost allocation cap per unit. The municipality must show that they conducted reasonable efforts to build or rehabilitate housing units under the stated limit.

Before requesting funds to OCAM, municipalities must submit a detailed cost allocation budget by unit address (budget must be previously evaluated by OCAM's personnel). The abovementioned changes will only apply to projects which demonstrate a substantial change in their circumstances, and which are able to show evidence of reasonable change in their previous cost structure, as outlined in their original proposals.

"A safe Home for your Family"

OCAM Unmet Needs Initiative – Buyout Program

	Previous Allocation per housing unit	Proposed new Allocation per housing unit
Acquisition	Up to \$90,000	No cap
Project delivery costs	Up to \$2,000	No cap
Demolition	Up to \$15,000	No cap
Sub-total per unit	Up to \$90,000	Up to \$125,000
New housing construction or Rehabilitation	Up to \$90,000	No cap
Project delivery costs*	Up to \$2,000	No cap
Demolition	Up to \$15,000	No cap
Sub-total per unit	Up to \$90,000	Up to \$125,000

**Includes - if needed - among others, costs related to moving and relocation expenses.*

CHANGES IN THE ALLOCATION OF FUNDS

Activity Number: Name	Existing Budget	Net Transfer	New Budget
CANCELLED ACTIVITY:			
Agua Fria - Affordable Rental Housing	\$140,000.00	(\$140,000.00)	\$0.00
CANCELLED ACTIVITY:			
Las Pintas - Disaster Recovery Enhancement Fund	\$515,210.00	(\$515,210.00)	\$0.00
TRANSFER:			
Solana Grande - Affordable Rental Housing	\$140,000.00	\$140,000.00	\$290,000.00
TRANSFER:			
San Lorenzo - Disaster Recovery Enhancement Fund	\$1,042,085.00	\$335,210.00	\$1,377,295.00
TRANSFER:			
Orlando - Disaster Recovery Enhancement Fund	\$877,000.00	\$180,000.00	\$1,057,000.00

CHANGES IN THE ADMINISTRATION ACTIVITY OF THE INITIAL 2008 DISASTER RECOVERY PROGRAM

Municipalities with a residual amount of funds in their projects (*sobrantes*) may use such funds for the administration activity, only on their Basic Allocation projects. OCAM will not allow any transfer of funds for admin activities, in both the Affordable Rental Housing project(s) and Disaster Recovery Enhancement Fund (DREF) project(s). The transfer of funds to admin activities is subject to the approval of OCAM. The agency will consider if such transfer complies with the five percent cap (5%) for administrative expenses established in Federal Register /Vol. 74, No. 29 for the DR-2008 grant.

RECAPTURE POLICY

Any funds recaptured by OCAM from the participating municipalities, will be distributed to other municipalities that participated under the program. This may include any funds willingly returned by the municipalities. The method of redistribution is to be governed by the general performance of the municipalities (expenditure rate and project's balance) within the Disaster Recovery Program, or by specific need criteria (disaster related unmet needs and already identified projects), according to the program's purpose and objective.

TIMELY EXPENDITURE OF FUNDS

All municipalities participating in the 2008 Disaster Recovery program must demonstrate a reasonable effort to expend their total allocation in a timely manner. This includes the Affordable rental housing projects, DREF and regular 2008 Disaster Recovery projects under the basic and competitive grant. Municipalities which are not able to demonstrate substantial progress in their projects could be subject to a recapture by OCAM.

APPENDIX: SUMMARY OF PUBLIC COMMENTS AND OCAM'S RESPONSE

No comments were received during the public comment period.