



May 16, 2018

Hon. Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 Seventh Street, SW Room 10148
Washington D.C. 20410-1000

C/c Olga de la Rosa
U.S. Department of Housing and Urban Development
Office of Community Planning and Development
235 Federico Costa Street, Suite 2000
San Juan, PR 00918

C/c Fernando Gil Enseñat, Esq.
Secretary
Departamento de la Vivienda
PO BOX 21365
San Juan, PR 00928-1365

Extension of Comment Period and Public Hearings - Reply

Dear Secretary Carson:

We acknowledge the local Department of Housing's (PRDH) prompt reply to our letter requesting an extension of the time period including the conduction of public hearings after the publication of the Puerto Rico Draft Action Plan for the Community Development Block Grant Disaster Recovery (CDBG-DR) Program (*See Exhibit 1*). Now that we have reviewed the published Draft Action Plan and held several meetings with community partners and stakeholders, we are more convinced than ever that actual community participation and exchanges are only possible in public hearings, and an extension of the comment period to one month is imperative.

The PRDH denied our request stating two main reasons. First, that participation was ensured through the celebration of public hearings and private meetings with stakeholders prior to the publication of the Draft. PRDH also states that an extension of

the comment period would be detrimental to the deployment of the much needed recovery funds for Puerto Rico. While we prepare our comments on the Draft Action Plan and help others do so, we would like to briefly attend the arguments presented by the PRHD, emphasizing the merits of our original request.

In regard to participation, the PRDH declares that notifications for the public hearings were adequate. They sustain that public invitations to hearings, published in print and social media, were enough. However, as is evidenced by the attachments to this letter, the edicts were published in very small print and without proper information as to what the CDBG-DR funds are or what the commenting process would look like. Moreover, as of today, eight (8) months after Hurricanes Irma and María hit Puerto Rico, many are still without electric service and access to internet or stable communications, making social media an ineffective mechanism of notification. This also applies to the "extension" of the comment period till April 30, which was insufficiently announced. These events and actions limit citizen participation and impede the Draft Action Plan from benefiting of community input, which is not only legally required but highly valuable at times when access to information and data regarding unmet needs after the hurricanes is essential.

As per the ads, the hearings were to be held in six (6) different locations, from 9:00am to 5:00pm. Besides the inadequate notification issue, the hearings were held on a schedule that did not permit workers' participation. More importantly the hearings were not participatory. For example, as attested by members of our office and other community stakeholders, the hearing held at the municipality of Jardines de Caparra, Bayamón on March 5 consisted almost exclusively of mayors presenting their proposals for their own municipalities and was closed after the lunch break. In every hearing, mayors received preferential treatment with respect to speaking time slots. In contrast, community and other stakeholders' effective participation was limited.

Ayuda Legal and other partners held a two day workshop on CDBG-DR funds and public participation from April 23-24. Among those who participated were community leaders from the municipalities of Yabucoa, Salinas, Toa Baja and Canóvanas, whose communities are still lacking electric service and adequate telecommunications. Some of these leaders belong or are related to communities at risk of displacement, as per the projects presented by most mayors during the hearings conducted by PRDH. They attested to the lack of information about CDBG-DR funds and affirmed that they never were noticed or saw an ad on the aforementioned public hearings. Some community leaders even mentioned that notices for the public hearings were put up the night before, without any reference to what they were for or the importance of public

participation. Other active community leaders found out the same day the hearings were held, effectively quelling attendance.

We also contest PRDH statement equating meetings with "community and grassroots organizations" with real and effective participation. Ayuda Legal was one of the entities mentioned as "participants" of said "numerous meetings". The meeting PRDH held with us was convened after we presented a written request for the projects presented at the hearings, which were public records. During this meeting, the PRDH expressed concern about the lack of data and information on unmet needs held by the agency. The meeting ended with the PRDH "sharing" a link providing access to the public comments presented at the public hearings, a link that would eventually expire. At this time, the PRDH's online platform was still under construction.

After our first letter requesting an extension of time and lack of public participation, we and other stakeholders, most signatories of said first letter were invited to an orientation on CDBG-DR funds convened by the Department on May 8th. Ayuda Legal received an invitation on May 7th, while other signatories received their invitation after 4:00 pm on May 4th. This orientation was largely a reading of a powerpoint presentation that lasted less than twenty minutes and an hour-long Q&A session. The powerpoint was read by a person who did not fully speak Spanish and who needed questions raised by those present to be translated. During the Q&A, many of the questions were answered with vague references asking the participants to wait for what would be revealed on the upcoming draft plan.

This strange array of insufficient and short notices, hearings that are not promoted and only attended by public officials, closing hours before scheduled, insufficient information given to the public on CDBG-DR and pro forma meetings with organizations, deeply concern us given that real and effective community participation is being denied and shut down. It also concerns us that the Department equates non-profit and grassroots organizations with actual and effective community participation. Their presence and participation at a meeting or their capacity to develop commentary on the Draft Action Plan does not translate into meaningful community engagement with the long-term recovery planning of the Island. Organizations do not speak for the communities and to pretend otherwise robs them of their stake and involvement in democratic processes; as well as their part in the reconstruction of Puerto Rico.

As recent as last Monday, May 14, the PRHD sent an invitation to what they call "Community Dialogues", or "Conversatorios" in Spanish, to be held on several Public

Housing Projects throughout the Island, mostly in Boys & Girls Clubs' facilities. It's important to consider that Public Housing is a separate Secretary in HUD's structure with a separate budget from CPD where this CDBG-DR funding is allocated, and any the participation and inputs of these communities will have little impact in what the Action Plan needs to address in the recovery efforts.

The PRDH's argument that new public hearings or extending the comment period would result on a delay on the disbursement of funds cannot be a reason to curtail or fail to promote adequate citizen participation. These funds are part of the future rebuilding of the island. Efforts to rebuild Puerto Rico in the aftermath of Hurricanes Irma and Maria require the joint collaboration of different sectors and such cooperation is only possible on the grounds of participation and access to information. Nothing on the Federal Register or the applicable norms forbid these mechanisms. Acknowledging the reality of Puerto Rico's vulnerable and fragile communities who still lack essential services and adequate housing, even now 8 months after the hurricane, as well as complying with the regulatory frameworks and guaranteeing transparency, accountability and participation, justifies a two weeks modification to the current CDBG-DR schedule. It is more burdensome to limit community participation on the actual CDBG-DR schedule than to grant an extension of two weeks in order to guarantee citizens right to due process and proper use of funds.

We must remember that the information regarding CDBG-DR regulations, action plan and participation criteria is highly technical. Not only was a translation to Spanish of the Allocation Notice was ever made available to the public, but the Spanish version of the Draft Action Plan published is at times unintelligible and contains what appears to be copy pasted from other action plans, with disregard to the coherence of the document.

A group of community leaders and stakeholders agreed to ask the San Juan HUD Office for technical assistance in a form of a training comparable to the ones being provided for the local government officials and the PRHD on these regulations, and the offered option was to invite the leaders to hear a webinar or a telecast in English, and we providing translation to those not proficient in English. This is not accessible for the population of Puerto Rico.

As we are sure that you know, the action plans that were created after Hurricane Katrina in 2006, Ike and Gustoff in 2008 and Superstorm Sandy in 2013 all were finalized with no public hearings on the drafts. In all of those cases it was determined that the plans

had been hastily written. important and costly corrections had to be implemented over the years and indeed the decade after these disasters.

Efforts to rebuild Puerto Rico in the aftermath of Hurricanes Irma and Maria require the joint collaboration of different sectors and such cooperation is only possible on the grounds of participation and access to information. The requested comment period extension and the conducting of public hearings would provide communities and their leaders an active voice and efficient participation in their future. It is in the best interest of our communities and organizations that we announce our disposition to collaborate and facilitate processes leading to promote and ensure transparency, access to information and participation. Moreover, it is on the best interest of the federal and local governments, as well as communities and other stakeholders, public, real and effective participation channels to remain open and available.

Regards,

Ariadna M. Godreau-Aubert, Esq
Mariel Quiñones Mundo, Esq
Ms. Danishia Santiago Figueroa
Sandra Negrón Zayas, Esq

Ayuda Legal Huracán María