



CDBG-DR

Citizen Complaints Policy

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PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR PROGRAM
CITIZEN COMPLAINTS POLICY
VERSION CONTROL

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1 Overview

The Puerto Rico Department of Housing (**PRDOH**), as grantee, is committed to the responsible management of the Community Development Block Grant Disaster Recovery (**CDBG-DR**) funds. The United States Department of Housing and Urban Development (**HUD**) allocated disaster recovery assistance to the Government of Puerto Rico under the CDBG-DR. These funds are intended to provide financial assistance to address unmet needs caused by Hurricanes Irma and María, both in September of 2017, and that are not covered by other sources of financial aid.

As part of addressing Puerto Rico's long-term recovery needs, citizen complaints on any issues related to the general administration of CDBG-DR funds are welcomed throughout the duration of the grant. PRDOH aims to provide an opportunity to address all complaints received. This is an essential responsibility for PRDOH as it establishes the importance of an open communication regarding citizens' concerns, about PRDOH CDBG-DR programs.

PRDOH is committed to ensuring that citizens with disabilities have effective means to communicate with the PRDOH and that the PRDOH effectively communicates with citizens with disabilities regarding their policies and procedures. PRDOH will make information available in alternate formats, as needed and upon request, to ensure adequate communication to persons with disabilities.

2 Scope

This policy applies to all PRDOH CDBG-DR complaints received regarding program administration, management, and/or operation procedures.

This policy does not apply to anonymous complaints nor CDBG-DR program decision reconsiderations. Any complaint received regarding matters specifically covered in other standalone documents, will be addressed or referred accordingly.¹ See Responsibilities subsection on Reporting and Referrals below.

3 Purpose

This Policy outlines PRDOH's responsibility to ensure that all complaints are dealt with promptly and consistently and at a minimum, to provide a timely, substantive written response to every written complaint, within **fifteen (15) working days**, where practicable, as a CDBG grant recipient. 24 C.F.R. § 91.115. Therefore, this policy is intended to serve as guidance for the responsible, efficient, and transparent oversight of citizen complaints through the implementation of a structure that properly organizes policy and systems necessary to uphold PRDOH's responsibility. As well, this policy serves to encourage individuals to express their complaints on any issues related to the general administration of CDBG-DR funds, for these to be addressed and, where appropriate, acted upon.

¹ These policies can be found at the CDBG-DR website, <https://www.cdbg-dr.pr.gov/>.

4 Definitions/Acronyms

Action Plan – A comprehensive description of projects, including activities, accomplishments, sources of funds, and users of funding.²

AFWAM Policy – Anti-fraud, Waste, Abuse, or Mismanagement Policy.³

Complainant – Any natural or legal person and/or authorized representative of such person who submits a complaint. Also known as the “aggrieved person” or the individual who is subject to the situation that is the basis for the complaint.

Complaint – A formal statement of grievance submitted in writing, which will be documented, processed, filed, and answered as per 24 C.F.R. 570.86 (a)(7).

Confidentiality – The protection of personal or sensitive information, as defined in the PII Policy⁴.

HUD – Refers to the United States Department of Housing and Urban Development.

OIG - Office of the Inspector General.

POC - Point of Contact.

Programmatic Area – Area/Department/Division of the PRDOH responsible for implementing CDBG-DR funded programs and activities that will assist and support citizens' complaints responses, as well as gather relevant information and documentation.

PRDOH – Refers to the Puerto Rico Department of Housing.

5 Policy

The federal statute that governs CDBG-DR programs requires for local governments, as part of its citizen's participation, to “[p]rovide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within **fifteen (15) working** days where practicable.” 24 C.F.R. § 570.486(a)(7). Federal Register Vol. 83 No. 28 (February 9, 2018), 83 FR 5844 introduces citizen participation waiver (which include the aforementioned statute) and alternative requirements; it, however, keeps the **fifteen (15) days** language: “[t]he grantee will provide a timely written response to every citizen complaint. The response must be provided within **fifteen (15) working** days of the receipt of the complaint.” 83 FR 5844.

Individuals have the right to offer their views and positions at any moment during the development and implementation of the CDBG-DR programs. PRDOH implements this Policy to address complaints received in a prompt, responsible, and confidential manner. The complainant's identity and circumstances will be held in confidence, unless prior

² The Action Plan, as amended, can be found at the CDBG-DR website, <https://www.cdbg-dr.pr.gov/en/action-plan/>.

³ This policy can be found at the CDBG-DR website, <https://www.cdbg-dr.pr.gov/en/resources/general-policies/>.

⁴ Id.

written authorization is granted. PRDOH will treat citizens in a fair and courteous manner when responding a complaint. The aim of this policy is to address such issues in a manner that is both sensitive of the complainant's needs and is fully compatible with applicable Federal and local laws, regulations, codes, and ordinances.

PRDOH's non-discrimination policy extends to the intake and handling of complaints. PRDOH does not discriminate based on race, color, religious beliefs, political beliefs, trade union affiliation, sex, sexual orientation, gender, disability, familial status, marital status, national origin, or any other unjustifiable factor, for example: language difficulties, age, pregnancy, etc.

No person shall intimidate, threaten, coerce, or discriminate against any other person because they have made a complaint, testified, assisted, and/or participated in any matter, in an investigation, proceeding, or hearing related to a complaint.

6 Complaints

During the course of the CDBG-DR programs, it is possible that citizens may wish to present a complaint through a written statement of grievance. PRDOH will accept complaints related to any issue related to the general administration of the Program. A complaint can be filed by any person and/or authorized representative of such person.

6.1 Complaint Formalities

In order for a complaint to be processed by the CDBG-DR Legal Division, it requires the following formalities:

1. Needs to be in writing.
2. Complainant's full name.
3. Complainant's Contact information and preferred method of notification for communications regarding complaint (telephone; physical, postal and Email addresses).
4. Nature of complaint.
5. Summary of complaint and desired remedy requested.
6. Previously contacted individuals concerning complaint.
7. Any supporting evidence.

Requirements 1-4 are mandatory. The complaint should be filed by the complainant, or by an authorized representative. Any individual filing a complaint on behalf of an individual or entity, shall present proper documentation confirming they have the authority to represent the complainant.

In order to ensure adequate communication with and from persons with disabilities, a complainant may request an alternate formats, as needed. One of these may be to allow that a complaint be received verbally. CDBG-DR personnel or other related CDBG-DR parties receiving said complaint must assure compliance with all the requirements as described above.

6.2 Complaint Submittal

Citizens who wish to submit a complaint related to on any issues related to the general administration of CDBG-DR funds may do so in writing through any of the following methods:

- Via email at: LegalCDBG@vivienda.pr.gov
- In writing at: Puerto Rico CDBG-DR Program
P.O. Box 21365
San Juan, PR 00928-1365

6.2.1 Complaints received by other parties

Complaints received by Regional PRDOH offices, Subrecipients, Contractors, HUD, and other agencies should be immediately notified to PRDOH CDBG-DR Legal Division via email or regular mail at the addresses mentioned above. Forwarded complaints will be evaluated by PRDOH upon receipt and handled appropriately.

6.2.2 Complaints without standing or data

Complaints with insufficient data or submitted by a third party with no standing in the matter being submitted need not be accepted or reviewed. Anonymous complaints will not be addressed.

7 Responsibilities

PRDOH has designated the appropriate and practicable steps to handle complaints from citizens. Upon the receipt of a complaint, PRDOH will work to provide a timely, substantive written response within the established **fifteen (15) day** time period, as per 24 C.F.R. 570.86 (a)(7).

7.1 Complaint Investigation

In those cases that PRDOH CDBG-DR Legal Division deems it necessary, it will follow up with any of the involved parties to obtain any additional information and/or evidence needed to responsibly answer the complaint.

7.2 Reporting and Referrals

Depending on the type of complaint filed and the requested remedy, the CDBG-DR Legal Division Director may follow different approaches to produce a timely and substantive written response. On a case-by-case basis, any complaint could be referred to the corresponding program area or division for consideration when reviewing the complaint, as applicable, as to provide applicable data for the response. Examples of these referrals may be:

- Complaints pertaining to personnel may be referred to Human Resources Division; whilst copying the Disaster Recovery Deputy Secretary.
- Complaints pertaining to procurement may be referred to the Procurement Division; whilst copying the Disaster Recovery Deputy Secretary.

- Complaints pertaining to a program applicant may be referred to the specific Program; whilst copying the Disaster Recovery Deputy Secretary.

Complaints pertaining to a Fraud, Waste, Abuse, or Mismanagement matter, shall follow the AFWAM Policy⁵. However, if these are received by the CDBG-DR Legal Division, these will be immediately referred to the CDBG-DR Internal Audit Office or the Office of Inspector General.

Complaints pertaining to a Conflict of Interest matter, shall follow the COI Policy⁶. However, if these are received by the CDBG-DR Legal Division, these will be dealt by the policies and procedures that the CDBG-DR Legal Division has implemented for such matters.

Complaints pertaining to any Fair Housing Act Matter, shall follow the FHEO Policy.⁷ However, if these are received by the CDBG-DR Legal Division, these will be referred to HUD FHEO within two (2) business days.

Complaints that are sufficient in and of themselves to warrant a monitoring to investigate further, will be referred to the Monitoring Division and copy the Disaster Recovery Deputy Secretary.

7.3 Records

The CDBG-DR Legal Division keeps and maintains a log of complaints received and answered. All complaints received will be documented, processed, and filed in compliance with the Recordkeeping Policy.⁸

7.4 Protective Measures

The Anti-Corruption Code for the New Puerto Rico, Act 2-2018, as amended, consolidated separate anti-corruption legislation into a sole code.

The Code provides whistleblower protections prohibiting private entities and government officials from “harassing, discriminating, firing, threatening, or suspending any benefit, right or protection” to anyone who has provided information, cooperated, or has acted as a witness in any investigation leading to any complaint, accusation, conviction, civil or administrative action, related to the illegal use or misappropriation of public funds or other acts of corruption. The Code also allows for whistleblowers to claim civil damages for violations to the retaliation prohibitions set forth. Furthermore, it recognizes the right of whistleblowers to request and receive free legal advice and/or representation by the Department of Labor of Puerto Rico necessary to initiate or participate in any civil, criminal or administrative proceeding arising under the Code.

⁵ This policy can be found at the CDBG-DR website, <https://www.cdbg-dr.pr.gov/en/resources/general-policies/>.

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⁸ Id.

For more information about the whistleblower protections and remedies recognized in the Anti-Corruption Code for the New Puerto Rico, please refer to Act 2–2018, as amended.

The Whistleblower Protection Enhancement Act of 2012 protects federal employees who disclose evidence of waste, fraud, or abuse. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

In addition, as part of the National Defense Authorization Act of 2013, under 41 U.S.C. § 4712, it is illegal for an employee of a federal contractor, subcontractor, grantee, subgrantee, or personal services contractor to be discharged, demoted, or otherwise discriminated against as a reprisal for making a protected whistleblower disclosure. To be protected under 41 U.S.C. § 4712, a disclosure must be made (among others) to a management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.⁹

END OF POLICY.

⁹ To be protected under 41 U.S.C. § 4712, a disclosure must be made to one of the following: (1) a member of Congress or a representative of a committee of Congress; (2) the OIG; (3) the U.S. Government Accountability Office; (4) a federal employee responsible for contract or grant oversight or management at the relevant agency; (5) an authorized official of the U.S. Department of Justice or other law enforcement agency; (6) a court or grand jury; or (7) a management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.