



Five years of missed opportunities in Puerto Rico: a recovery that is not building resiliency for the most vulnerable.

Who we are.

The UPR Resiliency Law Center (RLC) is an initiative aimed at shifting the balance of power to local communities to ensure that disaster recovery and rebuilding in Puerto Rico is effective, fair, and resilient. We provide counseling, legal representation and education to individuals and leaders of communities affected by natural disasters and climate change. The networks and relations we have built with leaders in different organizations allow us to present a clear picture of the challenges faced in the recovery process 5 years after hurricanes Irma and María.

Recovery from 2017 disasters is not only going too slow, but also not attending the needs of the most vulnerable communities in Puerto Rico.

- ✓ [Permanent infrastructure work is slow](#). Only 19% (\$5.3billion) of the total FEMA Public Assistance funds obligated (\$28billion) have been used. Of that 19%, only 8% (\$407million) has been used for permanent work, and only \$40 million for utilities, including the electric grid. Only 13% of Hazard Mitigation Grant projects for 2017 disasters have been completed.
- ✓ Housing needs identified by the Government of Puerto Rico are not addressed. Less than 2% of [the total Unmet Housing Needs identified in the Action Plan](#)¹ has been covered by CDBG-DR housing program funds disbursements, and the actual budget assigned for housing recovery covers only 14% of the Unmet Housing Needs. *See Figure 1 and 2, attached.*
- ✓ [As of March of 2022](#), there were 17,740 applications to the Reconstruction, Rehabilitation and Removal (R3) CDBG-DR program, but only 619 new construction and 2,877 construction projects completed. Of the relocation vouchers issued, only 54 had been used.

What does this look like for low-income communities in Puerto Rico?

- ✓ Low-income and vulnerable communities remain in harm's way, as evidenced by the sweeping devastation caused by Hurricane Fiona. Many have not accessed recovery aid or are being denied due to issues such as title requirements and FEMA flood zone areas. Changes in policy to solve some of these issues are not being applied consistently and uniformly. Survivors have had to reconstruct their homes on their own, with the help of peers or philanthropy, or have left their communities. Mitigation is not provided as an option to relocation, even in areas where it did not flood before, during or after the hurricanes. *See Stories, attached.*
- ✓ Communities have been living in disaster-like conditions, with sweeping [blackouts](#) and [frequent interruptions](#) of critical electricity service in [hospitals](#), [residences](#), damage to public and [commercial](#) equipment, and even [fires](#). Fiona has confirmed their foreboding, especially without the resources to install renewable energy micro-grids. Federal funds for reconstruction of the grid is not promoting resiliency for the most vulnerable.
- ✓ Critical infrastructure for essential services have not been rebuilt, such as the Vieques hospital and sustainable community aqueducts, making local residents having to risk their lives or

¹ Unmet Housing Needs in Puerto Rico is calculated in the Action Plan to be over \$33 billion, and already takes into account all FEMA programs repairs, "Tu Hogar Renace" and Small Business Loans provided to homeowners. Please see explanation from page 61 and page 71 of the [Action Plan](#).



leave their communities to ensure access to essential services.

- ✓ Community resiliency and economic development priorities are not being attended. For example, the Whole Community Resiliency Planning program has not started, and the community resiliency centers that are a priority to low-income communities have been moved to the City Revitalization Program that is also stalled. Programs to attend to small businesses and local economic endeavors, such as small farming and fishing, are not effective.

Federal agencies should use their regulatory power to ensure a resilient recovery.

- ✓ It is in the purview of FEMA and HUD to ensure that the use of federal recovery funds attend to the most vulnerable populations, including programs compliance with low-income community impact, and with executive orders and laws that promote climate justice and resiliency.
- ✓ Federal agencies should revise their regulatory frameworks and apply changes retroactively, not limiting revisions or amendments to new disasters. Also, FEMA and HUD should promote further training to federal and public officials, so they can fully understand and prioritize climate justice and resiliency frameworks through their policy implementation. Inter-agency planning, communication and coordination must be more effective, so that mitigation and adaptation can accompany disaster reconstruction processes.
- ✓ There is no prohibition to Puerto Rico or any local authority from pursuing and proposing building more sustainable infrastructure. Federal agencies cannot dump all the responsibility unto local governments and should ensure resilient recovery solutions by facilitating integrated planning processes and a strict compliance with environmental and historic preservation (EHP) laws, regulations, and climate justice orders and agency strategic plans.

Federal government should insert civil society participation mechanisms to ensure effective, equitable, transparent, and resilient disaster recovery processes.

- ✓ Civil society participation limited to public comments and without real consultation is not enough. To ensure transparent, accountable, equitable, and effective use of federal funds for recovery, it is essential to create multisector engagement and empower local civil society through mechanisms where community, civic, nonprofit, and small business leaders become an integral part of the oversight and coordination of recovery efforts.
- ✓ In Puerto Rico, HUD's requirement of the creation of a Citizens Advisory Committee in the federal notice authorizing CDBG-MIT funds was not enough. Governance of disaster recovery must actively integrate local knowledge in order to respond to the humanitarian needs of communities and effectively mitigate and adapt to further effects of climate change.
- ✓ The integration of local knowledge through participatory mechanism is also a much-needed step to ensure transparency in the contracting and subcontracting processes. Participatory mechanisms in the planning, implementation and evaluation phases can permit local knowledge to call out red flags and identify effective solutions.
- ✓ The integration of effective civil society participation can be done through legislation or through regulatory mandates.

For more information, you can contact the UPR Resiliency Law Center at resiliencylawcenter.derecho@upr.edu



FIGURE 1

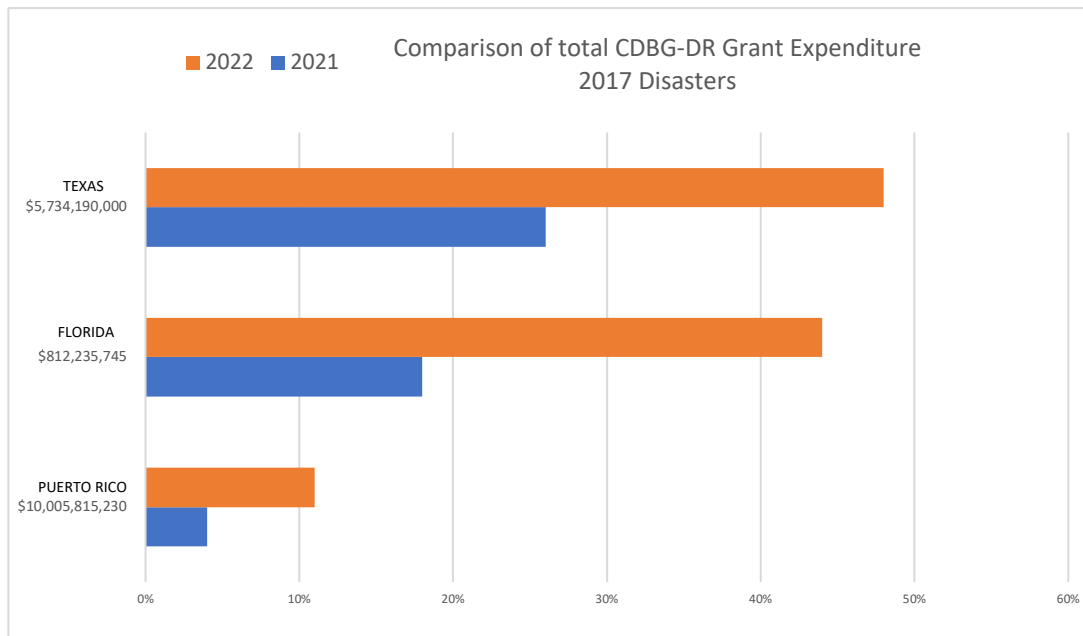


FIGURE 2

