

United States Senate

WASHINGTON, DC 20510

February 10, 2020

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, Southwest
Washington, D.C. 20410

Dear Secretary Carson:

We write to express our serious concerns with the unprecedented restrictions and delays imposed upon the Commonwealth of Puerto Rico for the disbursement of \$16.506 billion in Community Development Block Grant (CDBG) funds for disaster mitigation and recovery. These conditions and obstructions on grant funding come as the island continues to recover from multiple natural disasters, including recent earthquakes and hurricanes Maria and Irma. We strongly urge the U.S. Department of Housing and Urban Development (HUD) to reverse course by putting an end to unnecessary delays and removing harmful restrictions.

The law appropriating CDBG disaster relief funds required HUD to publish disaster mitigation funding notices for all grantees affected by recent natural disasters within 90 days of June 6, 2019¹ after HUD's failure to publish timely administration guidance on the use of these funds. The agency proceeded to publish guidelines for all recipients by the statutory deadline – except Puerto Rico, a deliberate failure to fulfill Congress' clear mandate. On January 27, 2020, after almost five months of continued and inexcusable delay, HUD finally published a notice in the Federal Register to allow Puerto Rico to begin the planning process for the use of \$8.285 billion in disaster mitigation funds.² Not only is this notice entirely too late, but also it comes alongside the release of unnecessary stipulations in the grant agreement for the base \$8.22 billion in CDBG disaster recovery funds, of which only \$1.7 billion is being made available, deliberately slowing Puerto Rico's ability to effectively implement its recovery plan.³ HUD's actions make it more difficult for our fellow Americans on the island to receive desperately needed assistance to protect their homes and communities from future disasters.

¹ *Additional Supplemental Appropriations for Disaster Relief Act, 2019*, Public Law 116-20, *U.S. Statutes at Large* 133 (2019): 871-902. <https://www.congress.gov/bill/116th-congress/house-bill/2157/text>.

² Office of the Assistant Secretary for Community Planning and Development, HUD, *Allocations, Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Mitigation Grantees; Commonwealth of Puerto Rico Allocation*, by Benjamin Carson, Sr., Notice 85 FR 4676, Federal Register (Washington, DC, 2020). <https://www.federalregister.gov/documents/2020/01/27/2020-01334/allocations-common-application-waivers-and-alternative-requirements-for-community-development-block>.

³ *HUD Announces Second Recovery Grant Agreement with Puerto Rico, Making \$8.2 Billion Available*, U.S. Department of Housing and Urban Development, 2019. https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_007.

We are outraged that HUD is requiring Puerto Rico to agree to restrictions not imposed on any of the other nine states that received guidelines for the disbursement of funds. These severe terms and conditions include a complex web of oversight for the release of recovery funds, the creation of a system of property registry that ignores local property law, a prohibition on the use of funds for reinforcing and improving Puerto Rico's vital electrical grid, and a disregard for the island's \$15-an-hour minimum wage for federally funded projects. We fear that these stipulations will only further exacerbate the alarming health and safety situation on the island – making it more unlikely that the most vulnerable populations will receive timely aid, and adding years of delays to the actual release and use of funds.

The federal government has an obligation to treat Puerto Rico like every other state and territory. Our fellow Americans on the island have every right to access disaster funding free from egregious, unique, and discriminatory preconditions or delays. We demand that HUD cease its obstruction and amend the notice and grant agreement to withdraw current restrictions immediately.

We expect your prompt attention to this request and look forward to your response.

Sincerely,



RICHARD BLUMENTHAL
United States Senate




ROBERT MENENDEZ
United States Senate



CHARLES E. SCHUMER
United States Senate



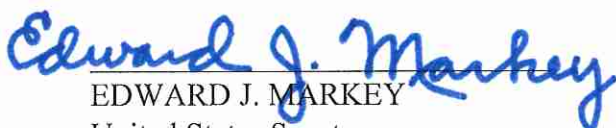
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