

24 de enero de 2020

Hon. Wanda Vázquez Garced
Gobernadora de Puerto Rico
P.O. Box 9020082
San Juan, PR 00902-1365
VÍA CORREO REGULAR Y CORREO-E

**RE: Aprendizajes y Exigencias a
FEMA, HUD, y el Gobierno de
Puerto Rico**

Estimada Gobernadora Vázquez Garced:

Las organizaciones y defensores de derechos humanos que suscriben esta carta fueron partícipes del proceso de respuesta rápida tras los huracanes Irma y María. Fuimos testigos de cómo la falta de protocolos, y la implementación inadecuada de la legislación local y federal, se sumaron a otros obstáculos que impidieron que la asistencia llegará de forma oportuna a las personas afectadas. Como resultado, dos años después de los desastres, la vulnerabilidad de las familias aumentó, miles de casas se mantienen sin techos seguros, no se han implementado medidas de mitigación y reina la amenaza de desplazamientos forzosos a las personas más pobres.

A este panorama sumamos un nuevo desastre. La secuencia de eventos sísmicos que continúa afectando el sur de Puerto Rico, ha causado daños significativos a las viviendas y seguridad física y emocional de las familias. Quienes suscribimos este documento deseamos compartir nuestras experiencias atendiendo la emergencia – a corto, mediano y largo plazo – porque reconocemos que la dilación y la falta de asistencia cuesta vidas. Recurrimos al gobierno de Puerto Rico, al de los Estados Unidos y en especial a FEMA y a HUD, para que asumamos estas lecciones como parámetros de mejores prácticas. Sólo así se garantizará la recuperación justa de las comunidades.

Existen modelos de respuesta y recuperación basados en la protección de cuatro categorías de derechos humanos: a) los derechos relacionados con la integridad y la seguridad físicas tales como el derecho a la vida y la protección frente a actos de violencia; b) derechos básicos relacionados con la subsistencia tales como techo, alimento y salud; c) derechos económicos, sociales y culturales tales como educación, trabajo y recuperación de bienes perdidos; y d) derechos civiles y políticos tales como acceso a los tribunales, remedios legales y a no sufrir discriminación por razón alguna. Basadas en esos cuatro ejes, hacemos las siguientes recomendaciones.

Antes de la emergencia

- Desarrollar, publicar e implementar planes de emergencia adecuados, participativos y efectivos.
- Establecer centros gubernamentales para el manejo de la emergencia, a nivel estatal y regional.
- Evaluar las áreas de riesgo y vulnerabilidad en las comunidades.
- Capacitar al personal de emergencia y respuesta para ofrecer respuestas sensibles y adecuadas a personas de poblaciones vulnerables tales como las mujeres, personas con diversidad funcional, inmigrantes, personas LGTBTIQ, adultas mayores, entre otras.

Respuesta inmediata

- Garantizar el derecho a decidir, permanecer y retornar de las comunidades y familias afectadas.
- Proveer transportación a quienes deseen desalojar antes o después de una emergencia, pero no pueden hacerlo sin ayuda.
- Hacer disponibles refugios colectivos dignos, seguros y accesibles a las personas y familias afectadas. Deberá velarse por el establecimiento de protocolos para proteger a la niñez, evitar la violencia sexual y garantizar los derechos de poblaciones con diversidad funcional. De igual manera, establecer protocolos de salubridad para la prevención de enfermedades y asegurar el acceso a medios seguros y eficaces de manejo de la higiene.
- Proveer alternativas apropiadas a las personas que no pueden alojarse de manera segura dentro de un refugio colectivo.
- Proporcionar a los supervisores de derechos humanos acceso a refugios para evaluar las condiciones en el interior.
- Hacer disponible viviendas transitorias dignas, seguras y accesibles dentro del archipiélago de Puerto Rico. Ninguna persona debe verse ante la única opción de abandonar su País.
- Imponer una moratoria inmediata a los desalojos forzados que se divulgarán en toda la comunidad afectada, incluso entre las autoridades del orden público.

Acceso equitativo a la recuperación

- Solicitar de forma inmediata – a las entidades municipales, locales y federales – toda la asistencia a la que tienen derecho las personas afectadas por los desastres. Esto incluye programas de asistencia de viviendas transitorias, hogares permanentes, alimentos, servicios de salud, asistencia para el desempleo, consejería o apoyo emocional, y más.
- Establecer centros regionales, disponibles más allá de horarios laborales y en fines de semana, para que las personas afectadas presenten sus solicitudes.
- Prohibir que oficiales gubernamentales armados se coloquen en las entradas de estos centros, acción que impide el ejercicio legítimo de buscar asistencia para desastres por parte del gobierno.
- Hacer disponibles solicitudes de asistencias accesibles y uniformes.
- Garantizar que ninguna persona será discriminada por razón de clase, género, orientación sexual, identidad de género, estatus migratorio, edad, raza o diversidad funcional.
- Garantizar que las personas dueñas puedan recibir asistencia para reparar sus hogares tengan o no títulos formales. Esto se logra adoptando la declaración uniforme preparada por Ayuda Legal Puerto Rico y avalada por organizaciones locales, como la Fundación del Fondo de Acceso a la Justicia. En el 2017, se logró que FEMA reconociera que tal declaración era suficiente para probar que las solicitantes eran dueñas.
- Asegurarse de que los programas de recuperación brinden vivienda a largo plazo y otras soluciones para satisfacer las necesidades de los inquilinos y las personas sin hogar,
- Realizar inspecciones de daños adecuadas y oportunas, por personas preparadas, debidamente identificadas y que hablen español. Estas personas deben ser adiestradas de forma comprensiva.
- Evaluar las solicitudes de forma justa, rápida y equitativa.
- Ofrecer determinaciones oportunas claras, por escrito y en español, respecto a las solicitudes de asistencia.
- Desembolsar rápidamente la asistencia individual aprobada.
- Priorizar la reparación y reconstrucción.

- Establecer una moratoria indefinida a las relocalizaciones – más allá de instancias de emergencia– reconociendo que la mitigación y la planificación participativa deben ser las primeras alternativas siempre.
- Adoptar una política de minimización de desplazamientos y un plan de relocalización con perspectiva de derechos humanos.
- Garantizar el derecho al retorno de quienes tuvieron que irse de su comunidad, municipio e, incluso, de Puerto Rico.
- El gobierno local y federal deben mantener el máximo grado de transparencia y acceso a información durante todo el proceso de recuperación. A su vez, asegurar la participación ciudadana en todas las etapas y toma de decisiones en el proceso de respuesta a la emergencia y recuperación.
- Las agencias locales y federales deben trabajar en colaboración estrecha y constante entre ellas y la población para garantizar el uso efectivo de fondos públicos.

Además de los aspectos antes mencionados identificamos desafíos según enfrentados por abogados, abogadas y voluntariado en general que salen a las comunidades para brindar acompañamiento en las gestiones de solicitudes y procesos ante FEMA. Esta tabla de retos fue creada por la Fundación Fondo de Acceso a la Justicia luego de ofrecer servicios legales de emergencia a más de diez mil personas en Puerto Rico en respuesta a los estragos de los huracanes Irma y María. Se trata de un reflejo de lo que las personas en Puerto Rico enfrentaron para solicitar asistencia al gobierno federal.

En virtud de esto y por la recuperación justa, estaremos alertas y vigilantes a que se protejan los derechos humanos de las comunidades y personas que acompañamos. A ellas les debemos el presente y futuro del País.

Atentamente,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America

January 24, 2020

Mr. Thomas Von Essen
Regional Administrator
FEMA Region II Headquarters
One World Trade Center
52 Floor - Mail Room
New York, N.Y 10007
VÍA REGULAR MAIL AND E-MAIL

**RE: Learnings and Demands to
FEMA, HUD, and Government of
Puerto Rico**

Dear Mr. Von Essen:

The organizations and human rights defenders who subscribe to this letter were participants in the rapid response process after hurricanes Irma and María. We witnessed how the lack of protocols and improper implementation of local and federal legislation added to the other obstacles that prevented assistance from reaching affected people in a timely manner. As a result, two years after the hurricanes, the vulnerability of families has increased, thousands of homes remain without safe roofs, no mitigation measures have been implemented, and the threat of forced displacement to the poorest people remains a threat.

To this panorama we add a new disaster. The sequence of seismic events that continues to affect the southern region of Puerto Rico has caused significant damage to homes and the physical and emotional security of families. Those of us who endorse this document wish to share our past experiences with Puerto Rico disaster response to better prepare for the latest emergency - in the short, medium and long term - because we recognize that procrastination, and lack of timely and culturally-competent assistance costs lives. We ask that the governments of Puerto Rico and the United States, and especially FEMA and HUD, adopt and learn from these lessons as parameters of best practices. Only in this way will the just recovery of the communities be guaranteed.

There are response and recovery models based on the protection of four human rights categories: (a) Rights related to integrity and physical security such as the right to life and the protection against acts of violence; (b) Basic rights related to subsistence such as housing, food and health; (c) Economic, social and cultural rights such as education, work and recovery of lost assets; and (d) Civil and political rights such as access to the courts, legal remedies and to not be discriminated against for any reason. Based on these four categories, we make the following recommendations.

Before the emergency

- Develop, publish and implement appropriate, participatory and effective emergency plans.
- Establish government centers for emergency management, at the state and regional level.
- Evaluate the areas of risk and vulnerability in the communities.
- Train emergency and response personnel to offer sensitive and appropriate responses to people from vulnerable populations, such as women, differently abled persons, immigrants, LGBTTIQ people, elderly people, among others.

Immediate response

- Guarantee the right of the affected communities and families to decide whether they will remain or return.
- Provide transportation to those who wish to evacuate before or after an emergency, but are unable to do so without assistance.
- Make available decent, safe, and accessible collective shelters to affected individuals and families. Establish protocols to protect children, prevent sexual violence, and guarantee the rights of those with functional diversity. Additionally, establish health protocols for disease prevention and guarantee access to safe hygiene management.
- Provide appropriate alternatives to individuals who cannot safely be housed inside a collective shelter.
- Provide human rights monitors access to shelters in order to evaluate conditions inside.
- Make available decent, safe, and accessible temporary housing within the archipelago of Puerto Rico. No person should have to leave the island because it is the only option available.
- Impose an immediate moratorium on forced evictions to be publicized throughout the affected community, including among law enforcement.

Equitable access to recovery

- Immediately request – from municipal, local and federal entities – all assistance to people affected by disasters to which they are entitled. This includes assistance programs for temporary housing, permanent homes, food, unemployment assistance, healthcare, and more.
- Establish regional centers, available beyond working hours and on weekends, for affected people to submit their applications for assistance.
- Prohibit armed government officials from being placed at the entrances of these centers, an action that prevents the legitimate exercise of seeking disaster assistance from the government.
- Make available easily accessible and uniform assistance requests.
- Ensure that no person will be discriminated against because of class, gender or gender identity, race, functional diversity, immigration status, or other personal characteristics.
- Ensure that homeowners can receive assistance to repair their homes whether or not they have formal titles. This is achieved by adopting the uniform self-declaration prepared by Ayuda Legal Puerto Rico and endorsed by local organizations, such as the Foundation of the Access to Justice Fund, in 2017. FEMA has already recognized that this self-declaration may be sufficient to prove that the applicants were owners. FEMA must make applicants aware that such a declaration exists, make it widely available, and easily accessible at all assistance centers and electronically.
- Ensure that recovery programs provide long-term housing and other solutions to meet the needs of renters and people who are homeless.
- Perform adequate and timely damage inspections by prepared, properly identified persons who speak Spanish. These people must be comprehensively trained.
- Evaluate applications fairly, quickly and equitably.
- Provide clear determinations in a timely manner, in writing and in Spanish, regarding requests for assistance.
- Quickly disburse funds of the approved individual assistance.
- Prioritize repair and reconstruction.
- Establish an indefinite moratorium on relocations – beyond emergency instances – recognizing that participatory mitigation and planning should always be the first alternatives.
- Adopt a displacement minimization policy and a relocation plan with a human rights framework.

- Guarantee the right to return of those who had to leave their community, municipality and even Puerto Rico.
- The local and federal government must maintain the maximum degree of transparency and access to information throughout the recovery process. In turn, ensure citizen participation at all stages and decision making in the emergency response and recovery process.
- Local and federal agencies must work in close and constant collaboration between them and the population to ensure the effective use of public funds.

In addition to the aforementioned aspects, we have identified in a separate document the challenges faced by lawyers, lawyers and volunteers in general who go out to the communities to provide support in the management of applications and processes before FEMA. This document was created by the Foundation of the Access to Justice Fund after offering emergency legal services to more than ten thousand people in Puerto Rico in response to the havoc caused by hurricanes Irma and María. It is a reflection of what our citizens have to face in order to obtain the aid available through the federal government.

In virtue of this and for the just recovery, we will be alert and vigilant to protect the human rights of the communities and people we accompany. We owe the present and future of Puerto Rico to them.

Sincerely,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America

January 24, 2020

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410-0001
VÍA REGULAR MAIL AND E-MAIL

**RE: Learnings and Demands to
FEMA, HUD, and Government of
Puerto Rico**

Dear Secretary Carson:

The organizations and human rights defenders who subscribe to this letter were participants in the rapid response process after hurricanes Irma and María. We witnessed how the lack of protocols and improper implementation of local and federal legislation added to the other obstacles that prevented assistance from reaching affected people in a timely manner. As a result, two years after the hurricanes, the vulnerability of families has increased, thousands of homes remain without safe roofs, no mitigation measures have been implemented, and the threat of forced displacement to the poorest people remains a threat.

To this panorama we add a new disaster. The sequence of seismic events that continues to affect the southern region of Puerto Rico has caused significant damage to homes and the physical and emotional security of families. Those of us who endorse this document wish to share our past experiences with Puerto Rico disaster response to better prepare for the latest emergency – in the short, medium and long term – because we recognize that procrastination, and lack of timely and culturally-competent assistance costs lives. We ask that the governments of Puerto Rico and the United States, and especially FEMA and HUD, adopt and learn from these lessons as parameters of best practices. Only in this way will the just recovery of the communities be guaranteed.

There are response and recovery models based on the protection of four human rights categories: (a) Rights related to integrity and physical security such as the right to life and the protection against acts of violence; (b) Basic rights related to subsistence such as housing, food and health; (c) Economic, social and cultural rights such as education, work and recovery of lost assets; and (d) Civil and political rights such as access to the courts, legal remedies and to not be discriminated against for any reason. Based on these four categories, we make the following recommendations.

Before the emergency

- Develop, publish and implement appropriate, participatory and effective emergency plans.
- Establish government centers for emergency management, at the state and regional level.
- Evaluate the areas of risk and vulnerability in the communities.
- Train emergency and response personnel to offer sensitive and appropriate responses to people from vulnerable populations, such as women, differently abled persons, immigrants, LGBTTIQ people, elderly people, among others.

Immediate response

- Guarantee the right of the affected communities and families to decide whether they will remain or return.
- Provide transportation to those who wish to evacuate before or after an emergency, but are unable to do so without assistance.
- Make available decent, safe, and accessible collective shelters to affected individuals and families. Establish protocols to protect children, prevent sexual violence, and guarantee the rights of those with functional diversity. Additionally, establish health protocols for disease prevention and guarantee access to safe hygiene management.
- Provide appropriate alternatives to individuals who cannot safely be housed inside a collective shelter.
- Provide human rights monitors access to shelters in order to evaluate conditions inside.
- Make available decent, safe, and accessible temporary housing within the archipelago of Puerto Rico. No person should have to leave the island because it is the only option available.
- Impose an immediate moratorium on forced evictions to be publicized throughout the affected community, including among law enforcement.

Equitable access to recovery

- Immediately request – from municipal, local and federal entities – all assistance to people affected by disasters to which they are entitled. This includes assistance programs for temporary housing, permanent homes, food, unemployment assistance, healthcare, and more.
- Establish regional centers, available beyond working hours and on weekends, for affected people to submit their applications for assistance.
- Prohibit armed government officials from being placed at the entrances of these centers, an action that prevents the legitimate exercise of seeking disaster assistance from the government.
- Make available easily accessible and uniform assistance requests.
- Ensure that no person will be discriminated against because of class, gender or gender identity, race, functional diversity, immigration status, or other personal characteristics.
- Ensure that homeowners can receive assistance to repair their homes whether or not they have formal titles. This is achieved by adopting the uniform self-declaration prepared by Ayuda Legal Puerto Rico and endorsed by local organizations, such as the Foundation of the Access to Justice Fund, in 2017. FEMA has already recognized that this self-declaration may be sufficient to prove that the applicants were owners. FEMA must make applicants aware that such a declaration exists, make it widely available, and easily accessible at all assistance centers and electronically.
- Ensure that recovery programs provide long-term housing and other solutions to meet the needs of renters and people who are homeless.
- Perform adequate and timely damage inspections by prepared, properly identified persons who speak Spanish. These people must be comprehensively trained.
- Evaluate applications fairly, quickly and equitably.
- Provide clear determinations in a timely manner, in writing and in Spanish, regarding requests for assistance.
- Quickly disburse funds of the approved individual assistance.
- Prioritize repair and reconstruction.
- Establish an indefinite moratorium on relocations – beyond emergency instances – recognizing that participatory mitigation and planning should always be the first alternatives.
- Adopt a displacement minimization policy and a relocation plan with a human rights framework.

- Guarantee the right to return of those who had to leave their community, municipality and even Puerto Rico.
- The local and federal government must maintain the maximum degree of transparency and access to information throughout the recovery process. In turn, ensure citizen participation at all stages and decision making in the emergency response and recovery process.
- Local and federal agencies must work in close and constant collaboration between them and the population to ensure the effective use of public funds.

In addition to the aforementioned aspects, we have identified in a separate document the challenges faced by lawyers, lawyers and volunteers in general who go out to the communities to provide support in the management of applications and processes before FEMA. This document was created by the Foundation of the Access to Justice Fund after offering emergency legal services to more than ten thousand people in Puerto Rico in response to the havoc caused by hurricanes Irma and María. It is a reflection of what our citizens have to face in order to obtain the aid available through the federal government.

In virtue of this and for the just recovery, we will be alert and vigilant to protect the human rights of the communities and people we accompany. We owe the present and future of Puerto Rico to them.

Sincerely,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America

January 24, 2020

Chairman Raul M. Grijalva
Natural Resources Committee
1511 Longworth House Office Building
Washington, DC 20515
VÍA REGULAR MAIL AND E-MAIL

**RE: Learnings and Demands to
FEMA, HUD, and Government of
Puerto Rico**

Dear Chairman Grijalva:

The organizations and human rights defenders who subscribe to this letter were participants in the rapid response process after hurricanes Irma and María. We witnessed how the lack of protocols and improper implementation of local and federal legislation added to the other obstacles that prevented assistance from reaching affected people in a timely manner. As a result, two years after the hurricanes, the vulnerability of families has increased, thousands of homes remain without safe roofs, no mitigation measures have been implemented, and the threat of forced displacement to the poorest people remains a threat.

To this panorama we add a new disaster. The sequence of seismic events that continues to affect the southern region of Puerto Rico has caused significant damage to homes and the physical and emotional security of families. Those of us who endorse this document wish to share our past experiences with Puerto Rico disaster response to better prepare for the latest emergency – in the short, medium and long term – because we recognize that procrastination, and lack of timely and culturally-competent assistance costs lives. We ask that the governments of Puerto Rico and the United States, and especially FEMA and HUD, adopt and learn from these lessons as parameters of best practices. Only in this way will the just recovery of the communities be guaranteed.

There are response and recovery models based on the protection of four human rights categories: (a) Rights related to integrity and physical security such as the right to life and the protection against acts of violence; (b) Basic rights related to subsistence such as housing, food and health; (c) Economic, social and cultural rights such as education, work and recovery of lost assets; and (d) Civil and political rights such as access to the courts, legal remedies and to not be discriminated against for any reason. Based on these four categories, we make the following recommendations.

Before the emergency

- Develop, publish and implement appropriate, participatory and effective emergency plans.
- Establish government centers for emergency management, at the state and regional level.
- Evaluate the areas of risk and vulnerability in the communities.
- Train emergency and response personnel to offer sensitive and appropriate responses to people from vulnerable populations, such as women, differently abled persons, immigrants, LGBTTIQ people, elderly people, among others.

Immediate response

- Guarantee the right of the affected communities and families to decide whether they will remain or return.
- Provide transportation to those who wish to evacuate before or after an emergency, but are unable to do so without assistance.
- Make available decent, safe, and accessible collective shelters to affected individuals and families. Establish protocols to protect children, prevent sexual violence, and guarantee the rights of those with functional diversity. Additionally, establish health protocols for disease prevention and guarantee access to safe hygiene management.
- Provide appropriate alternatives to individuals who cannot safely be housed inside a collective shelter.
- Provide human rights monitors access to shelters in order to evaluate conditions inside.
- Make available decent, safe, and accessible temporary housing within the archipelago of Puerto Rico. No person should have to leave the island because it is the only option available.
- Impose an immediate moratorium on forced evictions to be publicized throughout the affected community, including among law enforcement.

Equitable access to recovery

- Immediately request – from municipal, local and federal entities – all assistance to people affected by disasters to which they are entitled. This includes assistance programs for temporary housing, permanent homes, food, unemployment assistance, healthcare, and more.
- Establish regional centers, available beyond working hours and on weekends, for affected people to submit their applications for assistance.
- Prohibit armed government officials from being placed at the entrances of these centers, an action that prevents the legitimate exercise of seeking disaster assistance from the government.
- Make available easily accessible and uniform assistance requests.
- Ensure that no person will be discriminated against because of class, gender or gender identity, race, functional diversity, immigration status, or other personal characteristics.
- Ensure that homeowners can receive assistance to repair their homes whether or not they have formal titles. This is achieved by adopting the uniform self-declaration prepared by Ayuda Legal Puerto Rico and endorsed by local organizations, such as the Foundation of the Access to Justice Fund, in 2017. FEMA has already recognized that this self-declaration may be sufficient to prove that the applicants were owners. FEMA must make applicants aware that such a declaration exists, make it widely available, and easily accessible at all assistance centers and electronically.
- Ensure that recovery programs provide long-term housing and other solutions to meet the needs of renters and people who are homeless.
- Perform adequate and timely damage inspections by prepared, properly identified persons who speak Spanish. These people must be comprehensively trained.
- Evaluate applications fairly, quickly and equitably.
- Provide clear determinations in a timely manner, in writing and in Spanish, regarding requests for assistance.
- Quickly disburse funds of the approved individual assistance.
- Prioritize repair and reconstruction.
- Establish an indefinite moratorium on relocations – beyond emergency instances – recognizing that participatory mitigation and planning should always be the first alternatives.
- Adopt a displacement minimization policy and a relocation plan with a human rights framework.

- Guarantee the right to return of those who had to leave their community, municipality and even Puerto Rico.
- The local and federal government must maintain the maximum degree of transparency and access to information throughout the recovery process. In turn, ensure citizen participation at all stages and decision making in the emergency response and recovery process.
- Local and federal agencies must work in close and constant collaboration between them and the population to ensure the effective use of public funds.

In addition to the aforementioned aspects, we have identified in a separate document the challenges faced by lawyers, lawyers and volunteers in general who go out to the communities to provide support in the management of applications and processes before FEMA. This document was created by the Foundation of the Access to Justice Fund after offering emergency legal services to more than ten thousand people in Puerto Rico in response to the havoc caused by hurricanes Irma and María. It is a reflection of what our citizens have to face in order to obtain the aid available through the federal government.

In virtue of this and for the just recovery, we will be alert and vigilant to protect the human rights of the communities and people we accompany. We owe the present and future of Puerto Rico to them.

Sincerely,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America

January 24, 2020

Congresswoman Nydia Velázquez
2302 Rayburn House Office Building
Washington, DC 20515
VÍA REGULAR MAIL AND E-MAIL

**RE: Learnings and Demands to
FEMA, HUD, and Government of
Puerto Rico**

Dear Congresswoman Velázquez:

The organizations and human rights defenders who subscribe to this letter were participants in the rapid response process after hurricanes Irma and María. We witnessed how the lack of protocols and improper implementation of local and federal legislation added to the other obstacles that prevented assistance from reaching affected people in a timely manner. As a result, two years after the hurricanes, the vulnerability of families has increased, thousands of homes remain without safe roofs, no mitigation measures have been implemented, and the threat of forced displacement to the poorest people remains a threat.

To this panorama we add a new disaster. The sequence of seismic events that continues to affect the southern region of Puerto Rico has caused significant damage to homes and the physical and emotional security of families. Those of us who endorse this document wish to share our past experiences with Puerto Rico disaster response to better prepare for the latest emergency – in the short, medium and long term – because we recognize that procrastination, and lack of timely and culturally-competent assistance costs lives. We ask that the governments of Puerto Rico and the United States, and especially FEMA and HUD, adopt and learn from these lessons as parameters of best practices. Only in this way will the just recovery of the communities be guaranteed.

There are response and recovery models based on the protection of four human rights categories: (a) Rights related to integrity and physical security such as the right to life and the protection against acts of violence; (b) Basic rights related to subsistence such as housing, food and health; (c) Economic, social and cultural rights such as education, work and recovery of lost assets; and (d) Civil and political rights such as access to the courts, legal remedies and to not be discriminated against for any reason. Based on these four categories, we make the following recommendations.

Before the emergency

- Develop, publish and implement appropriate, participatory and effective emergency plans.
- Establish government centers for emergency management, at the state and regional level.
- Evaluate the areas of risk and vulnerability in the communities.
- Train emergency and response personnel to offer sensitive and appropriate responses to people from vulnerable populations, such as women, differently abled persons, immigrants, LGBTTIQ people, elderly people, among others.

Immediate response

- Guarantee the right of the affected communities and families to decide whether they will remain or return.
- Provide transportation to those who wish to evacuate before or after an emergency, but are unable to do so without assistance.
- Make available decent, safe, and accessible collective shelters to affected individuals and families. Establish protocols to protect children, prevent sexual violence, and guarantee the rights of those with functional diversity. Additionally, establish health protocols for disease prevention and guarantee access to safe hygiene management.
- Provide appropriate alternatives to individuals who cannot safely be housed inside a collective shelter.
- Provide human rights monitors access to shelters in order to evaluate conditions inside.
- Make available decent, safe, and accessible temporary housing within the archipelago of Puerto Rico. No person should have to leave the island because it is the only option available.
- Impose an immediate moratorium on forced evictions to be publicized throughout the affected community, including among law enforcement.

Equitable access to recovery

- Immediately request – from municipal, local and federal entities – all assistance to people affected by disasters to which they are entitled. This includes assistance programs for temporary housing, permanent homes, food, unemployment assistance, healthcare, and more.
- Establish regional centers, available beyond working hours and on weekends, for affected people to submit their applications for assistance.
- Prohibit armed government officials from being placed at the entrances of these centers, an action that prevents the legitimate exercise of seeking disaster assistance from the government.
- Make available easily accessible and uniform assistance requests.
- Ensure that no person will be discriminated against because of class, gender or gender identity, race, functional diversity, immigration status, or other personal characteristics.
- Ensure that homeowners can receive assistance to repair their homes whether or not they have formal titles. This is achieved by adopting the uniform self-declaration prepared by Ayuda Legal Puerto Rico and endorsed by local organizations, such as the Foundation of the Access to Justice Fund, in 2017. FEMA has already recognized that this self-declaration may be sufficient to prove that the applicants were owners. FEMA must make applicants aware that such a declaration exists, make it widely available, and easily accessible at all assistance centers and electronically.
- Ensure that recovery programs provide long-term housing and other solutions to meet the needs of renters and people who are homeless.
- Perform adequate and timely damage inspections by prepared, properly identified persons who speak Spanish. These people must be comprehensively trained.
- Evaluate applications fairly, quickly and equitably.
- Provide clear determinations in a timely manner, in writing and in Spanish, regarding requests for assistance.
- Quickly disburse funds of the approved individual assistance.
- Prioritize repair and reconstruction.
- Establish an indefinite moratorium on relocations – beyond emergency instances – recognizing that participatory mitigation and planning should always be the first alternatives.
- Adopt a displacement minimization policy and a relocation plan with a human rights framework.

- Guarantee the right to return of those who had to leave their community, municipality and even Puerto Rico.
- The local and federal government must maintain the maximum degree of transparency and access to information throughout the recovery process. In turn, ensure citizen participation at all stages and decision making in the emergency response and recovery process.
- Local and federal agencies must work in close and constant collaboration between them and the population to ensure the effective use of public funds.

In addition to the aforementioned aspects, we have identified in a separate document the challenges faced by lawyers, lawyers and volunteers in general who go out to the communities to provide support in the management of applications and processes before FEMA. This document was created by the Foundation of the Access to Justice Fund after offering emergency legal services to more than ten thousand people in Puerto Rico in response to the havoc caused by hurricanes Irma and María. It is a reflection of what our citizens have to face in order to obtain the aid available through the federal government.

In virtue of this and for the just recovery, we will be alert and vigilant to protect the human rights of the communities and people we accompany. We owe the present and future of Puerto Rico to them.

Sincerely,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America

24 de enero de 2020

Ing. Dennis González
Secretario Interino
Departamento de la Vivienda
P.O. Box 21365
San Juan, PR 00928-1365
VÍA CORREO REGULAR Y CORREO-E

**RE: Aprendizajes y Exigencias a
FEMA, HUD, y el Gobierno de
Puerto Rico**

Estimado Ing. González:

Las organizaciones y defensores de derechos humanos que suscriben esta carta fueron partícipes del proceso de respuesta rápida tras los huracanes Irma y María. Fuimos testigos de cómo la falta de protocolos, y la implementación inadecuada de la legislación local y federal, se sumaron a otros obstáculos que impidieron que la asistencia llegará de forma oportuna a las personas afectadas. Como resultado, dos años después de los desastres, la vulnerabilidad de las familias aumentó, miles de casas se mantienen sin techos seguros, no se han implementado medidas de mitigación y reina la amenaza de desplazamientos forzosos a las personas más pobres.

A este panorama sumamos un nuevo desastre. La secuencia de eventos sísmicos que continúa afectando el sur de Puerto Rico, ha causado daños significativos a las viviendas y seguridad física y emocional de las familias. Quienes suscribimos este documento deseamos compartir nuestras experiencias atendiendo la emergencia – a corto, mediano y largo plazo – porque reconocemos que la dilación y la falta de asistencia cuesta vidas. Recurrimos al gobierno de Puerto Rico, al de los Estados Unidos y en especial a FEMA y a HUD, para que asumamos estas lecciones como parámetros de mejores prácticas. Sólo así se garantizará la recuperación justa de las comunidades.

Existen modelos de respuesta y recuperación basados en la protección de cuatro categorías de derechos humanos: a) los derechos relacionados con la integridad y la seguridad físicas tales como el derecho a la vida y la protección frente a actos de violencia; b) derechos básicos relacionados con la subsistencia tales como techo, alimento y salud; c) derechos económicos, sociales y culturales tales como educación, trabajo y recuperación de bienes perdidos; y d) derechos civiles y políticos tales como acceso a los tribunales, remedios legales y a no sufrir discriminación por razón alguna. Basadas en esos cuatro ejes, hacemos las siguientes recomendaciones.

Antes de la emergencia

- Desarrollar, publicar e implementar planes de emergencia adecuados, participativos y efectivos.
- Establecer centros gubernamentales para el manejo de la emergencia, a nivel estatal y regional.
- Evaluar las áreas de riesgo y vulnerabilidad en las comunidades.
- Capacitar al personal de emergencia y respuesta para ofrecer respuestas sensibles y adecuadas a personas de poblaciones vulnerables tales como las mujeres, personas con diversidad funcional, inmigrantes, personas LGTBTIQ, adultas mayores, entre otras.

Respuesta inmediata

- Garantizar el derecho a decidir, permanecer y retornar de las comunidades y familias afectadas.
- Proveer transportación a quienes deseen desalojar antes o después de una emergencia, pero no pueden hacerlo sin ayuda.
- Hacer disponibles refugios colectivos dignos, seguros y accesibles a las personas y familias afectadas. Deberá velarse por el establecimiento de protocolos para proteger a la niñez, evitar la violencia sexual y garantizar los derechos de poblaciones con diversidad funcional. De igual manera, establecer protocolos de salubridad para la prevención de enfermedades y asegurar el acceso a medios seguros y eficaces de manejo de la higiene.
- Proveer alternativas apropiadas a las personas que no pueden alojarse de manera segura dentro de un refugio colectivo.
- Proporcionar a los supervisores de derechos humanos acceso a refugios para evaluar las condiciones en el interior.
- Hacer disponible viviendas transitorias dignas, seguras y accesibles dentro del archipiélago de Puerto Rico. Ninguna persona debe verse ante la única opción de abandonar su País.
- Imponer una moratoria inmediata a los desalojos forzados que se divulgarán en toda la comunidad afectada, incluso entre las autoridades del orden público.

Acceso equitativo a la recuperación

- Solicitar de forma inmediata – a las entidades municipales, locales y federales – toda la asistencia a la que tienen derecho las personas afectadas por los desastres. Esto incluye programas de asistencia de viviendas transitorias, hogares permanentes, alimentos, servicios de salud, asistencia para el desempleo, consejería o apoyo emocional, y más.
- Establecer centros regionales, disponibles más allá de horarios laborales y en fines de semana, para que las personas afectadas presenten sus solicitudes.
- Prohibir que oficiales gubernamentales armados se coloquen en las entradas de estos centros, acción que impide el ejercicio legítimo de buscar asistencia para desastres por parte del gobierno.
- Hacer disponibles solicitudes de asistencias accesibles y uniformes.
- Garantizar que ninguna persona será discriminada por razón de clase, género, orientación sexual, identidad de género, estatus migratorio, edad, raza o diversidad funcional.
- Garantizar que las personas dueñas puedan recibir asistencia para reparar sus hogares tengan o no títulos formales. Esto se logra adoptando la declaración uniforme preparada por Ayuda Legal Puerto Rico y avalada por organizaciones locales, como la Fundación del Fondo de Acceso a la Justicia. En el 2017, se logró que FEMA reconociera que tal declaración era suficiente para probar que las solicitantes eran dueñas.
- Asegurarse de que los programas de recuperación brinden vivienda a largo plazo y otras soluciones para satisfacer las necesidades de los inquilinos y las personas sin hogar,
- Realizar inspecciones de daños adecuadas y oportunas, por personas preparadas, debidamente identificadas y que hablen español. Estas personas deben ser adiestradas de forma comprensiva.
- Evaluar las solicitudes de forma justa, rápida y equitativa.
- Ofrecer determinaciones oportunas claras, por escrito y en español, respecto a las solicitudes de asistencia.
- Desembolsar rápidamente la asistencia individual aprobada.
- Priorizar la reparación y reconstrucción.

- Establecer una moratoria indefinida a las relocalizaciones – más allá de instancias de emergencia– reconociendo que la mitigación y la planificación participativa deben ser las primeras alternativas siempre.
- Adoptar una política de minimización de desplazamientos y un plan de relocalización con perspectiva de derechos humanos.
- Garantizar el derecho al retorno de quienes tuvieron que irse de su comunidad, municipio e, incluso, de Puerto Rico.
- El gobierno local y federal deben mantener el máximo grado de transparencia y acceso a información durante todo el proceso de recuperación. A su vez, asegurar la participación ciudadana en todas las etapas y toma de decisiones en el proceso de respuesta a la emergencia y recuperación.
- Las agencias locales y federales deben trabajar en colaboración estrecha y constante entre ellas y la población para garantizar el uso efectivo de fondos públicos.

Además de los aspectos antes mencionados identificamos desafíos según enfrentados por abogados, abogadas y voluntariado en general que salen a las comunidades para brindar acompañamiento en las gestiones de solicitudes y procesos ante FEMA. Esta tabla de retos fue creada por la Fundación Fondo de Acceso a la Justicia luego de ofrecer servicios legales de emergencia a más de diez mil personas en Puerto Rico en respuesta a los estragos de los huracanes Irma y María. Se trata de un reflejo de lo que las personas en Puerto Rico enfrentaron para solicitar asistencia al gobierno federal.

En virtud de esto y por la recuperación justa, estaremos alertas y vigilantes a que se protejan los derechos humanos de las comunidades y personas que acompañamos. A ellas les debemos el presente y futuro del País.

Atentamente,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America

January 24, 2020

Congresswoman Jenniffer González-Colón
1609 Longworth House Office Building
Washington, DC 20515
VÍA REGULAR MAIL AND E-MAIL

**RE: Learnings and Demands to
FEMA, HUD, and Government of
Puerto Rico**

Dear Congresswoman González-Colón:

The organizations and human rights defenders who subscribe to this letter were participants in the rapid response process after hurricanes Irma and María. We witnessed how the lack of protocols and improper implementation of local and federal legislation added to the other obstacles that prevented assistance from reaching affected people in a timely manner. As a result, two years after the hurricanes, the vulnerability of families has increased, thousands of homes remain without safe roofs, no mitigation measures have been implemented, and the threat of forced displacement to the poorest people remains a threat.

To this panorama we add a new disaster. The sequence of seismic events that continues to affect the southern region of Puerto Rico has caused significant damage to homes and the physical and emotional security of families. Those of us who endorse this document wish to share our past experiences with Puerto Rico disaster response to better prepare for the latest emergency – in the short, medium and long term – because we recognize that procrastination, and lack of timely and culturally-competent assistance costs lives. We ask that the governments of Puerto Rico and the United States, and especially FEMA and HUD, adopt and learn from these lessons as parameters of best practices. Only in this way will the just recovery of the communities be guaranteed.

There are response and recovery models based on the protection of four human rights categories: (a) Rights related to integrity and physical security such as the right to life and the protection against acts of violence; (b) Basic rights related to subsistence such as housing, food and health; (c) Economic, social and cultural rights such as education, work and recovery of lost assets; and (d) Civil and political rights such as access to the courts, legal remedies and to not be discriminated against for any reason. Based on these four categories, we make the following recommendations.

Before the emergency

- Develop, publish and implement appropriate, participatory and effective emergency plans.
- Establish government centers for emergency management, at the state and regional level.
- Evaluate the areas of risk and vulnerability in the communities.
- Train emergency and response personnel to offer sensitive and appropriate responses to people from vulnerable populations, such as women, differently abled persons, immigrants, LGBTTIQ people, elderly people, among others.

Immediate response

- Guarantee the right of the affected communities and families to decide whether they will remain or return.
- Provide transportation to those who wish to evacuate before or after an emergency, but are unable to do so without assistance.
- Make available decent, safe, and accessible collective shelters to affected individuals and families. Establish protocols to protect children, prevent sexual violence, and guarantee the rights of those with functional diversity. Additionally, establish health protocols for disease prevention and guarantee access to safe hygiene management.
- Provide appropriate alternatives to individuals who cannot safely be housed inside a collective shelter.
- Provide human rights monitors access to shelters in order to evaluate conditions inside.
- Make available decent, safe, and accessible temporary housing within the archipelago of Puerto Rico. No person should have to leave the island because it is the only option available.
- Impose an immediate moratorium on forced evictions to be publicized throughout the affected community, including among law enforcement.

Equitable access to recovery

- Immediately request – from municipal, local and federal entities – all assistance to people affected by disasters to which they are entitled. This includes assistance programs for temporary housing, permanent homes, food, unemployment assistance, healthcare, and more.
- Establish regional centers, available beyond working hours and on weekends, for affected people to submit their applications for assistance.
- Prohibit armed government officials from being placed at the entrances of these centers, an action that prevents the legitimate exercise of seeking disaster assistance from the government.
- Make available easily accessible and uniform assistance requests.
- Ensure that no person will be discriminated against because of class, gender or gender identity, race, functional diversity, immigration status, or other personal characteristics.
- Ensure that homeowners can receive assistance to repair their homes whether or not they have formal titles. This is achieved by adopting the uniform self-declaration prepared by Ayuda Legal Puerto Rico and endorsed by local organizations, such as the Foundation of the Access to Justice Fund, in 2017. FEMA has already recognized that this self-declaration may be sufficient to prove that the applicants were owners. FEMA must make applicants aware that such a declaration exists, make it widely available, and easily accessible at all assistance centers and electronically.
- Ensure that recovery programs provide long-term housing and other solutions to meet the needs of renters and people who are homeless.
- Perform adequate and timely damage inspections by prepared, properly identified persons who speak Spanish. These people must be comprehensively trained.
- Evaluate applications fairly, quickly and equitably.
- Provide clear determinations in a timely manner, in writing and in Spanish, regarding requests for assistance.
- Quickly disburse funds of the approved individual assistance.
- Prioritize repair and reconstruction.
- Establish an indefinite moratorium on relocations – beyond emergency instances – recognizing that participatory mitigation and planning should always be the first alternatives.
- Adopt a displacement minimization policy and a relocation plan with a human rights framework.

- Guarantee the right to return of those who had to leave their community, municipality and even Puerto Rico.
- The local and federal government must maintain the maximum degree of transparency and access to information throughout the recovery process. In turn, ensure citizen participation at all stages and decision making in the emergency response and recovery process.
- Local and federal agencies must work in close and constant collaboration between them and the population to ensure the effective use of public funds.

In addition to the aforementioned aspects, we have identified in a separate document the challenges faced by lawyers, lawyers and volunteers in general who go out to the communities to provide support in the management of applications and processes before FEMA. This document was created by the Foundation of the Access to Justice Fund after offering emergency legal services to more than ten thousand people in Puerto Rico in response to the havoc caused by hurricanes Irma and María. It is a reflection of what our citizens have to face in order to obtain the aid available through the federal government.

In virtue of this and for the just recovery, we will be alert and vigilant to protect the human rights of the communities and people we accompany. We owe the present and future of Puerto Rico to them.

Sincerely,

Ariadna Michelle Godreau Aubert
Ayuda Legal Puerto Rico

Amaris Torres Rivera
Fundación Fondo de Acceso a la Justicia

Amárilis Pagán Jiménez
Proyecto Matría

Charlotte Gossett Navarro
Hispanic Federation

Adi Martinez-Roman
Senior Policy Analyst – Puerto Rico
OXFAM America