



COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR)  
HOMEBUYER ASSISTANCE PROGRAM

**AMENDMENT D TO THE SUBRECIPIENT AGREEMENT**  
**BETWEEN THE**  
**PUERTO RICO DEPARTMENT OF HOUSING**  
**AND THE**  
**PUERTO RICO HOUSING FINANCE AUTHORITY**  
Contract Number 2021-DR0001 (D)



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This **AMENDMENT D TO THE SUBRECIPIENT AGREEMENT** (hereinafter, the "Amendment D") is entered into this 7 day of October, 2022, by and between the **PUERTO RICO DEPARTMENT OF HOUSING** (the "PRDOH"), a public agency of the Government of Puerto Rico created under Act No. 97 of June 10, 1972, as amended, 3 L.P.R.A. § 441 et seq., known as the "Department of Housing Organic Act" (the "Organic Act"), with principal offices at 606 Barbosa Ave., San Juan, Puerto Rico, represented herein by its Secretary, Hon. William O. Rodríguez Rodríguez, Esq., of legal age, attorney, single, and resident of San Juan, Puerto Rico; and the **PUERTO RICO HOUSING FINANCE AUTHORITY** (hereinafter, the "Subrecipient"), a public agency created under Act No. 103, of August 11, 2001, as amended, 7 L.P.R.A. § 924 et seq., known as the "Puerto Rico Housing Financing Authority Act" (the "PRHFA Act"), with principal offices at 638 Aldebarán St., Urb. Altamira San Juan, Puerto Rico 00920, represented herein by its Executive Director, Blanca P. Fernández-González, of legal age, married, and resident of San Juan, Puerto Rico, collectively the "Parties".

**I. RECITALS AND GENERAL AWARD INFORMATION**

**WHEREAS**, on July 2, 2020, the Parties entered into a Subrecipient Agreement for the Homebuyer Assistance Program (hereinafter, "HBA" or the "Program") for a period of **thirty-six (36)** months from the day of its execution, ending on July 1, 2023, for one hundred fifty-six million one hundred ninety-two thousand six hundred twenty-eight dollars (**\$156,192,628.00**), registered as Contract Number 2021-DR0001 (hereinafter, "the Agreement").

**WHEREAS**, on June 4, 2021, the Parties agreed to modify the Agreement via Amendment A, Contract No. 2021-DR0001A. In summary, Amendment A served the purpose of adjusting the Agreement to the HBA Program Guidelines and programmatic requirements. **Exhibit A (Scope of Work)**, **Exhibit B (Timeline and Performance Goals)**, **Exhibit C (Key Personnel)**, **Exhibit D (Budget)**, **Exhibit F (HUD General Provisions)**, and **Exhibit G (Special Conditions)** were amended. Additionally, a new Exhibit was added, **Exhibit H (Subrogation and Assignment Provisions)**.

**WHEREAS**, on October 14, 2021, the Parties agreed to modify the Agreement via Amendment B, Contract No. 2021-DR0001B, to amend certain terms and conditions of the Agreement and reallocate an additional (**\$86,524,260.00**) funds into the HBA Program, for a total budget of **two hundred forty-two million seven hundred sixteen thousand six hundred eighty-eight dollars (\$242,716,888.00)**. Additionally, **Exhibit A (Scope of Work)**, **Exhibit B (Timeline and Performance Goals)**, **Exhibit C (Key Personnel)**, **Exhibit D (Budget)**, and **Exhibit E (Funds Certification)** were amended.

**WHEREAS**, on November 18, 2021, the Parties agreed to modify the Agreement via Amendment C, Contract No. 2021-DR0001C, to amend certain terms and conditions of the Agreement, amend **Exhibit D (Budget)** to redistribute funds by eliminating **Environmental Services**, reducing **Grant Funding** and increasing **Case Managers Services**

authorized budget to procure services that will assist in delivery and implementation of the Homebuyer Assistance Program.

**WHEREAS**, as per Section IX(A) of the Agreement, the Agreement may be amended in writing and signed by a duly authorized representative of each party. Nonetheless, the amendment shall not invalidate the Agreement, nor release the Parties from their obligations under the Agreement.

**WHEREAS**, this Amendment D is not intended to affect, nor does it constitute an extinctive novation of the obligations of the parties under the Agreement but it is rather a modification and amendment of certain terms of the Agreement, including any modified Exhibits.

**WHEREAS**, the Subrecipient, in accordance with the PRHFA Act, has the legal power and authority to enter into this Amendment D with the PRDOH, and by signing this Amendment D, the Subrecipient assures PRDOH that Subrecipient shall comply with all the requirements described herein.

**NOW, THEREFORE**, in consideration of the mutual promises and the terms and conditions set forth in the Agreement, the PRDOH and the CONTRACTOR agree to execute this Amendment D subject to the following:

**TERMS AND CONDITIONS**

**II. SAVINGS CLAUSES**

The information included in this Amendment D serves the purpose of modifying and amending certain terms and conditions under the Agreement, including any modified Exhibits. All provisions of the original Agreement and its Amendment D shall continue to be in full force and effect, as amended by this Amendment D.

**III. ATTACHMENT**

The information included in this Amendment D serves the purpose of modifying and amending certain terms under the Agreement. All other provisions of the Agreement, its Amendment D and Exhibits shall continue to be in full force and effect.

**IV. SCOPE OF AMENDMENT**

The Parties have agreed to enter into this Amendment D to amend **Exhibit E (Funds Certification)** to redistribute the funds. The low-to-moderate (LMI) will have a budget of \$169,901,821.60 and Urgent Need (UN) will have a budget of \$72,815,066.40. The redistribution is necessary and urgent to continue evaluating and approving cases for the Program where the trend of LMI cases averages 66% of the cases that the PRHFA has currently pending in the system for eligibility. The budget remains the same.

**V. AMENDMENTS**

A. The Parties agree to amend the **GENERAL AWARD INFORMATION** table as follows:

CDBG-DR Grantee Federal Award Identification Number:	Unique Entity ID #: FFMUBT6WCM1
CDBG-DR Grantee Federal Award Date:	September 20, 2018
Federal Award project description:	See <b>Exhibit A</b> for <u>Scope of Work</u>

Subrecipient Contact Information:	Blanca P. Fernández González Executive Director Puerto Rico Housing Finance Authority 638 Aldebarán St. Urb. Altamira San Juan, Puerto Rico 00917
Subrecipient Unique Identifier:	Unique Entity ID: GLWEX1T5V3A3
Subaward Period of Performance:	Start Date: Effective Date, as defined in <b>Section V</b> of this Agreement, as amended. End Date: As defined in <b>Section V</b> of the Agreement, as amended.
Funds Certification:	Dated: September 27, 2022 Authorized Amount: <b>\$ 242,716,888.00</b> Funds Allocation: CDBG-DR "R02H22HA-DOH-LM" CDBG-DR "R02H22HA-DOH-UN" Account Number: 6090-01-000 See <b>Exhibit E</b> for <u>Funds Certification</u>

- a. **Exhibit E (Funds Certification)** of the Agreement is being replaced by an updated version of the **Exhibit E (Funds Certification)** hereto incorporated by reference into the Agreement (See **Attachment I**).

**VI. SEVERABILITY**

If any provision of this Amendment D is held invalid, the remainder of the Amendment D shall not be affected thereby, and all other parts of this Amendment D shall nevertheless be in full force and effect.

**VII. SECTION HEADINGS AND SUBHEADINGS**

The section headings and subheadings contained in this Amendment D are included for convenience only and shall not limit or otherwise affect the terms of the Agreement, and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Amendment D.

**VIII. COMPTROLLER REGISTRY**

The PRDOH shall remit a copy of this Amendment D to the Office of the Comptroller for registration within **fifteen (15) days** following the date of execution of this Amendment D and any subsequent amendment thereto. The services object of this Amendment D may not be invoiced or paid until this Amendment D has been registered by the PRDOH at the Comptroller's Office, pursuant to Act No. 18 of October 30, 1975, as amended by Act No. 127 of May 31, 2004.

**IX. ENTIRE AGREEMENT**

The Agreement, as amended, constitutes the entire Agreement among the PARTIES for the use of funds received under the Agreement, as amended, and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written among the PARTIES with respect to the Agreement, as amended.

## **X. FEDERAL FUNDING**

The fulfillment of the Agreement, as amended, is based on those funds being made available to the PRDOH as the lead administrative agency for Recovery. All expenditures under the Agreement, as amended, must be made in accordance with the Agreement, as amended, the policies and procedures promulgated under the CDBG-DR Program, and any other applicable laws. Further, the CONTRACTOR acknowledges that all funds are subject to recapture and repayment for non-compliance.

## **XI. COMPLIANCE WITH LAW**

It is the intention and understanding of the Parties hereto that each and every provision of law required to be inserted in the Agreement, as amended, should be and is inserted herein. Furthermore, it is hereby stipulated that every such provision is deemed to be inserted and if, through mistake or otherwise, any such provision is not inserted herein or is not inserted in correct form, then the Agreement, as amended, shall forthwith, upon the application of any Party, be amended by such insertion so as to comply strictly with the law and without prejudice to the rights of any Party.

**IN WITNESS THEREOF**, the PARTIES hereto execute this Amendment D in the place and on the date first above written.

### **PUERTO RICO DEPARTMENT OF HOUSING**

William O. Rodríguez Rodríguez  
By: William O. Rodríguez Rodríguez (Oct 7, 2022 12:19 EDT)  
Name: William O. Rodríguez Rodríguez, Esq.  
Title: Secretary

### **PUERTO RICO HOUSING FINANCE AUTHORITY**

Blanca Fernandez  
By: Blanca Fernandez (Oct 7, 2022 10:27 EDT)  
Name: Blanca P. Fernández-González  
Title: Executive Director

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WORR



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

Contract Code: 434-d  
Type: Change Order A\_V2  
Original Registered Code: 2021-DR0001

CERTIFICATION OF FUNDS

Requested on behalf: CDBG-DR Director

The Finance Division certifies the availability of the following funds:

Contracting Of: PUERTO RICO HOUSING FINANCE AUTHORITY  
Source of Funds: 14.228 CDBG Funds  
For: Amendment D to 2021-DR0022  
Change in National Objective  
70% LMI - 30% UN  
Amount: \$242,716,888.00

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The breakdown and grant of the certified funds is as follows:

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Grant	Area / Project	Activity Code	Category Description	Account	Amount
B-18-DP-72-0001	Housing	r02h22ha-doh-lm	H - Program Subsidy	6090-01-000	\$169,901,821.60
B-18-DP-72-0001	Housing	r02h22ha-doh-un	H - Program Subsidy	6090-01-000	\$72,815,066.40
					\$242,716,888.00

The above distribution of funds is subject to changes and will be allocated in accordance with the executed agreement within the parties. These funds do not affect the Puerto Rico Department of Housing (PRDOH) operational budget, and are available to be use.

If you have any questions, feel free to contact us at (787)274-2527.

Cesar Candelario Signed Date - 09/27/2022  
Electronic Approval  
Budget Manager

Nilda Baez Signed Date - 09/27/2022  
Electronic Approval  
Finance Director

*\*This transaction does not represent an overcharge of the account herein.*

# PRHFA - AMENDMENT D - SRA - HOMEBUYERS ASSISTANCE PROGRAM

Final Audit Report

2022-10-07


Created:	2022-09-28
By:	Radames Comas Segarra (rcomas@vivienda.pr.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5W3ZEpgTGicnQcwl-wAHwps0gC7oRbGH


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-  Document created by Radames Comas Segarra (rcomas@vivienda.pr.gov)  
2022-09-28 - 8:58:35 PM GMT- IP address: 196.28.53.20
-  Document emailed to blanca.fernandez@afv.pr.gov for signature  
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Signature Date: 2022-10-07 - 2:27:57 PM GMT - Time Source: server- IP address: 209.91.221.98
-  Document emailed to w.rodriguez@vivienda.pr.gov for signature  
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-  Email viewed by w.rodriguez@vivienda.pr.gov  
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-  Signer w.rodriguez@vivienda.pr.gov entered name at signing as William O. Rodríguez Rodríguez  
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Adobe Acrobat Sign

 Document e-signed by William O. Rodríguez Rodríguez (w.rodriguez@vivienda.pr.gov)  
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 Agreement completed.  
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