



HOUSING AUTHORITY

OF THE COUNTY OF KERN

Creating brighter futures...one home, one family at a time

ECONOMIC OPPORTUNITIES FOR LOW & VERY LOW- INCOME PERSONS

Jobs for Residents **Section 3 Plan**

Updated July 1, 2021

Section 3 Plan

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NOTICE OF SECTION 3 REQUIREMENTS

Please read the attached Section 3 Plan very carefully. Your cooperation is appreciated. It is your responsibility, as proposed bidder/responder, to assure compliance with the following procurement provisions. Non-compliance will result in the rejection of submitted bids or proposals. If there are any questions regarding Section 3 requirements, please contact:

Housing Authority of the County of Kern
601 24th Street
Bakersfield, CA 93301
(661) 631-8500
FAX: (661) 631-9500

SECTION 3 PLAN

I. PURPOSE

Section 3 is a means to foster local economic development, neighborhood economic improvement, and individual self-sufficiency through housing and community development projects funded whole or in part by the Federal Department of Housing and Urban Development (HUD). Section 3 of the HUD Act of 1968 as amended by the Housing and Community Development Act of 1992, states that it is the policy of Congress and the intent of this section to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the **greatest extent feasible**, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low- income persons.

Section 3 is the legal basis for providing jobs for residents and awarding contracts to **businesses** related to Public Housing modernization, operations and development. In the event Section 3 covered project expenditures generate economic opportunities, these economic opportunities (i.e., new employees/subcontractors) **must** be directed (i.e., give preference) to qualified Section 3 and/or Targeted Section 3 Workers (residents) **and** Section 3 business concerns. The purpose of Section 3 preferences is to be results oriented by: 1) encouraging business concerns that are not major sources of employment for low-income persons to increase their employment of these persons when economic opportunities arise from HUD financed construction related projects; and 2) promoting the growth of "profit-making" enterprises owned by low-income persons that substantially employ low-income persons with Section 3 contract awards.

II. DEFINITIONS

Employment Opportunities - With respect to Section 3 covered housing assistance, this term means **all** employment opportunities arising in connection with this Section 3 covered project **including** management and administrative jobs. Management and administrative jobs include architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, for example, construction manager, relocation specialist, payroll clerk, etc.

Fulltime - A position that is temporary, seasonal, or permanent that requires at least 1750 hours of employment on an annual basis.

Metropolitan Area - A metropolitan statistical area (MSA), as established by the Office of Management and Budget. The entire geographic area encompassed by the political boundaries of the County of Kern has been defined as the Bakersfield MSA for this Section 3 Plan.

Neighborhood Area - Has the same meaning as defined in 24 CFR 570.204(c)(1); that is [1] a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other documents as a neighborhood, village or similar geographic designation; or [2] the entire jurisdiction of a unit of general local government which is under 25,000 population; or [3] a neighborhood, village or similar geographical designation in a new community.

Lowest Responsive Bid - An acceptable bid with the lowest price that meets the minimum requirements and specifications.

Responsible Bidder - A bidder, who, at the minimum, is licensed, bonded, insured, capable and reliable.

Section 3 Worker – (Housing and Community Development Financial Assistance) – {includes RAD, CDBG and Home Funds} any worker who currently meets (or) when hired within the past five years, meet at least one of the following [1] low- or very low-income, as established by HUD's income limits; [2] employed by a Section 3 business concern or [3] the worker is a YouthBuild participant.

Targeted Section 3 Worker –

(Public Housing Financial Assistance) – {includes operating and capital funds} a Section 3 Worker who [1] is employed by a Section 3 business concern; (or) a worker who currently or within the past-five years as documented is: [2] a resident of Public Housing or Housing Choice Voucher program (Section 8); [3] a resident of other public housing projects or Section 8 assisted housing managed by the PHA; [5] a current YouthBuild participant.

Labor Hours – hours worked by all employed with public housing financial assistance in a PHA's fiscal year.

Benchmarks (Labor Hour Benchmarks) – HUD regulated and used to reflect and monitor grantees' abilities to direct job opportunities that are generated by HUD financial assistance to Section 3 and Targeted Section 3 workers. Benchmarks are set by Federal Register Notice and amended periodically to align with reporting data HUD receives. The New Benchmark: [1] 25% or more of the total number of labor hours worked by all workers in the recipient's (PHA's) fiscal year are Section 3 Workers and [2] 5% or more of the total number of labor hours worked by all workers in recipient's fiscal year are Targeted Section 3 Workers.

Section 3 Business Concern – A business concern meeting at least one of the following criteria, documented within the last six-month period: [1] at least 51% owned and controlled by low or very low-income persons [2] over 75% of labor hours performed for the business over the prior three-month period are performed by Section 3 workers [3] at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8 assisted housing.

Section 3 Projects - any housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs. The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.

Section 3 Covered Contract - A contract or subcontract (including a professional service contract, such as for architectural or engineering services) awarded by the Housing Authority or contractor/subcontractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with this Section 3 covered project. This definition does not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, that contract **constitutes** a Section 3 covered contract.

Service Area - The geographical area in which the persons benefiting from this Section 3 covered project reside. The service area shall not extend beyond the unit of general local government in which this Section 3 covered assistance is expended.

Skilled Position - A position requiring knowledge, experience, or license in a particular trade or craft.

Unskilled Position - A position that is entry level and does not require any substantial experience or knowledge beyond the high school level.

HUD Youthbuild Program - Programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended, and provide disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very, low-income families.

III. GOALS FOR SECTION 3 RECIPIENTS AND SECTION 3 BUSINESS CONCERNS

Contractors and subcontractors may demonstrate compliance with the "greatest extent feasible" requirement of Section 3 by meeting the goals set forth herein for providing training, employment, and contracting opportunities to Section 3 and Targeted Section 3 Workers (residents) and Section 3 Business Concerns. The goals for hiring and contracting established below represent the targets for a Section 3 covered contract (contractor or subcontractor). The goals are **not** set-asides and quotas, but constitute a "safe harbor" for contractors and subcontractors on the matter of compliance with Section 3.

In evaluating compliance under this Section 3 Plan, a contractor or subcontractor that has not met the goals described below has the **burden** of demonstrating ***why it was not feasible to meet the goals identified in the Section 3 Plan***. Such justification may include statements regarding impediments encountered despite actions taken. In addition, to further demonstrate efforts taken to meet the goals, a contractor/subcontractor can indicate other economic opportunities provided to Section 3 workers or Section 3 business concerns as outlined on page 4 of **Attachment "A"**.

A. Employment and Training

Consistent with existing Federal, state, and local laws and regulations, PHAs or other recipients receiving public housing financial assistance, and their contractors and subcontractors, must make their best efforts to provide employment and training opportunities generated by the public housing financial assistance to Section 3 workers, as described in the following order of priority:

- (i) To residents of the public housing projects for which the public housing financial assistance is expended;
- (ii) To residents of other public housing projects managed by the PHA that is providing the assistance or for residents of Section 8-assisted housing managed by the PHA;
- (iii) To participants in YouthBuild programs; and
- (iv) To low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

B. Contracting

Consistent with existing Federal, state, and local laws and regulations, PHAs and other recipients of public housing financial assistance and their contractors and subcontractors, must make their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers, as described in the following order of priority:

- (i) To Section 3 business concerns that provide economic opportunities for residents of the public housing projects for which the assistance is provided;
- (ii) To Section 3 business concerns that provide economic opportunities for residents of other public housing projects or Section-8 assisted housing managed by the PHA that is providing the assistance;
- (iii) To YouthBuild programs; and
- (iv) To Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the assistance is provided.

IV. SELECTION PRIORITY FOR SECTION 3 WORKERS AND SECTION 3 BUSINESS CONCERNS

A. Selection Priority for Section 3 Workers in Training and Employment

Contractors and subcontractors shall direct their efforts to provide, to the *greatest extent feasible*, training and employment opportunities generated from the expenditure of Section 3 covered assistance to Section 3 workers in the order of priority outlined below:

1. To residents of the public housing projects for which the public housing financial assistance is expended;
2. To residents of other public housing projects managed by the PHA that is providing the assistance or for residents of Section 8-assisted housing managed by the PHA;
3. To participants in YouthBuild programs in Kern County.
4. To low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

A Section 3 worker seeking the preference in training and employment provided by this part shall certify, or submit evidences to the contractor or subcontractor, as needed. **Attachment "B"** must be filled out by potential Section 3 workers (residents) seeking the preference in training and employment outlined in the Section 3 Plan.

Attachment "B" self-certification will be one of the methods used by Housing Authority, contractors, and subcontractors to confirm eligibility for Section 3 preference. Should said certification come into question or not be appropriate due to the type of Section 3 worker (i.e., public housing tenant), Housing Authority and contractors and subcontractors may request other evidence of eligibility for the preference, such as evidence of receipt of public assistance or evidence of participation in a public assistance program. **Attachment "B"** for

each Section 3 worker (resident) **must be submitted** no later than the **commencement of work under the contract**. Should a contractor submit a bid and be awarded a contract predicated on labor hours for Section 3 and/or Targeted Section 3 workers (residents), and does not provide evidence prior to commencement of work that this requirement was met, the contractor may be deemed by the Housing Authority to be in non-compliance of federal requirements and therefore, in breach of contract and subject to contract rescission.

(Please note that nothing in the Section 3 Plan shall be construed to **require** the employment of a Section 3 and/or Targeted Section 3 worker (resident) who does not meet the background and qualifications of the position to be filled.)

B. Selection Priority for Section 3 Business Concerns in Contracting

Contractors and subcontractors shall direct their efforts to award Section 3 covered contracts, to the greatest extent feasible, to Section 3 business concerns in the order of priority outlined below:

1. To Section 3 business concerns that provide economic opportunities for residents of the public housing projects for which the assistance is provided;
2. To Section 3 business concerns that provide economic opportunities for residents of other public housing projects or Section-8 assisted housing managed by the PHA that is providing the assistance;
3. Applicants selected to carry out HUD YouthBuild programs; and
4. To Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the assistance is provided.

The form provided as **Attachment "C"** must be used by contractors and subcontractors to obtain certification as a Section 3 business concern and to seek the preferences in contract or subcontract award provided in this Section 3 plan. This attachment, along with the required documentation, **must** be submitted by the **bid deadline**. Once certified by the Housing Authority, businesses are only required to submit documentation annually to maintain certification as a Section 3 business concern. The Housing Authority will publish a list of current certified Section 3 business concerns on its website at www.kernha.org.

V. LIST OF SECTION 3 COMPLIANCE DOCUMENTS TO BE SUBMITTED WITH BID (CONTRACTS OVER \$200,000)

Attachment A - Section 3 Economic Opportunity Plan

Attachment C - Section 3 Business Concern Certification

Attachment F - Resident Employment/Business Utilization Bidder's Certification

(**Attachments A, C, and F** must be satisfactorily completed as part of an acceptable bid. These Attachments provide important information as to the bidder's Section 3 strategy.)

VI. SECTION 3 EQUAL OPPORTUNITY PLAN (EOP)

All bidders on contracts over \$200,000 must complete the Section 3 EOP (**Attachment "A"**) and **return** it with your bid. Part of the Section 3 EOP requires bidders to complete a preliminary statement of your workforce needs for the activity, broken out by trade for all skilled, semi-skilled, and unskilled labor and trainee categories, **regardless** if labor hours will be generated. This statement should include the anticipated workforce needs of any subcontractor you intend to use where this is known; where this is known, this information should be obtained from the subcontractor **before** any subcontract is awarded.

If your firm is selected for a contract that will generate economic opportunities as a result of a Section 3 covered project, you will be required to meet appropriate goals for selecting Section 3 area residents/businesses to fill the project workforce needs. Furthermore, if your firm is awarded a contract but fills its new positions with non-Section 3 area residents/businesses prior to the signing of a contract, you must be prepared to demonstrate that this was not done to circumvent these requirements. If Section 3 requirements are purposely circumvented as a means to acquire an award, the project contract will be deemed null and void.

In meeting these low-income resident employment requirements, contractors and subcontractors may wish to consider using the employment/job development services of the agencies listed below as well as other agencies and centers that serve the economically disadvantaged within the project area:

Employers Training Resource (ETR) - (661) 336-6893

State Employment Development Department (EDD) - (800) 300-5616

Housing Authority of Kern County – Resident Initiatives - (661) 631-8500

Small Business Development Center - (661) 654-2856

Kern, Inyo and Mono Counties Central Labor Council - (661) 324-6451

Bakersfield Homeless Center (Bethany Services) - (661) 322-9199

Kern Minority Contractors Association – (661) 324-7535

ETR and EDD can provide names of potentially qualified Section 3 residents. The Housing Authority and Bethany Services can provide names of qualified Section 3 residents who are public housing tenants and homeless, respectively. The Kern, Inyo and Mono Counties Central Labor Council can potentially provide names of unemployed Section 3 residents skilled in the building trades. The Small Business Development Center and the Kern Minority Contractors Association are able to provide technical assistance to potential Section 3 businesses.

Contractors will also be required, to the greatest extent feasible, to award subcontracts to business firms located in or owned in substantial part by residents of the project area.

If your company should be awarded a Section 3 covered contract under this project, you will be required to give notice to all labor organizations with which

you have an agreement that you have made this commitment. This notice should also be posted at your place of business and at the job site. A sample notice of this type is provided for your reference in this section.

In order for your bid to be acceptable under this provision, you should be certain that you understand the attached Section 3 clause (**Attachment "D"**) which is to be inserted in all Section 3 covered contracts and subcontracts. This clause commits the contractor to provide, to the greatest extent feasible, training and employment opportunities to lower-income residents living in the project area (see attached census tract map). A low-income resident is defined by their household annual gross income and household size (**Attachment "E"**). The Resident Employment Bidder's Certification Form (**Attachment "F"**) states you understand this Section 3 requirement. This form **must** be completed by you, signed by an authorized representative of your company and returned with your bid.

VII SECTION 3 CONTRACT COMPLIANCE

Minimum compliance with Section 3 is determined by meeting goals for training and contracting by contractors and subcontractors for Section 3 covered projects. In evaluating compliance under Section 3, a contractor or subcontractor that has not met the appropriate goals has the burden of demonstrating why it was not feasible to meet the goals described in the Section 3 Plan. This would include documentation that every feasible attempt was made to notify, encourage and facilitate job and contracting opportunities to Section 3 residents and business concerns.

The written records of Section 3 covered project contractors and subcontractors will be reviewed by the Housing Authority as a means of establishing compliance or non-compliance with Section 3 requirements. Contractors and subcontractors who receive Section 3 contracts found to be in **non-compliance** will be deemed to be **ineligible** for future Section 3 covered projects for a minimum period of **24 months** from the date deemed to be in non-compliance. **Attachment "H"** identifies a form that is required for **actual** labor hours created in connection with assisted section 3 projects. Satisfactory submission of **Attachment "H"** with each request for payment is a **prerequisite** in order for Housing Authority to authorize payment on a Section 3 covered project.

Attachment "I" identifies acceptable methods that, when documented, demonstrate compliance with Section 3. **Attachment "J"** identifies a sample notice for project area resident employment commitment. **Attachment "K"** provides a sample description of job categories connected with Section 3 covered projects.

Note: Labor Union Relationships and Section 3

Some contracting firms choose to enter into business agreements with labor unions. These agreements may sometimes appear to be inconsistent with Section 3 requirements. However, it is important to note that labor union agreements do not take precedence over laws established by the federal government of the United States. ***In other words, it would not be correct for labor unions to suggest that their signatories not comply with federal regulations when such regulations are incompatible with the terms of the union-signatory agreement.***

VIII COMPLAINT PROCEDURE

A complaint may be filed alleging a violation of Section 3 requirements. They may be filed by Section 3 residents and Section 3 business concerns. Complaints are investigated by HUD and where appropriate, voluntary resolutions are sought. Those grievances that are not resolved voluntarily can result in an administrative hearing.

A complaint should be written upon the enclosed complaint register (**Attachment "L"**).

Complaints should be filed with the Housing Authority and, if warranted, may be appealed to the Area Office of HUD (LA Area) or Washington D.C. HUD.

Addresses:

1. Housing Authority of the County of Kern
Facilities Management Department
601 24th Street, Bakersfield, CA 93301
[661] 631-8500; FAX - [661] 631-1015
2. HUD LA Area Office, Region IX
Director, Fair Housing and Equal Opportunity
U.S. Dept. of Housing and Urban Development
611 West 6th Street
Los Angeles, CA. 90017 (213) 894-8000 FAX: (213) 894-8096
3. HUD Washington
Assistant Secretary, Fair Housing and Equal Opportunity
Room 5100, Dept. of HUD
451 Seventh St., S.W.
Washington, D.C. 20410-2000 (202) 708-2251

IX. ATTACHMENTS & MAPS (SEE ATTACHED INFORMATION.)

Attachments:

- A - Section 3 Economic Opportunity Plan
- B - Section 3 Certification of Residency (***Must be submitted prior to commencement of work***)
- C - Section 3 Business Concern Certification (***Part of Bid Submission***)
- D - Section 3 Clause
- E - Section 3 Resident Family Income Limits
- F - Resident Employment/Business Utilization Bidder's Certification Form (***Part of Bid Submission***)
- H - Actual Labor Hours in Connection with Section 3 Covered Projects. (***To be Submitted with Each Payment Request***)
- I - Examples of Efforts to Offer Training & Employment Opportunities to Section 3 and/or Targeted Section 3 Workers (Residents)
- J - Sample Notice for Project Area Resident Employment Commitment
- K - Sample Description of Job Categories for Section 3 Plan
- L - Complaint Register

SECTION 3 ECONOMIC OPPORTUNITY PLAN

Housing Authority of the County of Kern
601 24th Street, Bakersfield, CA 93301
(661) 631-8500 FAX: (661) 631-1015

Date: _____ Project Name: _____

Name of Bidder/Organization: _____

Address of Bidder/Organization: _____

Contact Person/Title: _____ Contact's Title: _____

Project Address: _____

A. Economic Opportunities for Local Businesses and Lower Income Persons

Preliminary Statement of Projected Workforce Hours

Entity	Total # of Labor Hours Needed to Complete This Project	Total # of Labor Hours to be completed by Section 3 Workers (not targeted)	Total # of Labor Hours to be completed by Targeted Section 3 Workers
General Contractor			
Subcontractors			
Totals			

B. Business Concerns to Be Hired

Will subcontractor(s) be needed to complete this project? Yes ____ No ____ N/A ____

(Note: If your firm does not plan to hire subcontractors/vendors who install materials on the construction site of this project please state N/A.)

This Item to be Submitted with Bid

ATTACHMENT "A"

List subcontractors and vendors who install materials on the construction site you plan to use regardless of contract amount (specify trade, name, license number and phone number).

Trade	Name	License #	Phone	Section 3?

C. If the Benchmarks are projected to not be met, report below on efforts to meet the benchmark:

1. Outreach efforts to generate job applicants who are Targeted Section 3 workers:

2. Training or apprentice opportunities:

3. Job fairs:

4. Outreach to identify and secure bids from Section 3 Business Concerns, including technical assistance:

Submit Prior to Commencement of Work
ATTACHMENT "B"

SECTION 3 CERTIFICATION OF RESIDENCY FORM

This form is to be completed by the public housing resident (or) low- or very low- income person who lives in the area of the Section 3 Covered Project and who has a household income that does not exceed HUD's income limits as described below.

All persons claiming Section 3 Resident status must complete this form in order to comply with Section 3 reporting requirements of the Housing and Urban Development Act of 1968.

PART I: EMPLOYEE INFORMATION (to be completed by Section 3 Resident)	
Name:	Check all that apply: <input type="checkbox"/> Live in public housing <input type="checkbox"/> HUD Youth Build Program participant <input type="checkbox"/> Income qualified non-public housing resident <input type="checkbox"/> Section 8 participant <input type="checkbox"/> Recipient of other federal assistance Specify type: _____
Address:	
Public Housing Site of Residence:	
Phone Number:	Email Address:
Registered apprentice: YES <input type="checkbox"/> NO <input type="checkbox"/> If yes what level: _____ (Attach the Department of Labor Issued Apprentice Certificate)	

PART II: INCOME INFORMATION (to be completed by Section 3 Resident)		
Find the line that corresponds to the number of people in your household. If the annual household income of your home is <u>within</u> or <u>below</u> the range shown for the number of people in your household, you qualify as a Section 3 Worker. Check the column accordingly. Public housing residents qualify regardless of if they meet the below income requirements.		
Income Eligibility Guideline (FY 2021 Kern County HUD Income Limits)		
Number in Household	Low Income	Check
1	\$39,150	<input type="checkbox"/>
2	\$44,750	<input type="checkbox"/>
3	\$50,350	<input type="checkbox"/>
4	\$55,900	<input type="checkbox"/>
5	\$60,400	<input type="checkbox"/>
6	\$64,850	<input type="checkbox"/>
7	\$69,350	<input type="checkbox"/>

The undersigned declares that the above information is true and correct.

Employee/Section 3 Resident Signature: _____ **Date:** _____

PART III: EMPLOYER AND PROJECT INFORMATION (to be completed by Contractor/Vendor)		
Company Name:	Contract No:	Project Name and Location:
PART IV: EMPLOYMENT VERIFICATION (to be completed by Contractor/Vendor)		
Position Title:	Hire Date:	End Date:
Benefits:	Number of Hours Per Week:	Total Number of Hours Worked:
Permanent YES <input type="checkbox"/> NO <input type="checkbox"/> Temporary YES <input type="checkbox"/> NO <input type="checkbox"/>	Hourly Rate:	Employee Social Security No.:

Your signature below validates the entries completed in parts III and IV as true and correct, based on your payroll records and personnel file.

Name: _____ **Signature** _____ **Date** _____

The undersigned swears that the foregoing statements are true and correct and understands that false statements may initiate action under Federal or State laws concerning false statements

**CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3
PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY
HOUSING AUTHORITY OF THE COUNTY OF KERN**

The undersigned acknowledges by this certification its understanding that the project is subject to the Section 3 Plan which warrants that employment and other economic opportunities generated by certain United States Department of Housing and Urban Development (HUD) financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low-and very-low income persons, particularly those who are recipients of assistance for housing.

In reliance of that said warranty, any intent by a firm to claim the preference to be given to business concerns providing economic opportunities to low- or very low-income persons is hereby certified by the undersigned by virtue of any applicable statements selected below:

- The firm is at least 51% owned and controlled by low or very low-income persons
- Over 75% of labor hours performed for the business over the prior three-month period are performed by Section 3 workers
- The firm is at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8 assisted housing

** Under the New Rule, Section 3 Businesses can no longer receive IFB Bid Preference. However, PHAs and other recipients must make their best efforts to contract with Section 3 Businesses in a priority order (24 CFR Part 75.9 and 75.19) While the numerical goals for Section 3 Business contracting are eliminated, maintaining a Section 3 Business Registry and contracting with Section 3 Businesses remains important to meet the benchmark labor hours required in the New Rule. (Source: <https://hapaorg1.starchapter.com>)

Please attach the following documentation as evidence of status:

For business claiming status as a Section 3 resident-owned enterprise:

Copy of resident lease	Copy of receipt of public assistance
Copy of evidence of participation in a public assistance program	Other evidence

For business entity as applicable:

Copy of Articles of Incorporation	Certificate of Good Standing
Assumed Business Name Certificate	Partnership Agreement
List of owners/stockholders and % ownership of each	Corporation Annual Report
Organization chart with names and titles and brief function statement	Latest Board minutes appointing officers
	Additional documentation

For business claiming Section 3 status based on 75% or more of their labor hours performed by Section 3 and/or Targeted Section 3 Workers (OR) were Section 3 eligible residents within 5 years of date of first employment with the business:

List of all current full-time employees and total labor hours

Housing Authority residential lease less than 5 years from day of employment

List of employees claiming Section 3 status and total number of Section 3 / Targeted Sec. 3 labor hours (should equal to 75% for Sec. 3)
Other evidence of Section 3 status less than 5 years from date of employment

The undersigned swears that the foregoing statements are true and correct and understands that false statements may initiate action under Federal or State laws concerning false statements.

Signature: _____

Date: _____

Title: _____

Print Name: _____

Name of Firm: _____

Business Address: _____

Phone: _____

Business License Number: _____

Contractor's License Number: _____

SUBMIT WITH BID

ATTACHMENT "C"

SECTION 3 PROVISIONS*

- A. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The contractor will send to each labor organization or representative of workers with which they have a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or worker's representative of their commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

* To be inserted into every subcontract for work.

ATTACHMENT "D"

**SECTION 3
RESIDENT FAMILY INCOME LIMITS**

Bakersfield and Kern County
Metropolitan Statistical Area

(FY 2020 Median Family Income = \$56,600)

Income Based on Household Size

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Low Income	\$39,150	\$44,750	\$50,350	\$55,900	\$60,400	\$64,850	\$69,350	\$73,800
Very Low Income	\$24,500	\$28,000	\$31,500	\$34,950	\$37,750	\$40,550	\$43,350	\$46,150

Date: April 1, 2020

ATTACHMENT "E"

**RESIDENT EMPLOYMENT/BUSINESS
UTILIZATION BIDDERS CERTIFICATION**

Name of Company: _____

Address: _____

Project Title: _____ Project Number: _____

This is to certify that I have read and understand the resident employment/business utilization requirements that apply to the above cited project, said requirements being known as the Section 3 Clause found in 24 CFR 135 and that the _____ is under no contractual
(name of company)
restrictions or other disability which would prevent it from complying with said requirements.

Signature of Company Officer: _____

Print Name: _____

Title of Officer: _____

Date: _____

**SUBMIT WITH BID
ATTACHMENT "F"**

MONTHLY SECTION 3 REPORT

Housing Authority of the County of Kern

Instructions for Completion

Project Name and Number: _____

Prime Contractor Report Must Include Total Labor Hours for all Sect. 3 Qualified Employees and Report Cumulative Fiscal Year (July - June) to Date Information

Part I : Employment and Training Opportunities

- Column A:** Contains various job categories. Professionals are defined as people who have special knowledge of an occupation (i.e., supervisors, architects, surveyors, planners, and computer programmers). For construction positions, list each trade and provide data in columns B through F for each trade where persons were employed. The category of "Other" includes occupations such as service workers.
- Column B:** Enter the number of total labor hours for each category of workers identified in **Column A** in connection with this project. "Total Labor Hours Worked" are all hours worked by employees, or employees of contractors, funded by covered funds (public housing operating or capital).
- Column C:** Enter the number of Section 3 Labor Hours Worked for each category of workers identified in **Column A** in connection with this project. "Section 3 Labor Hours Worked" are the subset of the total hours worked by a Section 3 Worker (generally low or very low-income at time of hire).
- Column D:** Enter the number of Targeted Section 3 Labor Hours Worked for each category of workers identified in **Column A** in connection with this project. "Targeted Section 3 Labor Hours Worked" are the subset of **Column C** that are hours worked by recipients of housing assistance, and other criteria.
- Column E:** Please mark a selection for **Column E** based on HUD Labor Hour Benchmark Goals

EMPLOYMENT & TRAINING OPPORTUNITIES
Prime Contractor Report Must Include Total Labor Hours for all Section 3
Subcontractors

Project Name and Number: _____

Contractor Name & Address: (Street, Housing Authority, State, Zip):	License Number:	Dollar Amount of Contract:
	Contact Person:	Phone: (Include Area Code)
	Reporting Period:	Date Report Submitted:

Part I: Employment and Training (Include Labor Hours in columns B, C, & D.)**

A Job Category	B Total Number of Labor Hours	C Number of Labor Hours worked by Section 3 Worker(s)	D Number of Labor Hours Worked by Targeted Section 3 Worker(s)	E** Did the reporting agency meet the Safe Harbor Benchmark Goal? (Y/N)
Professionals				
Technicians				
Office/Clerical				
Construction by Trade (List)				
Trade:				
Trade:				
Trade:				
Trade:				
Trade:				
Other (List)				
Total				Yes / No

SUBMIT MONTHLY
ATTACHMENT "H"

Part II: Summary - Cumulative to Date Reporting Required

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. (Check all that apply.)

- _____ Attempted to recruit low-income residents through: contacting Housing Authority Resident Initiatives, local advertising media, signs prominently displayed at the project site, contacts with community organizations and public or private agencies operating within the metropolitan area (or non-metropolitan county) in which this Section 3 covered project is located, or similar methods.
- _____ Participated in a HUD program or other program which promotes the training or employment of Section 3 Residents.
- _____ Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 Business Concerns.
- _____ Other; describe below or on additional attached pages if required.

**SUBMIT MONTHLY
ATTACHMENT "H"**

Following are acceptable methods that, when documented, demonstrate compliance with Section 3:

Efforts to Offer Training and Employment Opportunities to Section 3 and Targeted Section 3 Workers (residents) That Demonstrate Compliance with the "Greatest Extent Feasible" Requirement of Section 3.

- (1) Consulting with State and local agencies administering training programs funded through WIA, probation and parole agencies, unemployment compensation programs, community organizations and other officials or organizations to assist with recruiting Section 3 and Targeted Section 3 Workers for a contractor's or subcontractor's training and employment positions.
- (2) Advertising the jobs to be filled through the local media.
- (3) Employing a job coordinator, or contracting with a business concern that is licensed in the field of job placement (preferably a Section 3 Business Concern) that will undertake efforts to match eligible and qualified Section 3 and Targeted Section 3 Workers with the training and employment positions that the contractor intends to fill.
- (4) Establishing training programs, which are consistent with the requirements of the Department of Labor, for Section 3 and Targeted Section 3 Workers in the building trades.
- (5) Advertising the training and employment positions by distributing flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) to housing developments where category 1 or category 2 persons reside.
- (6) Entering into "first source" hiring agreements with organizations representing Section 3 and Targeted Section 3 Workers.
- (7) Contacting resident council, resident management corporations, or other resident organizations, where they exist, in the housing developments where category 1 or category 2 persons reside, to request the assistance of those organizations in notifying residents of the training and employment positions to be filled.
- (8) Sponsoring a job informational meeting to be conducted at a location in the housing developments where category 1 or category 2 persons reside or in the neighborhood or service area of the Section 3 covered project.
- (9) Arranging assistance in conducting job interviews and completing job applications for residents of the housing developments where category 1 or category 2 persons reside and in the neighborhood or service area in which a Section 3 project is located.
- (10) Arranging for a location in the housing developments where category 1 or category 2 persons reside, or the neighborhood or service area of the project, where job applications may be delivered and collected or where job interviews can be conducted.
- (11) Where there are more qualified Section 3 and Targeted Section 3 Workers than there are positions to be filled, maintaining a file of eligible qualified Section 3 and Targeted Section 3 Workers for future employment positions.
- (12) Undertaking such continued job training efforts as may be necessary to ensure the continued employment of Section 3 and Targeted Section 3 Workers previously hired by for employment opportunities.

ATTACHMENT "I"
Continued

Efforts to Award Contracts to Section 3 Business Concerns That Demonstrate Compliance with the "Greatest Extent Feasible" Requirement of Section 3.

- (1) In determining that responsibility of potential subcontractors, consider their record of Section 3 compliance as evidenced by past actions and their current plans for the pending subcontract.
- (2) Contacting business assistance agencies, minority contractors' associations and community organizations to inform them of contracting opportunities and request their assistance in identifying Section 3 businesses which may solicit bids or proposals for contracts for work in connection with Section 3 covered assistance.
- (3) Providing written notice to all known Section 3 Business Concerns of the contracting opportunities. This notice should be in sufficient time to allow the Section 3 Business Concerns to respond to the bid invitations or request for proposals.
- (4) Following up with Section 3 Business Concerns that have expressed interest in the contracting opportunities by contacting them to provide additional information on the contracting opportunities.
- (5) Coordinating pre-bid meetings at which Section 3 Business Concerns could be informed of upcoming contracting and subcontracting opportunities.
- (6) Advising Section 3 Business Concerns as to where they may seek assistance to overcome limitations such as inability to obtain bonding, lines of credit, financing, or insurance.
- (7) Arranging solicitations, times for presentations of subcontract bids, quantities, specifications, and delivery schedules in ways to facilitate the participation of Section 3 Business Concerns.
- (8) Where appropriate, breaking out subcontract work items into economically feasible units to facilitate participation by Section 3 Business Concerns.
- (9) Advertising subcontracting opportunities through trade association papers and newsletters, and through other local media, such as newspapers of general circulation.
- (10) Developing a list of eligible Section 3 Business Concerns.

Providing Other Economic Opportunities

Contractors and subcontractors are encouraged to undertake efforts to provide to low-income persons economic opportunities other than training, employment, and contract awards, in connection with Section 3 covered assistance.

Other Training and Employment Related Opportunities: These include, but need not be limited to, use of trainee positions to fill vacancies; and hiring Section 3 and/or Target Section 3 Workers in part-time positions.

Other Business-Related Economic Opportunities: Such opportunities include, but are not limited to, the formation of Section 3 joint ventures, financial support for affiliating with franchise development, use of labor only contracts for building trades, purchase of supplies and materials from Housing Authority resident-owned businesses, and purchase of materials and supplies from Public Housing Authority resident-owned businesses.

ATTACHMENT "I"

SAMPLE NOTICE OF PROJECT AREA EMPLOYMENT COMMITMENTS

INSTRUCTIONS

The Section 3 Project Area Employment regulations require that a notice similar to this sample be sent by all firms awarded a contract on this project to any labor organizations with which it has a collective bargaining agreement or other agreement or understanding. If awarded a contract, you will be required to submit a notice of this type and to post it in a prominent place available to your employees. This notice should be retyped on your company's letterhead.

S A M P L E

TO WHOM IT MAY CONCERN:

The *(NAME OF COMPANY)* has entered into an agreement with the Housing Authority for work to be performed at *(SITE OF WORK)*. This project is funded in part by the U.S. Department of Housing and Urban Development (HUD) and as such is subject to the terms of Section 3 of the Housing and Urban Development Act of 1968, 12 USC 1701u. As a contractor or subcontractor on this project, and pursuant to the provisions of Section 3, the *(NAME OF COMPANY)* is committed to utilizing Section 3 and/or Target Section 3 Workers (residents) within the covered project area as employees and trainees to the greatest extent feasible. In addition, the *(NAME OF COMPANY)* will utilize to the greatest extent feasible business concerns located in or owned in substantial part by Section 3 and/or Target Section 3 Workers in the covered project area.

It is the intention of the *(NAME OF COMPANY)* to fulfill its obligations under Section 3.

Signature of Authorized Company Representative

ATTACHMENT "J"

SAMPLE DESCRIPTION OF JOB CATEGORIES FOR SECTION 3 PLAN

Officials/Managers - Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. Includes: officials, executives, middle management, plant managers, superintendents, salaried foreman.

Professionals - Occupations requiring either college graduation or experience of such kind that provides a comparable background. Includes: accountants, chemists, architects, engineers, personnel workers, registered nurses, teachers, lawyers, auditors.

Technicians (Para-professionals) - Workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work which can be obtained through about two years of post-high school education or through equivalent on-the-job training (e.g., computer programmers, draft persons, engineering aides, junior engineers, nurses, nurse's aides, assistants, surveyors, buyers).

Sales - Occupations engaging wholly or primarily in direct selling (e.g., advertising agents, brokers, sales clerks).

Office/Clerical - Includes all clerical-type work regardless of level of difficulty (e.g., bookkeepers, office clerks, typists, telephone operators, non-management).

Skilled Craft Workers - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work (e.g., auto attendants, laundry operators, truck drivers).

Operatives (Semi-skilled workers) - Workers who operate machines or processing equipment or perform other factory-type building trades, truck drivers).

Laborers (Unskilled workers) - Workers in manual occupations which generally require no special training (e.g., laborers, helpers, car washers, gardeners, elevator operators).

Service Workers - Workers in both protective and non-protective service occupations (e.g., police, firefighters, guards, waiters, waitresses, porters).

Apprentices/Trainees - Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered and apprenticeship, regardless of whether the program is registered with a Federal or State agency).

ATTACHMENT "L"

Complaint Register

Under Section 3 of the Housing
And Urban Development Act of 1968

U.S. Department of Housing and Urban Development

Office of Fair Housing
and Equal Opportunity

OMB Approval No. 2529-0043 (revised)

(Expires 11/30/2018)

Instructions: This form is to be used to report allegations of noncompliance with Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations at 24 CFR Part 135.

1. Complainant Information:	
Name of Complainant (Person or organization)	Home Phone
Street Address	Work Phone
City, State, Zip code	
Email Address:	

2. You are: (check all that apply)	
<input type="checkbox"/> Low/Very Low Income Person	<input type="checkbox"/> Section 3 Business
<input type="checkbox"/> Public Housing Resident	<input type="checkbox"/> A Representative of a Section 3 Business
<input type="checkbox"/> HUD Youthbuild Participant	<input type="checkbox"/> Other: _____
<input type="checkbox"/> A Representative of any of the above listed Individuals (Such as: a Low-Income Person or Public Housing Resident)	

3. Basis for alleged noncompliance with Section 3:			
<input type="checkbox"/> Denied Training	<input type="checkbox"/> Denied Employment	<input type="checkbox"/> Denied Contracting	<input type="checkbox"/> Other (see below in item 6)

4. Complaint is against: (check one or more boxes)			
<input type="checkbox"/> Recipient of HUD Funds (Such: as a PHA, city/county agency, etc.)	<input type="checkbox"/> Contractor	<input type="checkbox"/> Subcontractor	<input type="checkbox"/> Other (please specify): _____

5. Who is this complaint being filed against?	
Name of agency, organization, or company:	Business Phone
Street Address	
City, State, Zip code	
Name and identify others (if any) who allegedly violated Section 3 in this case:	

6. How did the HUD recipient, contractor, or subcontractor violate the requirements of Section 3?
 (Check all that apply – provide documentation, if available)

HUD Recipient	Contractor and/or Subcontractor
<input type="checkbox"/> Failed to notify Section 3 businesses about contracting opportunities <input type="checkbox"/> Failed to incorporate the Section 3 Clause into covered Section 3 bid solicitations or contracts <input type="checkbox"/> Failed to provide priority consideration to Section 3 businesses for covered contracting opportunities <input type="checkbox"/> Failed to select Section 3 businesses in accordance with the order of priority consideration as set forth in 24 CFR 135.36 <input type="checkbox"/> Failed to award contracts to Section 3 businesses <input type="checkbox"/> Failed to ensure that its contractors/ subcontractors complied with Section 3 requirements <input type="checkbox"/> Knowingly entered into contracts with contractors/ subcontractors that failed to comply with Section 3 requirements <input type="checkbox"/> Failed to notify Section 3 residents about training and/or employment opportunities <input type="checkbox"/> Failed to provide priority consideration to Section 3 residents for employment or training opportunities <input type="checkbox"/> Failed to select Section 3 residents for training or employment opportunities in accordance with the order of priority consideration set forth in 24 CFR 135.34 <input type="checkbox"/> Failed to hire Section 3 residents for new employment opportunities <input type="checkbox"/> Retaliated against the complainant because complainant sought to enforce Section 3 requirements or participated in an investigation or proceeding regarding Section 3 <input type="checkbox"/> Other <hr/>	<input type="checkbox"/> Failed to certify that all employment vacancies filled prior to contract execution were not filled to circumvent Section 3 <input type="checkbox"/> Failed to notify potential subcontractors about Section 3 requirements <input type="checkbox"/> Failed to post notices at the work site regarding Section 3 requirements in accordance with the Section 3 Clause <input type="checkbox"/> Failed to send to each labor organization or representative of workers a notice of Section 3 obligations in accordance with the Section 3 Clause <input type="checkbox"/> Failed to ensure that its subcontractors complied with Section 3 <input type="checkbox"/> Failed to train and/or hire Section 3 residents for new employment opportunities <input type="checkbox"/> Failed to provide priority consideration to Section 3 residents for employment or training opportunities in accordance with 24 CFR Part 135.34 <input type="checkbox"/> Failed to ensure that contracts awarded to subcontractors included the Section 3 Clause <input type="checkbox"/> Failed to award subcontracts to Section 3 businesses <input type="checkbox"/> Failed to award subcontracts to Section 3 businesses in accordance with the order of priority consideration set forth in 24 CFR 135.34 <input type="checkbox"/> Retaliated against the complainant because complainant sought to enforce Section 3 requirements or participated in an investigation or proceeding regarding Section 3 <input type="checkbox"/> Other <hr/>

7. **When did the act(s) checked above occur?** (Include the most recent date if several dates are involved):

____/____/____
Month Day Year

* The date of the last alleged violation or occurrence must be less than 180 days from the date of submission to HUD.

8. **Project name or location where alleged violation occurred?** (If applicable):

Project Name (if applicable): _____ Project Number: _____

Project Location: _____

Local Contracting Agency (LCA): _____

9. **Identify the type of HUD funding used by the HUD funding recipient, organization, or contractor that this complaint is filed against:** (Check all that apply)

<input type="checkbox"/> PIH Operating Subsidy	<input type="checkbox"/> Other PIH Assistance	<input type="checkbox"/> Neighborhood Stabilization Program (NSP) Assistance	<input type="checkbox"/> Section 811 Supportive Housing for the Disabled
<input type="checkbox"/> PIH Capital Fund Subsidy	<input type="checkbox"/> Community Development Block Grants (CDBG)	<input type="checkbox"/> Other Community Development Assistance	<input type="checkbox"/> Project Based Housing Vouchers
<input type="checkbox"/> Choice Neighborhood Initiative Grant	<input type="checkbox"/> HOME Investment Partnership Funding	<input type="checkbox"/> Lead-Based Paint	<input type="checkbox"/> Other HUD Housing Assistance
<input type="checkbox"/> HOPE VI Grant	<input type="checkbox"/> McKinney Homeless Assistance	<input type="checkbox"/> Section 202 Supportive Housing for the Elderly	<input type="checkbox"/> Other Covered HUD Funding

10. Description of act(s) or incident(s) involving alleged violation of Section 3:

Summarize what happened? Attach additional information if necessary

11. Declaration Statement

I declare under penalty of perjury that I have read this complaint (including any attachments) and that all information is accurate and correct.

Signature

Date

Section 3 of the Housing and Urban Development Act of 1968

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB number.

The information is given voluntarily and provides the basis for HUD's investigation of the complaint to determine if the allegations of noncompliance are valid. The Department will use the information provided as the basis for its determination of jurisdiction over a complainant's allegations. All information collected complies with the Privacy Act of 1974 and OMB Circular A-108. The information is unique to the processing of complaints alleging noncompliance with the Section 3 statute or implementing regulations. The information collected on this form will only be used by HUD during the investigation and resolution of complaints and will not be shared with persons or parties that are not directly involved with the complaint.

What is Section 3 of the Housing and Urban Development Act of 1968?

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 requirements ensure that *when* new jobs or contracts are created during the usage of certain HUD funds, priority consideration is given to low- and very low-income persons residing in the community in which the funds are spent (regardless of race or gender), and to the businesses that substantially employ these persons.

Who are Section 3 residents and businesses?

Section 3 residents are:

- Public housing residents; or
- Persons who live in the area where a HUD-assisted project is located and who have a household income that falls below HUD's income limits for low- and very low-income.

Please visit: <http://www.huduser.org/portal/datasets/il.html> to determine the income limits for residents of your community.

A Section 3 business is one that meets one of the following criteria:

- Is 51 percent or more owned by Section 3 residents;
- Employs Section 3 residents for at least 30 percent of its full-time, permanent staff; or
- Provides evidence of a commitment to subcontract to Section 3 business concerns, 25 percent or more of the dollar amount of the awarded contract.

What HUD funding does Section 3 cover?

Section 3 applies to any of the following:

- A. Public and Indian Housing programs that receive: (1) Annual contributions for low income housing projects provided pursuant to section 5 of the U.S. Housing Act of 1937, as amended by the Quality Housing and Work Responsibility Act of 1998 (QHWRA); (2) Capital Fund Project assistance provided pursuant to Section 9 of QHWRA; (3) Operating Subsidy assistance provided pursuant to Section 9 of QHWRA.
- B. Housing and community development assistance extended for: (1) housing rehabilitation (including reduction and abatement of lead based paint hazards); (2) housing construction or (3) other public construction projects; and for which the contract and subcontract exceeds \$100,000; and
- C. Certain competitive HUD grant funding, such as: HOPE VI, Choice Neighborhoods, etc.).

What can you do about violations of the Law?

Remember, Section 3 applies to the awarding of jobs, training programs, and contracts, generated from projects receiving HUD financial assistance. If you believe that, as a low-income person or a Section 3 business concern, the responsibilities to provide economic opportunities under Section 3 have been violated, you have a right to file a complaint within **180 days** of the last alleged occurrences of noncompliance.

Complaints alleging violations of the Section 3 regulatory requirements must be submitted to the appropriate HUD Regional Office of Fair Housing and Equal Opportunity listed below. Please be certain to sign and date this form, where indicated, to ensure prompt complaint processing.

HUD will send the complaint to the appropriate HUD recipient for resolution. If resolution by the recipient fails, HUD will investigate. If HUD finds that the complaint has merit, it will try to end the violation by informal resolution. If conciliation fails, HUD may initiate other steps to enforce the law, including but not limited to suspension and debarment of the recipient or contractors as applicable.

You can obtain assistance in learning about more Section 3 by visiting www.hud.gov/section3 or by contacting one of the HUD's Regional Offices of Fair Housing and Equal Opportunity.

Authority: Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1968, as amended by the Housing and Community Development Act of 1992, U.S.C. 1701u and implementing regulations at 24 CFR Part 135.

Purpose: The information requested on this form is to be used to investigate and process Section 3 complaints.

Use: The information requested will be used to process a complaint filed under Part 135. HUD may disclose certain information for Federal, State, and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law.

Penalty: Failure to provide some or all of the requested information will result in delayed processing or rejection of this complaint for investigation.

Privacy Act of 1974 (P.L.93-579)

All information collected is provided voluntarily and complies with the Privacy Act of 1974 and OMB Circular A-108. The information is unique to the processing of complaints alleging noncompliance with the Section 3 statute or implementing regulations. The information collected on this form will only be used by HUD during the investigation and resolution of complaints and will not be shared with persons or parties that are not directly involved with the complaint.

Instructions for completing the Section 3 Complaint Register

- Box 1:** Enter the requested information for the person that is filing the complaint (i.e., the complainant). This person must meet the definition of a Section 3 resident or business.
- Box 2:** Select the appropriate statement that describes your status as a Section 3 resident, businesses, or representative of either.
- Box 3:** Select the appropriate basis for the complaint which you are filing.
- Box 4:** Select the appropriate option that best describes the person or entity that you are filing this complaint against.
- Box 5:** Provide the name, address, and contact information for the person or entity that you are filing this complaint against.
- Box 6:** Select the statement(s) that best describe the alleged actions or omissions undertaken by the person or entity that you are filing this complaint against that are in violation of the requirements of Section 3. If you select "other", please briefly describe the alleged violation on the appropriate line.
- Box 7:** Provide the date that the alleged violation or action occurred. If the alleged act or violation is continuing in nature, please provide the date of the most recent occurrence.
- Box 8:** If this complaint is based upon acts or omissions that occurred at a specific job site, project, or location, please provide information that will allow HUD to identify the specific project that is the subject of the complaint that you are filing.
- Box 9:** Select the appropriate type of covered HUD funding that the recipient, organization, contractor/subcontractor received or administered.
NOTE: In order for the complaint to be jurisdictional, covered HUD funding must be administered by the recipient, organization, contractor/subcontractor.
- Box 10:** Provide a detailed description of the acts or omissions undertaken by the person or entity that you filing this complaint against. Provide enough specific information to enable HUD to clearly understand the alleged violation and whether it demonstrates noncompliance with the requirements of Section 3.
- Box 11:** Please sign the complaint and enter the current date.
NOTE: By signing and dating this complaint you are affirming that your statements and allegations are true and accurate by penalty of perjury. Complaints **must** be signed and dated prior to acceptance by HUD for investigation.

Where to file your complaint:

Please fax or mail your complaint to the appropriate HUD Regional Office of Fair Housing and Equal Opportunity that has jurisdiction over the state for which you are located or where the alleged violation occurred. Inquiries regarding the status of your complaint should be directed to the appropriate Regional office of FHEO by telephone or email.

<p>BOSTON REGIONAL OFFICE U.S. Department of Housing and Urban Development New England Office 10 Causeway Street, Suite 308 Boston, MA 02222 (617) 994-8300 (800) 827-5005 FaxⓈ(617) 565-7313 Email: complaints_office_01@hud.gov</p> <p>*Covers the following states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont</p>	<p>FORT WORTH REGIONAL OFFICE U.S. Department of Housing and Urban Development Southwest Office 801 Cherry St., Unit 45, Suite 2500 Fort Worth, TX 76102 (817) 978-5900 (888)560-8913 FaxⓈ(817) 978-5876 Email: complaints_office_06@hud.gov</p> <p>*Covers the following states: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas</p>
<p>NEW YORK REGIONAL OFFICE U.S. Department of Housing and Urban Development New York and New Jersey Office 26 Federal Plaza New York, NY 10278 (212) 264-1290 (800) 496-4294 Fax: (212) 264-9829 Email: complaints_office_02@hud.gov</p> <p>*Covers the following states: New Jersey and New York</p>	<p>KANSAS CITY REGIONAL OFFICE U.S. Department of Housing and Urban Development Great Plains Office 400 State Avenue Kansas City, KS 66101 (913) 551-6958 (800) 743-5323 Fax: (913) 551-6856 Email: complaints_office_07@hud.gov</p> <p>*Covers the following states: Iowa, Kansas, Missouri, and Nebraska</p>
<p>PHILADELPHIA REGIONAL OFFICE U.S. Department of Housing and Urban Development Mid-Atlantic Office 100 Penn Square East, 12th Floor Philadelphia, PA 19107 (215) 861-7646 (888) 799-2085 Fax: (215) 656-3449 Email: complaints_office_03@hud.gov</p> <p>*Covers the following states: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia</p>	<p>DENVER REGIONAL OFFICE U.S. Department of Housing and Urban Development Rocky Mountain Office 1670 Broadway Denver, CO 80202 (303) 672-5437 (800) 877-7353 Fax: (303) 672-5026 Email: complaints_office_08@hud.gov</p> <p>*Covers the following states: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming</p>

<p>ATLANTA REGIONAL OFFICE U.S. Department of Housing and Urban Development Southeast Office 40 Marietta Street Atlanta, GA 30303 (404) 331-5140 (800) 440-8091 Fax: (404) 331-1021 Email: complaints_office_04@hud.gov</p> <p>*Covers the following states: Alabama, Puerto Rico, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and the Virgin Islands</p>	<p>SAN FRANCISCO REGIONAL OFFICE U.S. Department of Housing and Urban Development Pacific/Hawaii Office 600 Harrison Street Third Floor San Francisco, CA 94107 (415) 489-6536 (800) 347-3739 Fax: (415) 489-6560 Email: complaints_office_09@hud.gov</p> <p>*Covers the following states: Arizona, California, Guam, Hawaii, and Nevada</p>
<p>CHICAGO REGIONAL OFFICE U.S. Department of Housing and Urban Development Midwest Office 77 W. Jackson Boulevard, Suite 2101 Chicago, IL 60604 (312) 353-7776 (800) 765-9372 Fax: (312) 886-2837 Email: complaints_office_05@hud.gov</p> <p>*Covers the following states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin</p>	<p>SEATTLE REGIONAL OFFICE U.S. Department of Housing and Urban Development Northwest/Alaska Office 909 First Avenue Seattle, WA 98104 (206) 220-5170 (800)877-0246 Fax: (206) 220-5447 Email: complaints_office_10@hud.gov</p> <p>*Covers the following states: Alaska, Idaho, Oregon, and Washington</p>