



**CUMBERLAND HOUSING
GROUP**

SECTION 3

PLAN

FOR THE

HOUSING AUTHORITY

OF THE CITY OF CUMBERLAND

And

CUMBERLAND HOUSING ALLIANCE, Inc.

“Cumberland Housing Group”

Effective

April 1, 2022

Based Upon 24 CFR 75

Revised as of April 1, 2022

OFFICE OF ECONOMIC OPPORTUNITY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**SECTION 3 PLAN
Table of Contents**

Section	Page
General Policy Statement	3
Purpose	3
Contracting Policy & Procedure.....	3
Action Plan.....	4
Section 3 Coordinator Information.....	4
Employment, Training, and Contracting Goals	4
Program Participant Certification Procedure	5
Evidence of Certification for Section 3 Workers and Targeted Section 3 Workers.....	5
Contractor’s Requirements in Employing Section 3 Participants	5
Evidence of Business Certification.....	7
Preference for Contracting with Section 3 Business Concerns.....	7
Resident Owned Business Contracting.....	7
Assisting Contractors to Achieve Section 3 Goals.....	8
Employment of Section 3 Program Participants.....	9
Residents Recruitment, Training, and Employment	10
Contracting Outreach Efforts with Section 3 Business Concern.....	10
Reporting Requirements.....	11
Internal Complaint Procedure	12
Definitions	12
 Exhibits/Forms	
Exhibit 1: Section 3 Contract Clause.....	16
Exhibit 2: Certification for Business Concerns Seeking Section 3 Preference.....	18
Exhibit 3: Applicant Self Certification.....	19
Exhibit 4: Contracting Policy & Procedure.....	22
Exhibit 5: Assurance of Compliance Certification.....	26

General Policy Statement

It is the policy of the Housing Authority of the City of Cumberland and the Cumberland Housing Alliance, Inc. (hereafter collectively referred to as Cumberland Housing Group) to require its contractors to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

Cumberland Housing Group implements this policy through the awarding of contracts to contractors, vendors, and suppliers, to create employment and business opportunities for residents of Cumberland Housing Group and other qualified low and very low-income persons residing within Cumberland.

The policy shall result in a reasonable level of success in the recruitment, employment, and utilization of Cumberland Housing Group residents and other eligible persons and businesses by Cumberland Housing Group contractors working on contracts partially or wholly funded with the United States Department of Housing and Urban Development (HUD) monies. The Cumberland Housing Group shall examine and consider a contractor's or vendor's potential for success by providing employment and business opportunities to Cumberland Housing Group residents prior to acting on any proposed contract award.

Purpose

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3) requires Cumberland Housing Group to ensure that employment and other Economic and business opportunities generated by the Department of Housing and Urban Development (HUD) financial assistance, to the greatest extent feasible, are directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low- and very low-income persons.

Contracting Policy and Procedure

Cumberland Housing Group will incorporate Section 3 in its existing Procurement Policy and adopt a Section 3 Contracting Policy and Procedure to be included in all procurements generated for use with HUD funding. This policy and procedure contain goal requirements for awarding contracts to Section 3 Business Concerns.

All contractors/businesses seeking Section 3 preference must before submitting bids/proposals to Cumberland Housing Group be required to complete certifications, as appropriate, as acknowledgement of the Section 3 contracting and employment provisions required by this section. Such certifications shall be adequately supported with appropriate documentation as referenced in the form.

Action Plan

Cumberland Housing Group will develop a Section 3 Action Plan to identify the goals, objectives, and actions that will be implemented to ensure compliance with the requirements of Section 3. (See Exhibit 5)

Cumberland Housing Group's intent to develop this plan is to include input from various departments as well as HUD. Where it is applicable, input from other agencies and companies will be included with the plan.

Section 3 Coordinator

Cumberland Housing Group's Section 3 Coordinator serves as the central point of contact for Section 3 compliance for its subrecipients, contractors, and subcontractors supporting the program. Any questions regarding Section 3 compliance can be directed to:

Shayla Yaeger

Compliance Coordinator

shayla.yaeger@cumberlandhousing.org

(301)-724-6606

Employment, Training, and Contracting Goals

It is the policy of Cumberland Housing Group to utilize residents and other Section 3 eligible persons and businesses in contracts partially or wholly funded with monies from the Department of Housing and Urban Development (HUD). Cumberland Housing Group has established employment and training goals that contractors and subcontractors should meet in order to comply with Section 3 requirements. (Reference 24 CFR 75.9– Numerical goal for meeting the greatest extent feasible requirement). The numerical goal is:

- Twenty-five (25) percent or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the HA's fiscal year are Section 3 workers;

Section 3 Labor Hours/Total Labor Hours = 25%

- Five (5) percent or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the HA's fiscal year are Targeted Section 3 workers, as defined at 24 CFR Part 75.11.

Targeted Section 3 Labor Hours/Total Labor Hours = 5%

HUD establishes and updates Section 3 benchmarks for Section 3 workers and/or Targeted Section 3 workers through a document published in the Federal Register, not less frequently than once every 3 years. Given that the Section 3 benchmarks are subject to change every three years or sooner, Cumberland Housing Group will review and update the Section 3 Plan every 3 years, as needed.

It is the responsibility of contractors, vendors and suppliers to implement progressive efforts to attain Section 3 compliance. Any contractor that does not meet the Section 3 numerical goals must demonstrate why meeting the goals were not feasible. All contractors submitting bids or proposals to Cumberland Housing Group are required to certify that they comply with the requirements of Section 3.

The Section 3 Contract Clause specifies the requirements for contractors hired for Section 3 covered projects. The Section 3 Clause must be included in all Section 3 covered projects. The Section 3 Contract Clause is included in Exhibit 1.

Program Participant Certification Procedure

Cumberland Housing Group will certify Section 3 program participants who reside in Cumberland Housing and who are seeking preference in training and employment by completing and attaching adequate proof of Section 3 eligibility, as required (see Exhibit 3 – Section 3 Worker and Targeted Worker Self-Certification form).

1. All persons living in Cumberland Housing who meet the Section 3 eligibility guidelines can, by appointment, visit with the Section 3 Coordinator to complete a self-certification form.
2. Once this form is complete, the Section 3 Coordinator will determine if the individual meets the eligibility requirements and is job ready. If the individual is job ready, the certification form will be referred to the recipient contractor or subcontractor for employment.
3. If the individual is deemed eligible for Section 3 participation and deemed not ready for employment, a referral will be made to other agencies that are better equipped to address the individual's needs, i.e., job readiness skills.
4. The Section 3 job readiness component is a part of Cumberland Housing Group's commitment to provide economic opportunities and training to residents/eligible participants to become gainfully employed.

Evidence of Certification for Section 3 Workers and Targeted Section 3 Workers

A Section 3 worker seeking certification shall submit self-certification documentation to Cumberland Housing Group, that the person is a Section 3 worker or Targeted Section 3 worker as defined in 24 CFR Part 75. The self-certification form can be obtained from the Section 3 Coordinator. For the purposes of Section 3 worker eligibility, Cumberland Housing Group will use individual income rather than family/household income to determine eligibility. The income limits will be updated and published annually at <https://www.huduser.gov/portal/datasets/il.html>

Contractor's Requirements in Employing Section 3 Workers

Under the Cumberland Housing Group Section 3 Program, contractors and subcontractors are required to:

1. Provide employment opportunities to Section 3 Workers in the priority order listed below:
 - a) Category 1
Residents of the housing development or developments for which the contract shall be expended.
 - b) Category 2
Residents of other housing developments managed by Cumberland Housing Group that is providing the assistance or for the residents of Section 8-assisted housing managed by Cumberland Housing Group
 - c) Category 3
Participants in HUD Youth build program being carried out in the project boundary area.
 - d) Category 4
To low- or very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.
2. After the award of contracts, the contractor must, prior to beginning work, inform Section 3 participants of the development at which the work will be performed, by providing the following:
 - a) Names of the Section 3 business concerns to be utilized,
 - b) Estimates of the number of employees to be utilized for contract,
 - c) Projected number of available positions, to include job descriptions and wage rates (construction wages consistent with Davis Bacon),
 - d) Efforts that will be utilized to seek Section 3 participants. (See Exhibit 5)
3. Contractors must notify the Section 3 Coordinator of their interests regarding employment of Section 3 participants prior to hiring. The Section 3 Coordinator will ensure that the participant is Section 3 eligible, by assessing the Section 3 database to ensure job readiness. Additionally, the legal department will be contacted to ensure that the individuals are not involved in any legal proceedings against/with Cumberland Housing Group.
4. Submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of contract award.
5. Immediately notify the Section 3 Coordinator of any problems experienced due to the employment of Section 3 participants.
6. Immediately notify the Section 3 Coordinator if a participant quits, walks off, or is terminated for any reason. The contractor must provide written documentation of

all such incidents to support such decisions to the Section 3 Coordinator to determine if an investigation is warranted.

Evidence of Business Certification

Businesses that believe they meet the Section 3 Business requirements may self-register in the HUD Business registry. Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with Cumberland Housing Group shall complete the Certification for Business Concern form which can be obtained from the Cumberland Housing Group Section 3 Coordinator or our website. The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference for business concerns must be submitted to the Section 3 Coordinator of Cumberland Housing Group prior to the submission of bids for approval. If the Section 3 Coordinator previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid. The Section 3 Business Concern Certification Form will expire after 3 years.

Preference for Contracting with Section 3 Business Concerns

Cumberland Housing Group, in compliance with Section 3 regulations, will require contractors and subcontractors to direct their efforts towards contracts to Section 3 business concerns in the following order to priority:

1. Category 1: Provide economic opportunities for residents of public housing projects for which the assistance is provided.
2. Category 2: Provide economic opportunities for residents of other public housing projects or Section-8 assisted housing managed by Cumberland Housing Group that is providing assistance.
3. Category 3: HUD Youth build programs being carried out in the city of Cumberland in which Section 3 covered assistance is expended.
4. Category 4: Provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county.)

Contractors and subcontractors are expected to extend to the greatest extent feasible, efforts to achieve the numerical goals established by Cumberland Housing Group.

Resident Owned Business Contracting

Cumberland Housing Group will consider utilizing the alternative procurement process (Section 24 CFR Part 963) when contracting with businesses owned in substantial part by housing agency residents (resident-owned business) for public housing services, supplies or construction.

To be eligible for the alternative procurement process, a business must submit evidence to Cumberland Housing Group that shows how each of the following requirements has been met:

1. Submit certified copies of any city, state, or county municipal licenses that support the type of business activity for which it performs.
2. Disclose to the Section 3 Coordinator, all owners of the business, as well as each owner's percentage of ownership and names of those individuals who possess the authority to make decisions on a day-to-day basis.
3. Submit evidence that the business is able to perform successfully under the terms and conditions of the proposed contract.
4. Provide a certified listing of all contracts awarded and received under the alternative procurement process within a two-year period. If a resident-owned business has received under this alternative contracting procedure one or more contracts (within the two-year period) with total combined dollars of \$1,000,000, then it is no longer eligible for additional contracts under the alternative process until the 2-year period is past.

This alternative procurement policy is based upon the procurement procedure and policy set forth in HUD's regulations at 24 CFR, Part 85.36, but applies only to solicitations of resident-owned businesses. Cumberland Housing Group will utilize the alternative contracting procedure for resident-owned businesses only in cases where it is considered to be in the best businesses, economic and service interests of the authority.

Assisting Contractors to Achieve Section 3 Goals

Cumberland Housing Group will assist contractors with little or no experience in achieving Section 3 hiring and contracting goals by:

1. Requiring the contractor to present a list, to the Section 3 Coordinator, of the number of total labor hours, Section 3 worker labor hours, and Targeted Section 3 worker labor hours expected to be generated from the initial contract and a list of projected number of available positions, to include job descriptions and wage rates before contract starts.
2. Section 3 Coordinator will maintain a local Section 3 worker/Targeted Section 3 worker database and provide the contractor with a list of interested and qualified Section 3 workers and Targeted Section 3 workers and contact information.
3. Section 3 Coordinator will provide contractor with a list of any Section 3 business concerns interested and qualified for construction projects.
4. Section 3 Coordinator will inform contractors about the HUD Section 3 Opportunity Portal <https://hudapps.hud.gov/OpportunityPortal/>. Encourage local businesses and direct contractors to register on the HUD Section 3 Business Registry.

5. Section 3 Coordinator will review the Section 3 benchmarks and prioritization of efforts with contractors and subcontractors to ensure that the requirement is understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to employ Section 3 program participants before any other person, when hiring additional employees needed to complete proposed work to be performed with HUD (federal) funds.

Employment of Section 3 Program Participants

1. The Section 3 Coordinator will conduct a pre-interview with all participants prior to being hired by a contractor.
2. The pre-interview will assess job readiness (i.e., childcare, transportation, work maturity, job retention skills). Only participants meeting the minimum qualifications of the contractor or subcontractor will be referred to the job site. Participants not deemed job ready would be referred elsewhere. It is imperative that the participant's basic needs are met prior to employment.
3. If a participant is referred to a contractor and does not perform satisfactorily due to poor work habits (i.e., tardiness, absenteeism, alcohol/drugs, abusive language, fighting, etc.) she/he will be allowed two additional opportunities to be referred to other contractors. If, after that time, the participant still does not perform satisfactorily, it will be mandatory that she/he attend and complete a job readiness class, alcohol/drug treatment center, or any other program that he or she may be required to attend. After successful completion the participant will be given the opportunity to be reinstated on the list of participants available for work.
4. Participants experiencing problems with contractors should first communicate the problem to the employer. If the problem cannot be solved between the employee and employer, the Section 3 Coordinator will meet with the parties involved to assist in trying to resolve the problem. Participants and employers (contractors or subcontractors) should document problems whenever they occur and record any and all efforts to correct them. The written documentation of the problem should be submitted to the Section 3 Coordinator.
5. In order to qualify for employment with contractors, public housing residents must have their name(s) on a Cumberland Housing Group lease, be current on rent, be at least eighteen years of age, and not be involved in any legal action with Cumberland Housing Group (current documented eviction, criminal and drug activity or trespassing).
6. Residents not interested in construction employment opportunities will be assessed for other skills (clerical, administrative, etc.) and will have the opportunity to receive help with interviewing techniques, mock interviews, resume preparation, application assistance, employment leads, and how to dress for success when conducting a job search.

Residents Recruitment, Training, and Employment

Cumberland Housing Group will develop resources to provide training and employment opportunities to Section 3 program participants by implementing the following:

1. Training opportunities will be advertised by distributing flyers via mass mailings and posting in common areas of the housing developments as well as all Cumberland Housing Group public housing management offices.
2. Employment opportunities will be advertised by posting job vacancies in common areas of all of Cumberland Housing Group developments as well as contacting resident councils, resident management corporations, and neighborhood community organizations. Including the Section 3 Worker and Targeted Section 3 Worker self-Certification form in all postings.
3. A database will be developed of certified Section 3 Workers/Targeted Section 3 Workers of public housing and other Section 3 Workers.
4. A database will be developed of eligible qualified Section 3 Business concerns to contact with respect to the availability of contract opportunities.
5. Relationships will be developed with local area employers in an effort to solicit job vacancies to determine skills needed in their workforce, thereby providing training to residents developing skills that will transfer into the external labor market.
6. A provision for a specific number of public housing or Section 3 program participants to be trained or employed by the contractor will be incorporated into the contract.

Contracting Outreach Efforts with Section 3 Business Concerns

Cumberland Housing Group will use the following methods to notify and contract with Section 3 business concerns when contracting opportunities exist:

1. Advertise contracting opportunities via newspaper, mailings, posting notices that provide general information about the work to be contracted and where to obtain additional information.
2. Provide written notice of contracting opportunities to all known Section 3 business concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
3. Conduct workshops on Cumberland Housing Group contracting procedures to include bonding, insurance, and other pertinent requirements, in a timely manner in an effort to allow Section 3 business concerns the opportunity to take advantage of any upcoming contracting opportunities.
4. Contact the City of Cumberland Business Development Department, business assistance agencies, Minority and Women's Business Enterprise (M/WBE) contractor associations and community organizations to inform them of contracting opportunities and to request their assistance in identifying Section 3 businesses.

5. Establish relationships with the Small Business Administration (SBA), Minority and Women's Business Enterprise M/WBE Association, Community Development Corporations, and other sources as necessary to assist Cumberland Housing Group with educating and mentoring residents with a desire to start their own businesses.
6. Seek out referral sources in order to ensure job readiness for public housing residents through on-the-job-training (OJT) and mentoring to obtain necessary skills that will transfer into the external labor market.
7. Develop resources or seek out training to assist residents interested in starting their own businesses to learn to prepare contracts, prepare taxes, and obtain licenses, bonding, and insurance.

Reporting Requirements

For Section 3 covered contracts, contractors must submit the Section 3 Performance and Summary Report to Cumberland Housing Group's Section 3 Coordinator on a monthly basis, and the annual reporting requirement set forth in that form's instructions.

1. Contractors are required to submit monthly activity reports to Cumberland Housing Group's Section 3 Coordinator by the 10th of each month.
2. The monthly reporting requirement will be reviewed on a contract-to-contract basis. The Section 3 Coordinator will determine if monthly reporting will be required of the contractor before the start date of the project.
3. Monthly payroll reports will be required; DBW reports are acceptable if triggered by the contract. Since DBW reports are required weekly, the last report of each month during the contract will be reviewed for Section 3 compliance.

Once the project is completed, contractors must submit a final Section 3 cumulative report for the program year.

1. Upon completion of a project, Cumberland Housing Group's Section 3 Coordinator will conduct a final review of the project's overall performance and compliance.
2. Cumberland Housing Group's Section 3 Coordinator will submit the Section 3 data into the Section 3 Portal system to HUD within sixty days after March 30th of each fiscal year.

Internal Complaint Procedure

In an effort to resolve complaints generated due to non-compliance through an internal process, Cumberland Housing Group encourages submittal of such complaints to its Section 3 Coordinator as follows:

1. Complaints of non-compliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 75.

2. Complaints must be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.
3. An investigation will be conducted if complaint is found to be valid. The Section 3 Coordinator will conduct an informal, but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
4. The Section 3 Coordinator will provide written documentation detailing the findings of the investigation. Cumberland Housing Group will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than thirty (30) days after the filing of complaint.

Cumberland Housing Group shall execute these remedies to achieve compliance in this order:

1. Based on the first observation or report of non-compliance with Section 3, the contractor will be sent an e-mail by the compliance management person notifying them of their non-compliance issue. The contractor will have until the next payroll or 14 calendar days, whichever is lesser to bring the contract into compliance.
2. If at any time a contractor fails to bring the contract into compliance, Cumberland Housing Group must withhold all future payments until the contract is in compliance.
3. The contractor shall have up to 15 business days from the most recent notice of non-compliance to meet compliance as a final cure period or justify in writing to the Housing Authority why they cannot meet compliance. Cumberland Housing Group must render a response to the contractor within 10 business days of receipt of its letter of reason for noncompliance. If Cumberland Housing Group deems the cause to be unacceptable, at its option, can extend the cause period on time for up to 5 days to allow the contractor to identify and secure other compliance options, or
4. If the contractor fails to take any corrective action to bring the contract into compliance within 7 business days from the most recent notice of noncompliance, or Cumberland Housing Group does not accept any of their corrective plans or justifications for non-compliance, Cumberland Housing Group must terminate the contract immediately. All funds due to the contractor shall be held and a financial workout of the agreement shall proceed within 24 hours of termination. The workout is to include a contract deduct equal to the total Section 3 contract violation of opportunities provided to non-Section 3 residents or business because they were not offered according to the contract and regulation award. All remaining funds can be paid out based on work satisfactorily completed per the agreement.

Definitions

Applicant – Any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, any State, unit of local government, public housing agency or other public body, public or private nonprofit organization, private agency or institution,

mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, Resident Management Corporation, resident council, or cooperative association.

Business Concern – a business entity formed in accordance with State law, and which is licensed under State, county or municipal law to engage in the type of business activity for which it was formed.

Contractor - any entity which contracts to perform work generated the expenditure of Section 3 covered assistance, or for work in connection with a Section 3 covered project.

Contracts for materials- Section 3 requirements do not apply to material supply contracts.

Housing Authority (HA) – Public Housing Agency.

Housing Development – low-income housing owned, developed, or operated by public housing agencies in accordance with HUD’s public housing program regulations codified in 24 CFR Chapter IX.

HUD Youth build Programs – programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899), 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.

JTPA – The Job Training Partnership Act (29 U.S.C. 1579 (a)).

Labor hours- means the number of paid hours worked by persons on a Section 3 project or by persons employed with funds that include public housing financial assistance.

Low-income person – means a person as defined in Section 3(b)(2) of the 1937 Act, at or below 80% AMI. Note that Section 3 worker eligibility uses individual income rather than family/household income.

Metropolitan Area – a metropolitan statistical area (MSA), as established by the Office of Management and Budget.

Minority Business Enterprise (MBE) - a business enterprise that is at least 51% owned and controlled by one or more minority or socially and economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or other similar causes.

Professional Services- means non-construction services that require an advanced degree or professional licensing, including, but not limited to, contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.

Recipient – any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State unit of local government, PHA, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Section 3 – Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 Business Concern – a business concern meeting at least one of the following criteria, documented within the last six- month period:

- 1) That is 51% percent or more owned by low- or very low-income persons: or
- 2) Over 75% of the labor hour performed for the business are performed by low- or very-low-income persons; or
- 3) It is a business at least 51% owned by current public housing residents or residents who currently live in Section 8 assisted housing.
- 4) The status of a Section 3 business concern shall not be negatively affected by a prior arrest or conviction of its owner(s) or employees.
- 5) Nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of this contract.

Section 3 Covered Assistance –

- 1) public housing development assistance provided pursuant to Section 5 of the 1937 Act;
- 2) public housing operating assistance provided pursuant to Section 9(e) of the 1937 Act;
- 3) public housing development, modernization, and management assistance provided pursuant to Section 9(d) of the 1937 Act; and
- 4) the entirety of a mixed-finance development project as described in 24CFR 905.604
- 5) assistance provided under any HUD housing or community development program that is expended for work arising in connection with housing rehabilitation, construction, or other public construction project (which includes other buildings or improvements, regardless of ownership).

Section 3 Clause – the contract provisions set forth in Section 24 CFR 75.

Section 3 Covered Contracts – a contract or subcontract awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project.

Section 3 covered contracts do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation (FAR). Section 3 covered contracts also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Section 3 Covered Project - housing rehabilitation, housing construction and other public construction projects that generally exceed a \$200,000 project threshold or any Section 3 project funding from HUD's Lead Hazard Control and Healthy Homes programs.

Section 3 Resident – a public housing resident or an individual who resides in the metropolitan area or non-metropolitan county in which the Section 3 covered assistance is expended and who is considered to be a low-to very low-income person.

Section 3 Worker – any worker who currently fits or when hired within the past five years fit at least one of the following categories:

- 1) Worker's individual income is below the low-income limit of 80% Area Median Income;
- 2) Worker is employed by a Section 3 business concern; or
- 3) Worker is a YouthBuild participant

Section 3 Targeted Worker- any worker who is employed by a Section 3 business concern or is a:

- 1) Resident of public housing or receives Section 8 assisted housing;
- 2) Resident of another project managed by the housing authority that is expending the assistance; or
- 3) A YouthBuild participant

Service area or the neighborhood of the project - an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

Subcontractor – any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor's obligation for the performance of work generated by the expenditure of Section 3 covered assistance, or arising in connection with a Section 3 covered project.

Very low-income person – means the definition for this term set forth in section 3(b)(2) of the 1937 Act (at or below 50% AMI).

Women's Business Enterprise (WBE)- is an independent business concern that is at least 51% owned and controlled by one or more women who are U.S. citizens or Legal Resident Aliens; whose business formation and principal place of business are in the U.S. or its territories; and whose management and daily operation is controlled by a woman with industry expertise.

Exhibit 1
SECTION 3 CONTRACT CLAUSE

All Section 3 covered contracts shall include the following clause (referred to as the Section 3 Clause):

- A. The work to be performed under this contract 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). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 75 regulations.
- C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 75.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 75.
- F. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

Compliance with Section 3

All Contractors must meet Section 3 compliance by:

1. Giving notice of any and all opportunities for employment to the Housing Authority and other low and very low-income area residents and businesses by running ads, distributing flyers, community announcements, letter to targeted persons, newsletters, etc. as far in advance of the opportunity as possible.
2. Work with the Housing Authority in developing a communication and follow up process to track and report all Section 3 application and hiring activities to ensure the reporting of compliance efforts.
3. Provide preference in hiring and contracting to Section 3 applicants and contractors when all factors are equal for the opportunity including price and salary requests.
4. Contractor must provide this Section 3 Clause to all sub-contractors when soliciting bids as they will also need to meet all the same processes in items A through F on the previous page.

Contract Compliance Cure and Termination Processes

All contractors claiming a preference in contracting by meeting any of the Section 3 requirements shall maintain that status throughout the life of the contract. Failure to meet this requirement will result in penalties up to and including contract termination. Any contractor triggering the regulation by doing any hiring or contracting once they are awarded the contract through execution must comply with the Section 3 requirements by executing the efforts on their Certification and Action Plan in accordance with the Housing Authority's Section 3 Action Plan.

Any contractor claiming to meet Section 3 compliance by committing to hire residents, fund training itself shall meet compliance within seven (7) calendar days of contract start or Cumberland Housing Group shall halt all work related to the agreement and the actions listed in steps A-D in this section shall apply.

The contractor understands and agrees that a compliance management person will be used to conduct routine and certified payroll reviews to ensure compliance. Contractor agrees to provide the payroll data in an Excel or Word format each time the payroll is processed throughout the contract. Any questions on Section 3 activities should be addresses to the Section 3 Coordinator.

Exhibit 2
SECTION 3 BUSINESS SELF-CERTIFICATION

1. Company Name: _____
2. Company Address: _____
3. Your Name: _____
4. Telephone: _____ Fax : _____ Email address: _____
5. Contractor's License: Class A B C N/A License Number: _____
6. Business License _____ Number Federal ID Number _____
7. Type of Business: Corporation Partnership
 Sole Proprietorship Joint Venture

TYPES OF SECTION 3 BUSINESS ENTERPRISES

Please check "Yes" or "No". If you answer "YES" to one or more of the following questions, you may designate your company as a Section 3 Business Enterprise.

1. 51% or more of your business is owned by a Section 3 residents*; or
 Yes No
Attach list of Section 3 owners and income certifications
2. At least 75% of labor hours are worked by persons that are currently Section 3 residents*, or within five years of the date of first employment with the business concern were Section 3 residents; or
 Yes No
Attach list of employees, Section 3 employees, and self-certifications
3. At least 51% of the business is owned by current public housing residents or residents who currently live in Section 8-assisted housing
 Yes No
Attach list of subcontracted businesses, types and amounts

Please check the appropriate box below and specify the qualifying category above.

- I am Section 3 Certified verified above. My Company is not Section 3 qualified.

VERIFICATION - *The company hereby agrees to provide, upon request, documents verifying the information provided on this form.*

I declare and affirm under penalty of law that the statements made herein are true and accurate to the best of my knowledge. I understand that falsifying information and incomplete statements will disqualify certification status.

Signature of Business Owner or Authorized Representative

Date

***Section 3 resident is:** 1) a public housing, or 2) a HCVP participant, or 3) a resident of another federally assisted housing program managed by the local PHA, or 4) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.

Section 3 Worker who currently or when hired within the past five years fits at least one of the following:

- **Category 1 Worker:** Income for the previous or annualized calendar year is below the income eligibility guideline;
- **Category 2 Worker:** Employed by a Section 3 Business Concern;
- **Category 3 Worker:** A Youthbuild participant

Income Eligibility Guideline* (individual income does not exceed the following amount):

Section 3 Worker	\$ Income updated annually
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Section 3 Targeted Worker fits at least one of the following:

- **Category 1 Worker:** A worker employed by a Section 3 Business Concern;
- **Category 2 Worker:** A worker currently or when hired within the past five years fits one of the following:
 - 1) Resident of public housing or receives Section 8 assisted housing;
 - 2) A Youthbuild participant

Check all that apply:

I meet the Income Eligibility Guidelines. *Please answer questions below:*

What is your individual annual income? \$ _____

I am employed by a Section 3 Business Concern

I am a public housing resident or Section 8 assisted housing resident

I am a Youthbuild participant

I have attached the following documentation as evidence of my status:

Copy of current Public Housing Lease Development Name: _____

Drivers License or State ID

Proof of residency at current address

Copy of receipt of public assistance

Copy of Evidence of participation in a public assistance program

Other Evidence

Applicant Statement:

I understand that this form will be used to verify my residency and eligibility as a Section 3 person in consideration for employment within the Cumberland and Allegany County area only. I certify that all of the information given above is true and correct. If found to be inaccurate, I understand that I may be disqualified as an applicant and/or a certified Section 3 individual which may be grounds for termination of training, employment, or contracts that resulted from this certification.

I attest under penalty of perjury that my individual income annual is at or below the income limit at the time of this document is being signed and notarized. I understand that proof of this statement may be requested in the future.

Applicant Signature

Date

A picture identification card and proof of current residency is required.

FOR ADMINISTRATIVE USE ONLY
Is the employee a Section 3 worker based upon their self-certification? <input type="checkbox"/> YES <input type="checkbox"/> NO
Is the employee a Targeted Section 3 worker based upon their self-certification? <input type="checkbox"/> YES <input type="checkbox"/> NO
Was this an applicant who was hired as a result of the Section 3 project? <input type="checkbox"/> YES <input type="checkbox"/> NO
If Yes, what is the name of the company? _____
What was the date of hire? _____ Position: _____
EMPLOYERS MUST RETAIN THIS FORM IN THEIR SECTION 3 COMPLIANCE FILE FOR FIVE YEARS.

Exhibit 4
**SECTION 3 CONTRACTING
POLICY AND PROCEDURE**

INTRODUCTION

It is the mission of the Cumberland Housing Group to provide a variety of safe, sanitary, accessible, decent, and affordable housing to the citizens of the City of Cumberland while enhancing and promoting resident self-sufficiency.

The purpose of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) is 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 individuals, especially recipients of government assistance for housing, and to business concerns which provide economic opportunities to low and very-low income individuals. (Section 3 means section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u).

Section 3 requirements apply to all contractors and subcontractors performing work in connection with projects and activities funded by public housing assistance covered by Section 3, regardless of the amount of the contract or subcontract. Section 3 covered contracts do not include contracts for the purchase of supplies and materials unless the contract includes the installation of the materials.

A business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence that the business concern qualifies as a Section 3-business concern. (Refer to What Is A Section 3 Business Concern on next page). The Section 3 business must also be able to demonstrate its ability to complete the contract. The ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to the procurement standards of 24 CFR 85.36, 24 CFR 85.36b(8).

Contractors who do not qualify as Section 3 business concerns, but who enter into contracts with Cumberland Housing Group must agree to comply with certain general conditions (refer to Section 3 Clause). All contractors and subcontractors, including Section 3 businesses, must comply with these general conditions. Included in these conditions is the requirement that each contractor and subcontractor submit with each pay request a report of Section 3 compliance (refer to Section 3 Compliance Report). Failure to comply with these general conditions may lead to sanctions which can include termination of the contract for default and suspension or debarment from future HUD-assisted contracts (refer to Sanctions for Contractor's Noncompliance).

Please direct any questions you may have regarding this information to the Executive Director/Contract Administrator or Section 3 Coordinator for Cumberland Housing Group.

WHAT IS A SECTION 3 BUSINESS CONCERN

A Section 3 Business Concern is a business concern, as defined in this section:

1. That is fifty-one percent (51%) or more owned by low- or very low-income persons;
2. Over (75%) of the labor hours performed for the business are performed by low or very low-income persons; or
3. It is a business at least (51%) owned by the current public housing residents or residents who currently live in Section 8 assisted housing.

Note: A business concern seeking to qualify for Section 3 shall certify and submit evidence that the business meets one of the guidelines stated above. (Refer to Section 3 Business Self-Certification Form – Exhibit 2)

WHO IS A SECTION 3 WORKER

For purposes of Cumberland Housing Group, a Section 3 worker is any worker who currently fits or when hired within the past five years fit at least one of the following categories:

1. Worker's individual income is below the low-income limit of 80% Area Median Income;
2. Worker is employed by a Section 3 business concern; or
3. Worker is a YouthBuild participant

WHO IS A SECTION 3 TARGETED WORKER

A Section 3 Targeted Worker is any worker who is employed by a Section 3 business concern or is a:

1. Resident of public housing or receives Section 8 assisted housing;
2. Resident of another project managed by the housing authority that is expending the assistance; or
3. A YouthBuild participant

ORDER OF PROVIDING PREFERENCE SECTION 3 BUSINESS CONCERN

When considering the award of contracts to business concerns, and more than one Section 3 business concern is being considered, to the greatest extent possible, awards shall be made in the following order of priority:

1. A Section 3 business concern that provide economic opportunities for residents of public housing projects for which the assistance is provided;
2. A Section 3 business that provide economic opportunities for residents of other public housing projects or Section 8 assisted housing managed by the PHA that is providing assistance;
3. HUD Youth build programs that are being carried out in the City in which the Section 3 covered assistance is expended.
4. A Section 3 business concern that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the assistance is provided.

Note: A Section 3 business concern seeking any of the above preferences shall submit evidence that it meets the guidelines of that preference.

WHAT IF MY BUSINESS DOES NOT QUALIFY AS A SECTION 3 BUSINESS

The Housing Authority will, to the greatest extent feasible, offer contracting opportunities to Section 3 business concerns. However, in the event no Section 3 business bids on a contract, or bids but is not able to demonstrate to the Housing Authority's satisfaction that it has the ability to perform successfully under the terms and conditions of the proposed contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract through the competitive bidding process.

That business concern must meet, as all business must (including Section 3 businesses), the general conditions of compliance (refer to Section 3 Clause [Construction Contracts] and Section 3 Clause [Non-Construction Contracts]).

This will include:

1. Submitting a list of all positions necessary to complete contract, name of employees who will fill those positions, names of all other employees.
2. Posting notices of any vacant positions, including training and/or apprenticeship positions, qualifications for positions, place where applications will be received and starting date of employment.
3. To the greatest extent possible, making available vacant positions, including training and/or apprenticeship positions, to Section 3 residents (all categories) in order to priority.
4. As positions are vacated during completion of contract, following guidelines enumerated in numbers 2 and 3 above.

5. Submitting Compliance Reports as required.
6. If notified of non-compliance, correcting non-compliance within allowable time period.

ORDER OF PROVIDING PREFERENCE EMPLOYMENT OF SECTION 3 WORKER

When considering the employment of a Section 3 worker, the following order of priority is followed as outlined in 24 CFR 75.9:

1. Category 1
Residents of the housing development or developments for which the contract shall be expended.
2. Category 2
Residents of other housing developments managed by Cumberland Housing Group that is providing the assistance or for the residents of Section 8-assisted housing managed by Cumberland Housing Group.
3. Category 3
Participants in HUD Youth build program being carried out in the project boundary area.
4. Category 4
To low- or very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

In all cases, applicants must meet the minimum qualifications for the position. In no instance shall it be construed that preference is given to Section 3 residents who do not meet these minimum qualifications.

SECTION 3 INCOME LIMITS

All residents of public housing developments of The Housing Authority or the City of Cumberland qualify as Section 3 residents. Additionally, individuals residing within the City of Cumberland and who meet the income limits can also qualify for Section 3 status.

SECTION 3 OPPORTUNITY PORTAL

All contractors, subcontractors, Section 3 workers, and business concerns are able to register and use the opportunity portal to search contracts, employment positions, and businesses.

Exhibit 5
Assurance of Compliance Certification
Section 3 Action Plan
Housing and Urban Development Act of 1968
(12 U.S.C. 1701 U)

RE: Cumberland Housing Group

Contract: _____ **Contract #:** _____

Purpose: To ensure that regulation promulgated under 24 CFR Part 75 Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects and the Section 3 Plan and Policy of Cumberland Housing Group to the greatest extent feasible is adhered to, and to serve as the assurance of compliance certification and action plan as required in the bid documents, supplemental general conditions, and HUD Forms 5370, 5370C or 5369 for the contract for any work with the county

Description of the projects work detail: The project work will be as listed in the final scope of work in the contract with Cumberland Housing Group including any change orders.

Contractor: _____

Sub-contractor: _____

Sub-contractor: _____

Preliminary Statement for work force needs: Though employment readiness training is our preferred method of Section 3 compliance, it is our intent to identify any short term and long-term employment or contracting opportunities for qualified Section 3 persons and concerns during the course of our contract with Cumberland Housing Group. Please list the status of all planned employment position and opportunities for this contract. Preference for all opportunities must be given to public housing residents if they qualify.

<u>Category</u>	<u># of project workforce positions</u>	<u>Status of all positions</u>
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Skilled

Semi-Skilled Labor

Trainees

To the Greatest Extent Feasible: The contractor has identified _____ (# of open positions with respect to this contract). The positions are filled by the _____ (_____) of the contractor.

Should the scope of work or duties of the contractor change to a degree requiring a modification of the work force needs, the contractor shall put forth a good faith effort to fill vacant positions with the Cumberland Housing Group resident applicants and or very low-income area residents.

Documentation of To the Greatest Extent Feasible: The contractor will work with Cumberland Housing Group property managers and staff to notify residents of any opportunities afforded under our contract. The contractor will partner with Cumberland Housing Group by giving preference of any employment opportunities to the Section 3 persons or concerns that have successfully completed Cumberland Housing Group's most recent or previous employment readiness type training. It is the contractor's intent to partner with Cumberland Housing Group in selecting new employees or businesses from the list they provide, or to execute its own company sponsored training. The contractor will seek to have Cumberland Housing Group provide a referral for a qualified training firm that can also provide technical assistance in working with the Section 3 covered persons and or businesses to advise the contractor on how best to comply with the HUD regulations.

The contractor shall recruit or attempt to recruit from the Section 3 area the necessary number of low income and very low-income residents through documentation of the following:

1. Local media advertising;
2. Signs placed at the proposed site for the project and Cumberland Housing Group's offices and flyers hand delivered to all local public housing apartments;
3. Maintain a list of all low-income area residents who have applied, either on their own or from referral from any source, and employ such person if otherwise eligible and if a trainee vacancy exists;
4. Provide evidence that the contractor has not filed vacant employment positions in its workforce immediately prior to undertaking work in an attempt to circumvent Section 3 regulations;
5. Review and determine if low income and very low-income residents meet minimum hiring qualifications. Applicants meeting such minimum qualifications, but not hired due to lack of job openings or for other operations reasons, will be placed on a priority hiring list and offered positions upon the occurrence of the first available appropriate job opening.

Utilization of Business located or owned in substantial part by persons residing in the area: The contractor does ___ does not ___ intend to subcontract any of the work identified in the Scope of Work or General Conditions.

Record Keeping: The contractor shall maintain on file all records related to employment and job training of low income and very low-income residents or other such records, advertisements, legal notices, brochures, flyers, publications assurances of compliance from subcontractors, etc., in connection with this contract. If there is a report that is needed as part of the submission you agree to provide it timely. The contractor shall, upon request, provide such records or copies of records to Cumberland Housing Group, its staff or agents. Contractors should keep certifications, reports, and proof of trainings for at least 3 years to show Section 3 compliance if audited by Cumberland Housing Group or HUD. Section 3 workers can be reported for up to 5 years if they stay with the same employer.

Reports: The contractor shall provide monthly reports as required in connection with the contractor specifications. All certified payrolls shall clearly detail which employees qualify under Section 3.

Certification: The contractor will certify that any vacant employment positions, including training positions that filled:

1. After the contractor is selected but before the contract is executed, and
2. With persons other than those to who the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the subcontractor's obligations under 24 CFR Part 75.

Grievance and Compliance: The contractor or subcontractor hereby acknowledges that they understand that any low income and very low-income resident of the project area, for him/her or as representatives of persons similarly situated, seeking contract opportunities may file a grievance if a good faith effort was not followed. The grievance must be filed with Cumberland Housing Group not later than thirty (30) calendar days from the date of the action (or omission) upon which the grievance is based.

I attest that the above information is true and correct.

Signature

Printed Name

Title

Date

State of _____, _____ County,
I, the undersigned county, a Notary Public in and for said county and in said State, hereby certify that, _____, whose name as _____ of _____ is signed to the forgoing conveyance and who is known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing conveyance, he/she capability as _____ and executed the same voluntarily for and as the act of said corporation. Given under my hand and official seal, this the _____ day of _____, 20____

Notary Public

My Commission Expires: _____