Section 3 Contractor, Subcontractor and Subrecipient Package



Maine State Housing Authority 26 Edison Drive Augusta, ME 04330 Telephone: (207) 626-4600 www.mainehousing.org

Dated July 1, 2021, as updated July 7, 2023

Effective for projects receiving assistance or for which funds are committed on or after November 30, 2020

These forms are part of the MaineHousing Section 3 Policies and Procedures Package. They should be completed by all vendors, contractors and service providers who have a contract with a PHA that is subject to Section 3 requirements per 24 CFR Part 75 or who are proposing to perform work funded by any HUD programs that trigger Section 3 compliance.

These forms should be submitted and any questions directed to MaineHousing's Section 3 Housing and Community Development Financial Assistance Coordinator:

Name: Mitchell Eden

Title: Multifamily Loan Officer E-mail: meden@mainehousing.org

GENERAL GUIDANCE AND DEFINITIONS

Section 3 of the Housing and Urban Development Act of 1968 (codified at 12 U.S.C. 1701u and implemented at 24 CFR Part 75, hereinafter, "Section 3"), as amended, requires that economic opportunities, most importantly employment, generated by certain U.S. Department of Housing and Urban Development ("HUD") financial assistance shall be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, or residents of the community in which the Federal assistance is spent.

A link to training on Section 3 follows: <u>Understanding Section 3 Training Curriculum - HUD Exchange</u>

HUD has established a portal at https://hudapps.hud.gov/OpportunityPortal that is intended to help workers take advantage of Section 3 opportunities and for businesses to meet their Section 3 obligations for employment and contracting. Section 3 Workers may use the site to search for jobs or post their profile/employment history for companies to search. Employers may use the site for posting opportunities or business(es) or search for workers to fill positions.

Definitions of key terms:

Section 3 worker means:

- (1) Any worker who currently fits or when hired within the past five years (time period only goes back to the 24 CFR 75 effective date of 11-30-2020) fit at least one of the following categories, as documented:
- (i) The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
 - (ii) The worker is employed by a Section 3 business concern.
 - (iii) The worker is a YouthBuild participant.
- (2) The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction.
- (3) Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.

Targeted Section 3 worker means:

A Targeted Section 3 worker for housing and community development financial assistance means a Section 3 worker who is:

- (1) A worker employed by a Section 3 business concern; or
- (2) A worker who currently fits or when hired five years (time period only goes back to the 24 CFR 75 effective date of 11-30-2020) fit at least one of the following categories, as documented within the past five years:
 - (i) Living within the service area or the neighborhood of the project, as defined in § 75.5; or
 - (ii) A YouthBuild participant.

Section 3 business concern means:

- (1) A business concern meeting at least one of the following criteria, documented within the last six- month period:
 - (i) It is at least 51 percent owned and controlled by low- or very low-income persons;
- (ii) Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
- (iii) It is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.
- (2) 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.

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 the contract.

YouthBuild programs refer to YouthBuild programs receiving assistance under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226). YouthBuild is a community-based pre-apprenticeship program that provides job training and educational opportunities for at-risk youth ages 16-24 who have previously dropped out of high school. The Division of Youth Services within the Employment and Training Administration's Office of Workforce Investment at the U.S. Department of Labor administers the YouthBuild program. Each year, more than 6,000 youth participate in approximately 210 YouthBuild programs in more than 40 states. More information can be found here: https://www.dol.gov/agencies/eta/youth/youthbuild.

FORMS

Purpose, Authority, and Responsibility: A certification of Section 3 compliance by contractors and other subrecipients, with attached required Section 3 clause to be included in the contractor and subrecipients contracts.

HUD Forms 4736C and 4736A: Section 3 workers and Targeted Section 3 workers who are seeking preference in training and employment must submit HUD Form 4736C (Section 3 Worker Self-Certification-Housing and Community Development). If an employer desires to make certification on the worker's behalf, the employer must use for this purpose attached HUD Form 4736A (the Section 3 Housing and Community Development Employer Certification Form). The applicable HUD certification form, with attached income schedule for the relevant service area or project neighborhood, must be submitted to MaineHousing and to the relevant contractor, subcontractor or other subrecipient.

Section 3 Business Certification: Businesses may demonstrate eligibility as Section 3 Business Concerns by submitting the Section 3 Business self-certification.

All Parties Involved: A list of the parties involved in a project, to be completed by the contractor or other subrecipient and submitted to MaineHousing.

Labor Hours Worked: Contractors must submit to MaineHousing's Section 3 Coordinator on a monthly basis all labor hours worked, for Section 3 covered contracts. Contractors and subrecipients must identify Section 3 and Targeted Section 3 (in)eligibility for all workers.

Cumulative Labor Hour Report: At project completion, contractors must submit to MaineHousing's Section 3 Coordinator cumulative labor hours per project/program year. In most instances, it is MaineHousing's expectation that reporting for all subcontractors will be provided in consolidated form by the contractor. In the event that the project owner is contracting directly with construction professionals who would otherwise be subcontractors, MaineHousing anticipates that reporting will be provided by the owner unless MaineHousing approves an alternative arrangement.

Additional Reporting (if applicable):

If, at the completion of the Section 3 project, the Section 3 Benchmarks are not met, the contractor and/or developer are responsible for providing documentation of the activities they have pursued in the absence of meeting the Section 3 benchmarks.

Maine State Housing Authority

SECTION 3 CERTIFICATION

PURPOSE, AUTHORITY AND RESPONSIBILITY

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that promotes local economic development and individual self-sufficiency.

Section 3 requires that, to the greatest extent possible, economic opportunities that are generated by the use of Federal funds be made available to low- and very low-income persons, particularly those who receive Federal financial assistance for housing and those residing in communities where the financial assistance is expended. Section 3 established benchmark goals for (a) 25% of total labor hours worked by Section 3 workers; and (b) 5% of total labor hours worked by Targeted Section 3 workers.

	(hereinafter called the
	sipient/Contractor) hereby CERTIFIES that upon being awarded a contract to participate in lowing HUD-funded project:
	(the "Project") located in
(city or	r town) in(county), that the Subrecipient/Contractor:
(a)	is under no contractual or other impediment that would prevent it from complying with requirements of Section 3 as set forth in 24 CFR part 75; and
(b)	will comply with HUD's regulations in 24 CFR Part 75; and
(c)	will submit to Maine State Housing Authority (MaineHousing) appropriate Section 3 documentation of total labor hours performed per contractor/subcontractor, certifications of Section 3 workers, and confirmation of Section 3 business concerns and YouthBuild participants; and
(d)	will include the Section 3 Clause and this Section 3 Certification of Compliance in every subcontract, and further agrees to take the appropriate action pursuant to those regulations in the event the contractor/subcontractor is found to be in violation of 24 CFR Part 75; and
(e)	will not contract/subcontract with any contractor/subcontractor where the Subrecipient/Contractor has notice or knowledge that the contractor/subcontractor has been found in violation of any provision of 24 CFR Part 75.
By:	
,	Authorized Representative's Signature
Name	and Title:
_	

Section 3 Clause (Must be included in contracts with all contractors, subcontractors & lower-tier subcontractors).

- 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), contributes to the establishment of stronger, more sustainable communities by ensuring that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive Federal financial assistance for housing and those residing in communities where the financial assistance is expended.
- 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 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.

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

Section 3 Worker Self-Certification-Housing and **Community Development**

U.S. Department of Housing and Urban Development Office of Field Policy and Management

4736C

OMB Approval Number 2501-0041 (Exp. 04/30/2025)

HUD FORM

(In compliance with Section 3 of the HUD Act of 1968 and 24 CFR Part 75)

Public reporting for this collection of information is estimated to average 0.5 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.

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), and 12 U.S.C. § 1701u ensure that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance for housing. The regulations are found at 24 CFR Part 75. This collection of information is required in order to ensure that a worker can be certified as an eligible Section 3 worker as outlined in 24 C.F.R. § 75.31. The in-formation will be used by the Department to ensure compliance with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients to ensure they are complying with their recordkeeping requirements found in the regulation, and as a self-monitoring tool.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2501-0041. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. No assurances of confidentiality are provided for this information collection.

The purpose of this form is to comply with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31. To qualify as a Section 3 worker, any United States legal resident's annual income must not exceed the HUD income limits for the year before the worker was hired, or the individual's current income annualized on a fulltime basis for the year must be below the HUD income limit. Additionally, an individual can qualify as a Section 3 worker if they are a YouthBuild participant or employee of a Section 3 Business concern.

Printed Name:					
Street Address (Not a PO Box)	Apt#	City	State	Zip	
Phone #:	Email:				

To qualify as a Section 3 Worker, you must meet **one** of the following requirements **OR** have your employer certify that you are employed by a Section 3 Business concern:

• Income for the previous calendar year is below the income limit*	
A participant in a means-tested program such as public housing or Section 8-	Income limit
assisted housing	\$XX,XXX¹
A YouthBuild Participant*	
*Currently or at the time of hire if hired within the past 5 years	
I meet at least one of the requirements in the box above and therefore qualify to be Worker under 24 CFR § 75.	e counted as a Section 3
If applicable, please indicate which requirement you meet to be considered a Targeted Se below. If you select "Living within the service area or neighborhood of the project," that confirmed by your employer. If you do not meet any of these requirements or do not know requirements listed below, you may leave this section blank.	selection will have to be
Living within the service area or neighborhood of the project (requires emp	ployer confirmation)*
*Currently or at the time of hire if hired within the past 5 years	
In addition to qualifying as a Section 3 Worker, I meet at least one of the requirem therefore qualify to be counted as a Targeted Section 3 Worker under 75 CFR § 75	
I/We, the undersigned, certify under penalty of perjury that the information provided certifies that the worker identified above meets the definition of a Section 3 worker knowingly submits a false claim or makes a false statement is subject to criminal an confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 2 §3729, 3802)	er. WARNING: Anyone who d/or civil penalties, including
Signature	te

¹ Insert relevant income limit from attached Schedule of Maine Income Limits

Schedule of Maine Income Limits (2023)*

Please use the income level in Table 2 that corresponds to a <u>worker's resident address</u> to determine if a worker is considered a Section 3 worker. Note: <u>most</u> towns/cities within a county are categorized under that county on Table 2, but some come under distinct metropolitan areas defined by HUD on Table 1. Please review Table 1 to determine whether the town/city of the worker's residence is included in one of these distinct metropolitan areas before establishing the applicable income level in Table 2.

Table 1	
Metropolitan Areas	Town / Cities
Lewiston-Auburn MSA	Auburn, Durham, Greene, Leeds, Lewiston, Lisbon,
	Livermore, Livermore Falls, Mechanic Falls, Minot, Poland,
	Sabattus, Turner, Wales
Portland HMFA	Cape Elizabeth, Casco, Cumberland, Chebeague Island,
	Falmouth, Freeport, Frye Island, Gorham, Gray, Long
	Island, North Yarmouth, Portland, Raymond, Scarborough,
	South Portland, Standish, Westbrook, Windham, Yarmouth,
	Buxton, Hollis, Limington, Old Orchard Beach
Bangor HMFA	Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon,
	Holden, Kenduskeag, Milford, Old Town, Orono,
	Orrington, Penobscot Indian Island Reservation, Veazie
York-Kittery-So. Berwick HMFA	Berwick, Eliot, Kittery, South Berwick, York

Table 2	
County (Area)	Eligible Income Level Set by HUD for 1
	Person (80% of area median income)
Lewiston-Auburn MSA (Androscoggin)	\$ 47,250
Aroostook County	\$ 42,450
Cumberland HMFA (excluding Portland HMFA)	\$ 52,050
Portland HMFA	\$ 66,250
Franklin County	\$ 42,450
Hancock County	\$ 47,600
Kennebec County	\$ 45,500
Knox County	\$ 46,700
Lincoln County	\$ 47,750
Oxford County	\$ 42,450
Penobscot County (excluding Bangor HMFA)	\$ 42,450
Bangor HMFA	\$ 48,250
Piscataquis County	\$ 42,450
Sagadahoc HMFA	\$ 51,800
Somerset County	\$ 42,450
Waldo County	\$ 42,750
Washington County	\$ 42,450
York HMFA (excluding York-Kittery-So. Berwick	\$ 54,050
HMFA and Portland HMFA)	ψ υτιου
York-Kittery-So. Berwick HMFA	\$ 66,300

^{*}After 2023, see the Section 8 Income Limits for the relevant year (usually updated in April of each year and found at the following link: https://www.mainehousing.org/docs/default-source/rental/section8incomelimits.pdf).

Section 3 Housing and **Community Development Employer Certification Form**

U.S. Department of Housing and Urban Development

Office of Field Policy and Management

HUD FORM 4736A OMB Approval Number

2501-0041 (Exp. 04/30/2025)

(In compliance with Section 3 of the HUD Act of 1968 and 24 CFR Part 75)

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The purpose of this form is to comply with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31. To qualify as a Section 3 worker, the United States legal resident's annual income must not exceed the HUD income limits for the year before the worker was hired, or the individual's current income annualized on a full-time basis for the year must be below the HUD income limit. Additionally, an individual can qualify as a Section 3 worker and Targeted Section 3 worker, if an employee of a Section 3 Business Concern. To qualify as a Targeted Section 3 worker, an employer can confirm that the employee lives within the service area or neighborhood of the project.

Please provide the following information al	bout the business/employer:			
Name of Business:				
Street Address	City	State	Zip	
Phone #: I	Email:			_

Street Address (Not a PO Box)	Apt#	City	State	Zip
Phone #:	_Email:			
Please indicate which of the following	s is true for the wo	rker listed above:	(Select all that a	apply)
Worker's income from your calculation of what the worker's witime basis* Worker is employed by a Security 3 Business Couplifies as a Section 3 Business Couplings of the coupling of	vage rate would tra	nslate to if annual	lized on a full-	Income limit \$XX,XXX ²
qualifies as a Section 3 Business C Worker's residence is within *Currently or at the time of hi	the service area o		of the project	
I/We, the undersigned, certify under certifies that the worker identified a knowingly submits a false claim or confinement for up to 5 years, fines, as §3729, 3802)	above meets the o	definition of a Sc ement is subject	ection 3 worke to criminal and	r. WARNING: Anyone wd/or civil penalties, includ
Signature		 		

² Insert relevant income limit from attached Schedule of Maine Income Limits

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Table 1	
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	Sabattus, Turner, Wales
Portland HMFA	Cape Elizabeth, Casco, Cumberland, Chebeague Island,
	Falmouth, Freeport, Frye Island, Gorham, Gray, Long
	Island, North Yarmouth, Portland, Raymond, Scarborough,
	South Portland, Standish, Westbrook, Windham, Yarmouth,
	Buxton, Hollis, Limington, Old Orchard Beach
Bangor HMFA	Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon,
	Holden, Kenduskeag, Milford, Old Town, Orono,
	Orrington, Penobscot Indian Island Reservation, Veazie
York-Kittery-So. Berwick HMFA	Berwick, Eliot, Kittery, South Berwick, York

T 11 0	
Table 2	
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^{*}After 2023, see the Section 8 Income Limits for the relevant year (usually updated in April of each year and found at the following link: https://www.mainehousing.org/docs/default-source/rental/section8incomelimits.pdf).

Section 3 Business Certification

If your business meets at least one o	f the categories listed below, plea	se complete this fo	orm.
Business Name			
Business Address	City	State	Zip
Contact Name	Email		Phone
Section 3 business concern means	s:		
(1) A business concern meeting six- month period:	at least one of the following crite	eria, documented v	vithin the last
(i) It is at least 51 percent ov	vned and controlled by low- or ve	ry low-income pers	ons;
(ii) Over 75 percent of the la period are performed by Section 3 we	abor hours performed for the busi orkers; or	ness over the prior	three-month
(iii) It is a business at least 5 residents or residents who currently leaves to the currently leaves	1 percent owned and controlled b ive in Section 8-assisted housing.	y current public ho	ousing
(2) The status of a Section 3 bus conviction of its owner(s) or employe	siness concern shall not be negati ees.	vely affected by a 1	orior arrest or
(3) Nothing in this part shall be c 3 business concern. Section 3 business contract. 24 CFR 75.5.	construed to require the contractions so concerns are not exempt from the concerns are not exempt from the contractions are not exempt from the contraction are not exempt from the contractions are		
By signing this document, I certify _ is a Section 3 business concern because		ry listed above	
15 a occion o business concern becat	use it has into one of more categor	1 y 1131001 above.	
Signature		Title	Date

Parties Involved Form

Project Name:		
Project Address:		
Owner Name	Developer	
Contact Name	Contact Name	
Email Address	Email Address	
Address	Address	
City, State, Zip	City, State, Zip	
Phone	Phone	
GC	Subcontractor	
Contact Name	Contact Name	
Email Address	Email Address	
Address	Address	
City, State, Zip	City, State, Zip	
Phone	Phone	
Subcontractor	Subcontractor	
Contact Name	Contact Name	
Email Address	Email Address	
Address	Address	
City, State, Zip	City, State, Zip	
Phone	Phone	
Subcontractor	Subcontractor	
Contact Name	Contact Name	
Email Address	Email Address	
Address	Address	
City, State, Zip	City, State, Zip	
Phone	Phone	
Subcontractor	Subcontractor	
Contact Name	Contact Name	
Email Address	Email Address	
Address	Address	
City, State, Zip	City, State, Zip	
Phone	Phone	
Phone	Phone	

Labor Hours Worked

Company Name		Project Name	:
Company Address		City	State Zip
Contact Name for Section 3	Pł	none	Email Address
Pay Period	to		
workers, and (b) 5% of total	Pay Period Total labor hours Employee worked	Employee is a	Employee is a Targeted Section
Employee Name	at Project during	Section 3 worker	worker (Yes/No)
	Pay Period	(Yes/No)	(163/140)
	Pay Period		(103/140)
	Pay Period		(163/140)
Total for Pay	Pay Period		

Cumulative Report For Project/Program Year

Company Name		Project Name			
Company Address		City	State	Zip	
Contact Name for Section 3		one Email Address			
Contract Period	to				
Section 3 established benchm workers, and (b) 5% of total la			-	ection 3	
Employee Name	Total labor hours Employee worked at Project during Project Completion	Employee is a Section 3 worker (Yes/No)	Employ Targeted S work (Yes/	Section 3 er	
Total for Project					

Additional Reporting if Section 3 Benchmarks are not met upon project completion (24 CFR 75.25(b))

Company Name	Project Name			
Company Address	City	State	Zip	
Contact Name for Section 3	Phone	Email Ac	Email Address	
If the Subrecipient/Contractor's reporting Subrecipient/Contractor must report on Section 3 benchmarks. In the abs Subrecipient/Contractor made efforts inceffort(s)):	the nature of activities purs ence of meeting the S	ued in the absence Section 3 bence	chmarks, the	
Engaged in outreach efforts to gene	rate job applicants who are T	Targeted Section 3	workers.	
Provided training or apprenticeship	opportunities.			
Provided technical assistance to heleoaching).	p Section 3 workers compete	e for jobs (e.g., res	sume assistance	
Provided or connected Section 3 vdrafting resumes, preparing for interviews placement services.		0 1 ,	0	
Held one or more job fairs.				
Provided or referred Section 3 wor (e.g., work readiness activities, interview clo	11 0		and retention	
Provided assistance to apply for/or a or vocational/technical training.	attend community college, a f	our-year education	nal institution,	
Engaged in outreach efforts to ident	rify and secure bids from Sec	etion 3 business co	oncerns.	
Provided technical assistance to he contracts.	nelp Section 3 business cor	ncerns understand	d and bid on	
Divided contracts into smaller jobs	to facilitate participation by S	Section 3 business	s concerns.	

Additional Reporting Page 2 of 2

Subrecipient/Contractor Signature	Date
By signing this document, as an authorized employee of the Subrecip above efforts are true and accurate to the best of my knowledge and l	· ·
Description while the control of the Columbia	:
Other, please describe:	
Outreach, engagement, or referrals with the state one-stop 121(e)(2) of the Workforce Innovation and Opportunity Act.	system as defined in Section
Promoted use of business registries designed to create oppor small businesses.	rtunities for disadvantaged and
Assisted Section 3 workers to obtain financial literacy training a	nd/or coaching.
Provided bonding assistance, guaranties, or other efforts to supbusiness concerns.	pport viable bids from Section 3