
Section 3 Policies and Procedures



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

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

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1. Overview of Section 3 Requirements

A. What is Section 3?

Section 3 is a provision of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) that is regulated by the provisions of 24 CFR 75. Section 3 regulations 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.

B. Purpose of this Document

This plan outlines how Maine State Housing Authority (“MaineHousing”) and its subrecipients, contractors and subcontractors will comply with HUD’s Section 3 requirements in implementing MaineHousing’s HUD-funded programs. MaineHousing will, to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low- and very low-income persons (Section 3 workers and Targeted Section 3 workers) and to eligible businesses (Section 3 Businesses) and requires the same of its contractors.

MaineHousing may amend its Section 3 Policies and Procedures document as necessary to ensure continued compliance with HUD’s requirements and/or to reflect updated Section 3 guidance and outreach strategies.

C. Applicability

For public housing financial assistance, all funding is covered, regardless of the amount of expenditure or size of a contract. This plan applies to development assistance, operating funds, capital funds, and all mixed-finance development.

For housing and community development financial assistance, this plan applies to housing rehabilitation, housing construction, and other public construction projects that exceed \$200,000 or more of housing and community development financial assistance from one or more HUD programs. Applicability is determined at the project level.

For projects funded with Lead and Hazard Control and Healthy Homes Programs, this plan applies to projects that exceed \$100,000.

This plan also applies to projects that include multiple funding sources. Multiple funding source projects include projects that include public housing financial assistance, housing and community development financial assistance for single or multiple recipients, and the Lead Hazard Control and Healthy Homes Program.

Section 3 requirements **do not** apply to: 1) Material Supply Contracts - § 75.3(b), 2) Indian and Tribal Preferences - § 75.3(c), and 3) Other HUD assistance and other federal assistance not subject

to Section 3 §75.3 (d). However, for financial assistance that is not subject to Section 3, recipients are encouraged to consider ways to support the purpose of Section 3.

2. Section 3 Coordinator

MaineHousing's role in housing and community development financial assistance involves an extent of interaction with contractors and subrecipients that is not found in the context of public housing financial assistance. Accordingly, MaineHousing has appointed a Section 3 Coordinator to serve as the central point of contact for Section 3 housing and community development financial assistance compliance (other than for Lead Hazard Control and Healthy Homes Programs (LHCHH)) for MaineHousing and its subrecipients, contractors and subcontractors supporting the program. The coordinator will refer questions or requests concerning public housing financial assistance or LHCHH programs to appropriate persons at MaineHousing, HUD or the other relevant agency or office. Subrecipients, contractors, subcontractors and others are encouraged to reach out to MaineHousing's Section 3 Coordinator with questions regarding Section 3 compliance:

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

3. Employment, Training, and Contracting Goals

A. Safe Harbor Compliance

MaineHousing and its subrecipients and subgrantees will be considered to have complied with the Section 3 requirements and met safe harbor, if they certify that they followed the required prioritization of effort and met or exceeded the Section 3 benchmarks, absent evidence of the contrary.

Prior to the beginning of work, contractors and subcontractors will be required to certify that they will follow the required prioritization of effort for Section 3 workers, Targeted Section 3 workers, and Section 3 business concerns as outlined below in section C. After completion of the project, on the Section 3 Cumulative Report, contractors and subcontractors will be required to certify that they followed the prioritization of effort requirements.

If the contractor and subcontractor does not meet the safe harbor requirements, they must provide evidence that they have made qualitative efforts to assist low and very low-income persons with employment and training opportunities.

B. Safe Harbor Benchmarks

MaineHousing has established employment and training goals that subrecipients, contractors, and subcontractors should meet in order to comply with Section 3 requirements outlined in 24 CFR Part 75.9 for public housing financial assistance or 24 CFR Part 75.19 for housing and community development financial assistance. The safe harbor benchmark goals are as follows:

For public housing financial assistance:

1) 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 PHA's fiscal year are Section 3 workers;

$$\text{Section 3 Labor Hours/Total Labor Hours} = 25\%$$

and

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

$$\text{Targeted Section 3 Labor Hours/Total Labor Hours} = 5\%$$

For housing and community development financial assistance:

1) Twenty-five (25) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers;

$$\text{Section 3 Labor Hours/Total Labor Hours} = 25\%$$

and

2) Five (5) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers, as defined at 24 CFR Part 75.21.

$$\text{Targeted Section 3 Labor Hours/Total Labor Hours} = 5\%$$

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, MaineHousing will review and update its Section 3 plan every three years, as needed.

It is the responsibility of contractors to implement efforts to achieve Section 3 compliance. Any contractor that does not meet the Section 3 benchmarks must demonstrate why meeting the benchmarks were not feasible. All contractors submitting bids or proposals to MaineHousing are required to certify that they will comply with the requirements of Section 3.

C. Certification of Prioritization of Effort for Employment, Training, and Contracting Employment and Training

Employment and Training

Under MaineHousing's Section 3 Program, contractors and subcontractors should make best

efforts to provide employment and training opportunities to Section 3 workers in the priority order listed below:

For public housing financial assistance:

- 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; and
- 4) To low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

For housing and community development financial assistance:

Provide employment and training opportunities to Section 3 workers within the metropolitan area (or nonmetropolitan county) in which the project is located in the priority order listed below:

- 1) Section 3 workers residing within the service area or the neighborhood of the project, and
- 2) Participants in YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization of effort requirements prior to the beginning work and after work is completed.

Contracting

Under the MaineHousing's Section 3 Program, contractors and subcontractors must make their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers in the following order of priority:

For public housing financial assistance:

- 1) Section 3 business concerns that provide economic opportunities for residents of public housing projects for which the assistance is provided;
- 2) 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 assistance;
- 3) YouthBuild programs; and

4) 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.

For housing and community development financial assistance:

- 1) Business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which assistance is located in the following order of priority (*where feasible*):
 - a) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project; and
 - b) YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization of effort requirements prior to the beginning work and after work is completed.

4. Section 3 Eligibility and Certifications

Individuals and businesses that meet Section 3 criteria may seek Section 3 preference for training, employment, or contracting opportunities generated by public housing financial assistance or housing and community development financial assistance. To qualify as a Section 3 worker, Targeted Section 3 worker or a Section 3 business concern, each must self-certify that they meet the applicable criteria.

Businesses who misrepresent themselves as Section 3 business concerns and report false information to MaineHousing may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities.

A. Section 3 Worker and Targeted Section 3 Worker Certification

A Section 3 worker seeking certification shall submit self-certification documentation to the subrecipient contractor or subcontractor, that the person is a Section 3 worker or Targeted Section 3 worker as defined in 24 CFR Part 75. For the purposes of Section 3 worker eligibility, MaineHousing will use individual income rather than family/household income to determine eligibility. The income limits will be determined annually using the guidelines published at <https://www.huduser.org/portal/datasets/il.html>.

Persons seeking the Section 3 worker preference shall demonstrate that it meets one or more of the following criteria currently or when hired within the past five years (time period only goes back to the 24 CFR 75 effective date of 11-30-2020), as documented:

- 1) A low or very low-income resident (the worker's income for the previous or annualized calendar year is below the income limit established by HUD); or

- 2) Employed by a Section 3 business concern; or
- 3) A YouthBuild participant.

Persons seeking the Targeted Section 3 worker preference shall demonstrate that it meets one or more of the following criteria:

For public housing financial assistance:

- 1) Employed by a Section 3 business concern; or
- 2) Currently meets or when hired met at least one of the following categories as documented within the past five years (time period only goes back to the 24 CFR 75 effective date of 11-30-2020):
 - a) A resident of public housing; or
 - b) A resident of other public housing projects or Section 8-assisted housing; or
 - c) A YouthBuild participant.

For housing and community development financial assistance:

- 1) Employed by a Section 3 business concern or
- 2) Currently meets or when hired met at least one of the following categories as documented within the past five years (time period only goes back to the 24 CFR 75 effective date of 11-30-2020):
 - a) Living within the service area or the neighborhood of the project, as defined in 24 CFR Part 75.5; or
 - b) A YouthBuild participant.

Section 3 workers and Targeted Section 3 workers who are seeking preference in training and employment must submit attached 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 (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.

HUD has established a portal at <https://hudapps.hud.gov/OpportunityPortal> that Section 3 Workers can use to search for jobs or post their profile/employment history for companies to search.

Projects Involving Multiple Sources of Funding

In cases where Section 3 covered projects include multiple sources of funds, including public housing financial assistance and housing and community development assistance, the PHA must follow the definition of Targeted Section 3 worker and priorities as outlined in subpart B of Part 75. For housing and community development financial assistance, MaineHousing may follow either subpart B or subpart C of Part 75.

In cases where Section 3 covered projects include multiple housing and development funding sources (financial assistance) from single or multiple recipients, MaineHousing will follow subpart C of Part 75. Refer to chart in [Appendix B](#).

B. Section 3 Business Concern Certification

MaineHousing encourages contractors and subcontractors to make best efforts to award contracts and subcontracts to Section 3 business concerns.

Businesses that believe they meet the Section 3 Business requirements may self-register in the HUD Business registry, here: <http://www.hud.gov/Sec3Biz>. A business may seek Section 3 Business concern preference by demonstrating that it meets one or more of the following criteria:

- 1) At least 51 percent of the business is owned and controlled by low- or very low-income persons; or
- 2) At least 51 percent of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing; or
- 3) Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers.

Businesses that seek Section 3 preference shall certify, or demonstrate to MaineHousing, contractors or subcontractors, that they meet the definitions provided in the above. Businesses may demonstrate eligibility by submitting the Section 3 Business Concern Certification Form that is attached as Form 1.

Section 3 Business Concern Certification Forms must be submitted at the time of bid/proposal. If MaineHousing previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid, as long as the form is submitted within the prescribed expiration date. The Section 3 Business Concern Certification Form will expire after 12 months. Establishing a 12-month certification of eligibility period allows MaineHousing the ability to assess contractor performance to ensure the business is striving to meet the required goals.

HUD has established a portal at <https://hudapps.hud.gov/OpportunityPortal> that Section 3 Business Concerns can use to post their businesses or search for workers to fill positions.

5. Assisting Contractors with Achieving Section 3 Goals

In an effort to assist contractors with meeting or exceeding the Section 3 goals, MaineHousing will do the following:

- 1) Share this Section 3 plan with contractors and subcontractors and explain policies and procedures.
- 2) Require contractor to sign the Section 3 Certification that is attached hereto as Form 2 at or before the signing of the construction contract.
- 3) Respond to any questions regarding the Section 3 benchmarks and prioritization of effort from contractors and subcontractors to ensure that the goals are understood. Contractors and subcontractors are not intended to terminate existing employees, but to make every effort feasible to meet Section 3 benchmark goals by utilizing existing qualified workforce and by considering qualified eligible Section 3 workers and Targeted Section 3 workers (per the prioritization of effort outlined in paragraph 3 of these policies and procedures) before any other person, when hiring additional employees is needed to complete proposed work to be performed with any HUD programs that trigger Section 3 compliance.
- 4) Inform contractors about the HUD Section 3 Opportunity Portal <https://hudapps.hud.gov/OpportunityPortal/> and encourage local business to register on it
- 5) Leverage MaineHousing's communication outlets (social media, website, etc.) to effectively communicate the requirements of Section 3.

6. Section 3 Outreach

A. Outreach Efforts for Employment and Training

In order to educate and inform workers and contractors, MaineHousing's Section 3 Coordinator will be prepared to review Section 3 policies and requirements with contractors as described in paragraph 5 of these policies and procedures and to refer workers and contractors to training opportunities of which the coordinator is aware or is informed under this paragraph. In order to assist the coordinator in this regard, when training opportunities are available, contractors and subcontractors should, to the greatest extent feasible:

- 1) Notify the Section 3 Coordinator when training opportunities are available.
- 2) Provide information/handouts about Section 3 training opportunities to potential Section 3 workers and Targeted Section 3 workers.
- 3) Conduct an annual training for Section 3 workers and Section 3 businesses.

Contractors and subcontractors should employ several active strategies to notify Section 3 workers and Targeted Section 3 workers of Section 3 job opportunities, including:

- 1) Clearly indicating Section 3 eligibility on all job postings with the following statement: “This job is a Section 3 eligible job opportunity. We encourage applications from individuals that are low income and/or live in Public Housing and/or receive a Section 8 voucher”;
- 2) Including HUD Form 4736C (Section 3 Worker Self-Certification-Housing and Community Development) in all job postings;
- 3) Working with the Section 3 Coordinator to connect Section 3 worker and Targeted Section 3 workers in the MaineHousing database with opportunities and/or utilize the Section 3 Opportunity Portal to find qualified candidates;
- 4) Establishing a current list of Section 3 eligible applicants;
- 5) Contacting local community organizations and provide them with job postings for Section 3 eligible applicants; and
- 6) Coordinating a programmatic ad campaign, which results in widespread job posting across diverse ad networks including:
 - a) Advertising job opportunities via social media, including LinkedIn and Facebook;
 - b) Advertising job opportunities via flyer distributions and mass mailings and posting ad in common areas of housing developments and all public housing management offices; and
 - c) Contacting resident councils, resident management corporations, and neighborhood community organizations to request their assistance in notifying residents of available training and employment opportunities.

B. Outreach Efforts for Contracting

When contracting opportunities arise in connection with a HUD program that triggers Section 3 compliance, MaineHousing will employ the following strategies to notify Section 3 business concerns of Section 3 contracting opportunities, including but not limited to:

- 1) Adding Section 3 language to appropriate RFPs, procurement documents, bid offerings and contracts.
- 2) Informing any Section 3 business concerns that are involved in Section 3 covered projects of upcoming contracting opportunities.
- 3) In the event that the HUD Section 3 Opportunity Portal is discontinued, advertising contracting opportunities in local community papers and notices that provide general information about the work to be contracted and where to obtain additional information.

- 4) In the event that the HUD Section 3 Opportunity Portal is discontinued, providing 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 bid invitations.
- 5) Coordinating with the prime contractor to publicize contracting opportunities for small businesses.
- 6) Coordinating with MaineHousing's Development Department and all other business assistance agencies and contractor associations to inform them of contracting opportunities and request their assistance in identifying Section 3 business concerns.
- 7) Connecting Section 3 business concerns with requested resources to support business development to assist in obtaining contracting opportunities (e.g., bonding and insurance assistance, etc.). Contractors will also be encouraged to collaborate with MaineHousing as subcontract opportunities arise in an effort to notify eligible Section 3 business concerns about the contracting opportunities.

7. Section 3 Contracting Policy and Procedure

MaineHousing will incorporate Section 3 in its existing procurement policy and will endeavor to award contracts to Section 3 business concerns in connection with procurements generated for use with HUD funding.

All contractors/businesses seeking Section 3 preference must, before submitting bids/proposals to MaineHousing be required to complete certifications, as appropriate. Such certifications shall be adequately supported with appropriate documentation as referenced in the Section 3 Business Concern Certification Form.

8. Section 3 Provisions/Contract Language

MaineHousing will include standard Section 3 language in all of its Section 3-covered contracts to ensure compliance with regulations in 24 CFR Part 75. MaineHousing will take appropriate actions upon finding that a contractor is in violation of 24 CFR Part 75 and does not knowingly contract with any contractor that has been found in violation of the Section 3 regulations. On a periodic basis the Section 3 Coordinator will audit contractors, subcontractors and other subrecipients for compliance with the minimum Section 3 requirements outlined in the Section 3 Plan.

In addition, contractors and subrecipients are required to include language in all Section 3 covered contracts or agreements for subcontractors to meet the requirements of 24 CFR Part 75.9 (for public housing financial assistance) or 24 CFR Part 75.19 (for housing and community development financial assistance).

In order to facilitate compliance with these requirement and with the reporting requirements set out below, there are attached the following:

Form 2 – A certification of Section 3 compliance by contractors and other subrecipients, with attached required Section 3 contract clause.

Form 3 – A list of the parties involved in a project, to be completed by the contractor or other subrecipient and submitted to MaineHousing.

For businesses, 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.

9. Reporting Requirements

For Section 3 covered contracts, contractors must submit to MaineHousing’s Section 3 Coordinator on a monthly basis the summary attached as Form 4 of Section 3 worker and Targeted Section 3 worker hours per pay period and the annual reporting requirements set forth in that form’s instructions. If, at the completion of the Section 3 project, the Section 3 Benchmarks are not reached by the contractors, each must complete the “Additional Reporting” attached to Form 4.

In most instances, it is MaineHousing’s expectation that reporting for all subcontractors will be provided in consolidated form by the contractor. Where 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.

A. Monthly Reporting

Contractors are required to submit monthly activity reports to MaineHousing’s Section 3 Coordinator (meden@mainehousing.org) together with the draw package for each monthly requisition.

B. Annual Reporting

- 1) Once a project is completed, contractors must submit a final Section 3 cumulative report for the program year.
- 2) Upon the completion of a project, MaineHousing’s Section 3 Coordinator will conduct a final review of the project’s overall performance and compliance.
- 3) MaineHousing’s Section 3 Coordinator will submit the Section 3 data annually to HUD into the Section 3 Performance Evaluation and Registration System (SPEARS), for Public Housing financial assistance, or any reporting system designated by program areas overseeing other funding.

C. Reporting on Projects with Multiple Funding Sources

- 1) For Section 3 projects that include public housing financial assistance and housing and community development financial assistance, MaineHousing will report on the project as a whole and will identify the multiple associated recipients.

2) For projects assisted with funding from multiple sources of housing and community development assistance that exceed the thresholds of \$200,000 and \$100,000 for Lead Hazard Control and Healthy Homes Programs (LHCHH), MaineHousing will follow subpart C of Part 75 and will report to the applicable HUD program office, as prescribed by HUD. Note: LHCHH assistance is not included in calculating whether the assistance exceeds the \$200,000 threshold. HUD public housing financial assistance and HUD housing and community development financial assistance is not included in calculating whether the assistance exceeds the LHCHH \$100,000 threshold. Refer to chart in [Appendix B](#).

10. Internal Section 3 Complaint Procedure

In an effort to resolve complaints generated due to non-compliance through an internal process, MaineHousing 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 Part 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. MaineHousing 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) MaineHousing will provide written documentation detailing the findings of the investigation. MaineHousing 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.
- 5) MaineHousing will provide written documentation detailing the findings of the investigation. MaineHousing will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than ninety (90) days after the filing of the complaint. If complainants wish to have their concerns considered outside of MaineHousing a complaint may be filed with the HUD program office responsible for the public housing financial assistance or the Section 3 project, or to the local HUD field office. These offices can be found through the HUD website, www.hud.gov/.

Complainants may be eligible to bring complaints under other federal laws. The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information (medical history or predisposition to disease). For more information about complainant rights, please contact EEOC at: www.EEOC.gov.

The Department of Labor Office of Federal Contract Compliance Programs (OFCCP) enforces, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government. More information about the services they provide can be obtained at: <http://www.dol.gov/ofccp/>.

Appendices

APPENDIX A: DEFINITIONS

The terms **HUD**, **Public housing**, and **Public Housing Agency (PHA)** are defined in 24 CFR part 5.

The following definitions also apply to 24 CFR Part 75 HUD's Economic Opportunities for Low-and Very Low-Income Persons:

1937 Act means the United States Housing Act of 1937, 42 U.S.C. 1437 *et seq.* activities related to Public Housing

Contractor means any entity entering into a contract with:

- (1) A recipient to perform work in connection with the expenditure of public housing financial assistance or for work in connection with a Section 3 project; or
- (2) A subrecipient for work in connection with a Section 3 project.

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.

Material supply contracts means contracts for the purchase of products and materials, including, but not limited to, lumber, drywall, wiring, concrete, pipes, toilets, sinks, carpets, and office supplies.

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.

Public housing financial assistance means assistance as defined in 24 CFR Part 75.3(a)(1).

Public housing project is defined in 24 CFR 905.108.

Recipient means any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, PHA, or other public agency, public or private nonprofit organization.

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

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.
- (3) 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.

Section 3 Coordinator is the person tasked with overseeing all Section 3 responsibilities for the PHA/CD office.

Section 3 project means a project defined in 24 CFR Part 75.3(a)(2).

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.

Section 8-assisted housing refers to housing receiving project-based rental assistance or tenant-based assistance under Section 8 of the 1937 Act.

Service area or the neighborhood of the project means 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.

Small PHA means a public housing authority that manages or operates fewer than 250 public housing units.

Subcontractor means any entity that has a contract with a contractor to undertake a portion of the contractor's obligation to perform work in connection with the expenditure of public housing financial assistance or for a Section 3 project.

Subrecipient has the meaning provided in the applicable program regulations or in 2 CFR 200.93.

Targeted Section 3 worker has the meanings provided in 24 CFR Part 75.11, 75.21, or 75.29, and does not exclude an individual that has a prior arrest or conviction.

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).

YouthBuild programs refers to YouthBuild programs receiving assistance under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226).

APPENDIX B: MULTIPLE FUNDING SOURCES - CHART

Type of financial assistance	Definitions *targeted section 3 worker	Thresholds	Prioritization	Reporting
Public Housing and Housing and Community Development	<p>PHA – must follow subpart B of Part 75</p> <p>HCD – may follow subpart B or C of Part 75</p>	None. Any amount of PH assistance triggers Section 3	<p>PHA – must follows subpart B of Part 75</p> <p>HCD – may follow subpart B or C of Part 75</p>	<p>PHA – must follows subpart B of Part 75</p> <p>HCD – may follow subpart B or C of Part 75</p> <p>Both - Must report on project as a whole and identify the multiple associated recipients</p>
Multiple Sources of Housing and Community Development (single or multiple recipients)	Must follow subpart C of Part 75	Exceeds \$200,000 for Section 3 projects (or LHCHHP exceeds \$100,000)	Must follow subpart C of Part 75	<p>Must follow subpart C of Part 75</p> <p>Must report on project as a whole and identify the multiple associated recipients.</p> <p>Must report to the applicable HUD program office, as prescribed by HUD</p>

Forms

Section 3 Worker Self-Certification-Housing and Community Development	U.S. Department of Housing and Urban Development Office of Field Policy and Management	HUD FORM 4736C OMB Approval Number 2501-0041 (Exp. 04/30/2025)
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(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 full-time 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:

<ul style="list-style-type: none"> • 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-assisted housing • A YouthBuild Participant* 	<p>Income limit</p> <p>\$XX,XXX¹</p>
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*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 counted as a Section 3 Worker under 24 CFR § 75.

If applicable, please indicate which requirement you meet to be considered a Targeted Section 3 worker in the box below. If you select “Living within the service area or neighborhood of the project,” that selection will have to be confirmed by your employer. If you do not meet any of these requirements or do not know if you meet any of the requirements listed below, you may leave this section blank.

<p>___ Living within the service area or neighborhood of the project (requires employer confirmation)*</p> <p>___ YouthBuild participant*</p>

*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 requirements in the box above and 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 above is true and correct and certifies that the worker identified above meets the definition of a Section 3 worker. **WARNING:** Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 31 U.S.C. §3729, 3802)

Signature

Date

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

Schedule of Maine Income Limits (2022)*

Please use the income level in Table 2 that corresponds to a worker's resident address to determine if a worker is considered a Section 3 worker. Note: most 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)	\$44,600
Aroostook County	\$40,100
Cumberland HMFA (excluding Portland HMFA)	\$49,200
Portland HMFA	\$62,550
Franklin County	\$40,100
Hancock County	\$45,000
Kennebec County	\$44,950
Knox County	\$44,100
Lincoln County	\$45,100
Oxford County	\$40,100
Penobscot County (excluding Bangor HMFA)	\$40,100
Bangor HMFA	\$45,550
Piscataquis County	\$40,100
Sagadahoc HMFA	\$48,950
Somerset County	\$40,100
Waldo County	\$40,400
Washington County	\$40,100
York HMFA (excluding York-Kittery-So. Berwick HMFA and Portland HMFA)	\$51,350
York-Kittery-So. Berwick HMFA	\$62,600

*After 2022, 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)
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(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 about the business/employer:

Name of Business: _____

Street Address _____ City _____ State _____ Zip _____

Phone #: _____ Email: _____

Please Provide the following information about the worker/employee:

Printed Name of Worker: _____

Street Address (Not a PO Box) Apt# City State Zip

Phone #: _____ Email: _____

Please indicate which of the following is true for the worker listed above: (Select all that apply)

<input type="checkbox"/> Worker's income from your employment is below the income limit based on a calculation of what the worker's wage rate would translate to if annualized on a full-time basis*	Income limit
<input type="checkbox"/> Worker is employed by a Section 3 Business Concern (Select if your business qualifies as a Section 3 Business Concern)	\$XX,XXX ²
<input type="checkbox"/> Worker's residence is within the service area or neighborhood of the project	

*Currently or at the time of hire if hired within the past 5 years.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct and certifies that the worker identified above meets the definition of a Section 3 worker. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 31 U.S.C. §3729, 3802)

Signature

Date

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

Schedule of Maine Income Limits (2022)*

Please use the income level in Table 2 that corresponds to a worker's resident address to determine if a worker is considered a Section 3 worker. Note: most 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

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Knox County	\$44,100
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Oxford County	\$40,100
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Bangor HMFA	\$45,550
Piscataquis County	\$40,100
Sagadahoc HMFA	\$48,950
Somerset County	\$40,100
Waldo County	\$40,400
Washington County	\$40,100
York HMFA (excluding York-Kittery-So. Berwick HMFA and Portland HMFA)	\$51,350
York-Kittery-So. Berwick HMFA	\$62,600

*After 2022, 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>).

FORM 1

Form 1
Page 1 of 1

Section 3 Business Certification

If your business meets at least one of the categories listed below, please complete this form.

Business Name

Business Address

City

State

Zip

Contact Name

Email

Phone

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.

(3) 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. 24 CFR 75.5.

By signing this document, I certify _____
is a Section 3 business concern because it fits into one or more category listed above.

Signature

Title

Date

FORM 2

Form 2
Page 1 of 2

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 Subrecipient/Contractor) hereby **CERTIFIES** that upon being awarded a contract to participate in the following HUD-funded project:

_____ (the "Project") located in _____ (city or 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 attached 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: _____

Date: _____

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

FORM 3

Form 3
Page 1 of 1

Parties Involved Form

Project Name: _____

Project Address: _____

Owner Name	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

Developer	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

GC	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

Subcontractor	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

Subcontractor	
Contact Name	
Email Address	
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Subcontractor	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

Subcontractor	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

Subcontractor	
Contact Name	
Email Address	
Address	
City, State, Zip	
Phone	

Section 3 Hours Worked

Company Name Project Name

Company Address City State Zip

Contact Name for Section 3 Phone Email Address

Pay Period _____ to _____

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.

A. Section 3 Hours Worked Per Pay Period

Employee Name	Total labor hours Employee worked at Project during Pay Period	Employee is a Section 3 worker (Yes/No)	Employee is a Targeted Section 3 worker (Yes/No)
Total for Pay Period			

Signature Date

B. Section 3 Cumulative Report For Project/Program Year

Employee Name	Total labor hours Employee worked at Project during Project Completion	Employee is a Section 3 worker (Yes/No)	Employee is a Targeted Section 3 worker (Yes/No)
Total for Project			

Signature _____

Date _____

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

If the Subrecipient/Contractor's reporting indicates the Section 3 benchmarks have not been met, the Subrecipient/Contractor must report on the nature of activities pursued in the absence of not meeting Section 3 benchmarks. In the absence of not meeting Section 3 benchmarks, the Subrecipient/Contractor made efforts including (check all that apply and provide documentation of effort(s)):

Engaged in outreach efforts to generate job applicants who are Targeted Section 3 workers.

Provided training or apprenticeship opportunities.

Provided technical assistance to help Section 3 workers compete for jobs (*e.g.*, resume assistance, coaching).

Provided or connected Section 3 workers with assistance in seeking employment including: drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.

Held one or more job fairs.

Provided or referred Section 3 workers to services supporting work readiness and retention (*e.g.*, work readiness activities, interview clothing, test fees, transportation, child care).

Provided assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.

Engaged in outreach efforts to identify and secure bids from Section 3 business concerns.

Provided technical assistance to help Section 3 business concerns understand and bid on contracts.

Divided contracts into smaller jobs to facilitate participation by Section 3 business concerns.

Provided bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.

Assisted Section 3 workers to obtain financial literacy training and/or coaching.

____ Promoted use of business registries designed to create opportunities for disadvantaged and small businesses.

____ Outreach, engagement, or referrals with the state one-stop system as defined in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.

____ Other, please describe: _____

By signing this document, as an authorized employee of the Subrecipient/Contractor, I certify the above efforts are true and accurate to the best of my knowledge and belief.

Subrecipient/Contractor Signature