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Section 3 Policies and Procedures  
for Recipients of  
HOME and/or HTF Program Funds

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EXAMPLE ONLY

*West Virginia Housing Development Fund  
5710 MacCorkle Avenue, SE  
Charleston, WV 25304  
Telephone: (304) 391-8600*

The West Virginia Housing Development Fund (the Fund) and the entities to which it provides HOME and HTF funds (collectively Federal funds) must comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (Section 3). Section 3 requires that 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 establishes 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.**

These procedures summarize the Section 3 requirements and describe how the Fund implements them. They outline what the Fund and its housing partners must do to comply with Section 3 and identify the record-keeping and reporting requirements that funded entities must conduct.

The Section 3 implementing regulations (at 24 CFR part 75) can be found at [Electronic Code of Federal Regulations \(eCFR\)](#).

Section 3 applies to Section 3 projects as follows [24 CFR 75.3(a)(2)(i)]:

Section 3 projects means housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 *et seq.*); and the Residential Lead-Based Paint Hazard Reduction Act of 1991 (42 U.S.C. 4851 *et seq.*). The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.

Whether the project is fully or partially assisted under HOME or HTF, Section 3 applies to the entire project [24 CFR 75.3(a)(2)(iii)].

Section 3 requirements do not apply to material supply contracts [24 CFR 75.3(b)].

### **Section 3 Employment and Training**

Recipient notified as the entity receiving a HOME and/or HTF commitment in excess of a threshold of \$200,000.

**To comply with Section 3 regulations, the Recipient must**, to the greatest extent feasible, ensure employment and training opportunities arising in connection with the Section 3 project are provided to Section 3 workers within the metropolitan area (or nonmetropolitan county) in which the project is located [24 CFR 75.19(a)(1)].

Where feasible, priority for opportunities and training should be given to [24 CFR 75.19(a)(2)(i-ii)]:

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

### **Section 3 Contracting**

**To comply with Section 3 regulations, the Recipient must**, to the greatest extent feasible, ensure contracts for work awarded in connection with Section 3 projects are provided to business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the project is located [24 CFR 75.19(b)(1)].

Where feasible, priority for contracting opportunities should be given to [24 CFR 75.19(b)(2)(i-ii)]:

- Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project, and
- YouthBuild programs.

### **Section 3 Reporting requirements**

**To comply with Section 3 regulations, the Recipient must report** [24 CFR 75.25(a)]:

- The total number of labor hours worked;
- The total number of labor hours worked by Section 3 workers; and
- The total number of labor hours worked by Targeted Section 3 workers.

The labor hours reported must include the total number of labor hours worked on a Section 3 project, including labor hours worked by any subrecipients, contractors and subcontractors [24 CFR 75.25(a)(3)].

In order to meet Section 3 reporting requirements, Recipients may report labor hours by Section 3 workers and Targeted Section 3 workers from professional services without including labor hours from professional services in the total number of labor hours worked for the project [24 CFR 75.25(a)(4)].

### **Additional Reporting if Section 3 Benchmarks are not met [24 CFR 75.25(b)]**

If the Recipient's reporting indicates the Section 3 benchmarks have not been met, the Recipient must report on the nature of activities pursued in the absence of not meeting Section 3 benchmarks (see Form 3.28b).

### **Section 3 Contract Provisions**

Recipients must include language applying Section 3 requirements in any subrecipient agreement or contract for a Section 3 project [24 CFR 75.27(a)] (see Form 3.28a).

### **Section 3 business concern means (24 CFR 75.5):**

- (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 worker means (24 CFR 75.5):**

(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 [24 CFR 75.21(a)]:**

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.

## Exhibits to Section 3 Policies and Procedures

Form	Description
3.28a	Certificate of Section 3 Compliance and Section 3 Clause
3.28b	Weekly Hours Worked Certification & Additional Reporting if Section 3 Benchmarks are not met
3.28c	Section 3 Worker Certification
3.28d	Section 3 Business Certification

**EXAMPLE ONLY**

**This form is needed for anyone on the project & is to be included with all contracts.**

Form 3.28a (page 1 of 2)

Recipient, Contractor, and all Sub-contractors must complete form and submit to WVHDF.

**WEST VIRGINIA HOUSING DEVELOPMENT FUND  
HOME AND HTF PROGRAMS  
SECTION 3 AND ELIGIBILITY 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 Recipient/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 Recipient/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 the West Virginia Housing Development Fund (the "Fund") 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 Recipient/Contractor has notice or knowledge that the contractor/subcontractor has been found in violation of any provision of 24 CFR Part 75.
- (f) is not suspended, debarred, or otherwise prohibited from participating in federally assisted contracts.

By: \_\_\_\_\_  
Authorized Representative's Signature *Signatures must be physical or certified digital.*

Name and Title: \_\_\_\_\_ Date: \_\_\_\_\_

Section 3 Clause must be included in contracts with all contractors/subcontractors/lower-tier subcontractors.

## Section 3 Clause

- EXAMPLE ONLY**
- 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), which 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.
  - D. 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.





## Definitions

### Section 3 worker means (24 CFR 75.5):

- (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 [24 CFR 75.21(a)]:

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 (24 CFR 75.5):

- (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.

**Only needed at initial hours worked submission**

Recipient must complete this form and submit to WVHDF.

**Additional Reporting if Section 3 Benchmarks are not met [24 CFR 75.25(b)]**

If the Recipient's reporting indicates the Section 3 benchmarks have not been met, the Recipient 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 Recipient made efforts including (check all that apply and provide documentation of effort(s)): **PLEASE NOTE N/A IS NOT AN ACCEPTABLE ANSWER**

- 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, travel fees, transportation, child care).
- Provided assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.
- Assisted Section 3 workers to obtain financial literacy training and/or coaching.
- 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.
- 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 Recipient, I certify the above efforts are true and accurate to the best of my knowledge and belief.

Recipient Signature Signatures must be physical or certified digital.

Date

### Section 3 Worker Certification

Employee Name		Project Name	
Employee's Address	City	State	Zip

**Section 3 worker means (24 CFR 75.5):**

(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, documented:

- (i) The worker's income for the previous or annualized calendar year is below the income limit established by HUD (see the following income limits). *Please note the income limit for the county the employee resides.*
- (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.

By signing this document, I certify that I am a Section 3 worker because I fit into one or more category listed above.

Signature <small>Signatures must be physical or certified digital.</small>	Date
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**\*\*\*To be completed only if the employee meets the definitions above\*\*\***

Additional state income limits can be found here:

<https://www.huduser.gov/portal/datasets/il.html>

### Section 3 Income Limits (effective 04/01/24)

County (Area)	% of Median	1 Person
Barbour County (001)	80%	\$37,000
Berkeley County (003)	80%	\$46,000
Boone County (005)	80%	\$38,650
Braxton County (007)	80%	\$37,000
Brooke County (009)	80%	\$44,800
Cabell County (011)	80%	\$39,950
Calhoun County (013)	80%	\$37,000
Clay County (015)	80%	\$43,250
Doddridge County (017)	80%	\$43,300
Fayette County (019)	80%	\$37,000
Gilmer County (021)	80%	\$38,500
Grant County (023)	80%	\$41,000
Greenbrier County (025)	80%	\$37,000
Hampshire County (027)	80%	\$59,000
Hancock County (029)	80%	\$44,800
Hardy County (031)	80%	\$37,000
Harrison County (033)	80%	\$46,950
Jackson County (035)	80%	\$43,300
Jefferson County (037)	80%	\$67,700
Kanawha County (039)	80%	\$43,250
Lewis County (041)	80%	\$38,650
Lincoln County (043)	80%	\$37,000
Logan County (045)	80%	\$37,000
McDowell County (047)	80%	\$37,000
Marion County (049)	80%	\$45,600
Marshall County (051)	80%	\$45,150
Mason County (053)	80%	\$40,150
Mercer County (055)	80%	\$37,550

County (Area)	% of Median	1 Person
Mineral County (057)	80%	\$47,600
Mingo County (059)	80%	\$37,000
Monongalia County (061)	80%	\$50,900
Monroe County (063)	80%	\$38,650
Morgan County (065)	80%	\$43,550
Nicholas County (067)	80%	\$38,600
Ohio County (069)	80%	\$45,150
Pendleton County (071)	80%	\$37,450
Peasants County (073)	80%	\$45,550
Pocahontas County (075)	80%	\$37,000
Preston County (077)	80%	\$50,900
Putnam County (079)	80%	\$53,500
Raleigh County (081)	80%	\$37,000
Randolph County (083)	80%	\$38,100
Ritchie County (085)	80%	\$37,000
Roane County (087)	80%	\$37,000
Summers County (089)	80%	\$37,000
Taylor County (091)	80%	\$40,800
Tucker County (093)	80%	\$41,100
Tyler County (095)	80%	\$41,350
Upshur County (097)	80%	\$38,200
Wayne County (099)	80%	\$39,950
Webster County (101)	80%	\$37,000
Wetzel County (103)	80%	\$38,650
Wirt County (105)	80%	\$41,850
Wood County (107)	80%	\$41,850
Wyoming County (109)	80%	\$37,000

### 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 (24 CFR 75.5):**

- (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;
  - (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.

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 \_\_\_\_\_

**\*\*\*To be completed ONLY if the Contractor/Subcontractor can meet the definitions above\*\*\***