Increasing Economic Opportunity through HUD's Section 3

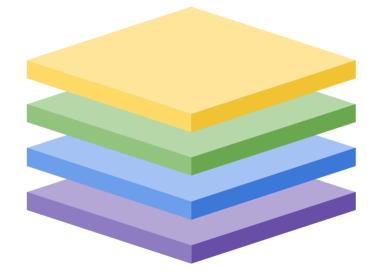






TOPICS COVERED

- Intent & Regulations
- Definitions
- Requirements
- Reporting
- Resources



Section 3 Intent & Regulations

Intent and Regulatory Basis for Section 3

G C To ensure that the **employment and other economic opportunities** generated by Federal financial assistance for housing and community development programs **shall, to the greatest extent feasible**, be **directed toward low- and very low-income persons**, particularly those who are recipients of government assistance for housing.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u(b))

The Competent finds the— The Competent finds the— recovering of Freedom Termination of the Competence of the termination of termination of the termination of the termination of the termination of terminati	
ancome persons, paint samp persons was one request as dovernment associate en associate, and (4) prior Federal efforts it direct employment and other economic opportunities generated by Federal housing and community development programs to low- and very low-income persons have not been fully effective and should be intensified.	
(b) Policy	ectors and
It is the policy of the Congress and the purpose of this section to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs that), to the greatest extent flexible, be directed toward low- and very low-income persons, particularly	al laws and regulations, e provided pursuant to the 42, and
those who are recipients of government assistance for housing.	uns that provide
(c) Employment	
(1) Public and Indian housing program	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
(A) In general	of priority. housing development
The Secretary shall require that public and Infain housing agencies, and their contractors and subcontractors, nake their best efforts, consistent with existing federal. State, and local laws and regulations, to give to low- and very low-income persons the training and employment opportunities generated by development assistance provided pursuant to extenin 1475 or the 42, operating assistance provided pursuant	er housing e assistance.
to section 1437g of title 42, and modernization grants provided pursuant to section 1437l of title 42.2	low-income persons
(B) Priority	stance is provided.
The efforts request under subparagraph (A) shall be detected in the following order of priority: (1) To relation of the locating devolutions for which the ansatumes is regressed encoded by the statistical efforts and the statistical efforts and the statistical efforts and encoded by the statistical efforts and the statistical efforts and the statistical efforts and (1) To other iter- and very low-access persons resoluting within the metropolitin reve (or measurement) and interval efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the statistical efforts and the efforts and the statistical efforts an	prams, the Secretary tate, and local laws and reliabilitation , or other public is for low- and very
(2) Other programs) in which the
(A) In general In other programs that provide locating and community development suisitance, the Secretary shall ensure that to the persistent states feasible, and consistent with structure (Federal, State, and Local laws and negatitation, opportunities for its straining and employment straining in consection with a locating relation (including project are given to low- and very low-accesse persons residing within the metropolana news (or nonumetropolium cours) in which the project is located.	nic opportunities for : neighborhood in ction 3226 of title 29.
(B) Priority	
Where feasible, priority should be given to low- and very low-income persons residing within the service area of the project or the neighborhood an which the project is located and to participants in YouthBuild programs receiving assistance under section 3226 of title 29.	ings given the terms (2) of title 42.
(d) Contracting The term "a business concern that provides economic opportunities" means a busines (A) provides economic opportunities for a class of persons that has a majority cont business: (B) employs a substantial number of such persons; or (C) meets such other criteria an de Secretary any are sublish.	s concern that— rolling interest in the
(f) Coordination with other Federal agencies	
O Containing on the truth of Containing Sectors of Labor, the Secretary of Health and Huc Secretary of Commerce, the Administrator of the Small Business Administration, and such as the Secretary of Commerce, the Administrator of this section.	man Services, the a other Federal agencies
(g) Regulations Not later than 180 days after October 28, 1992, the Secretary shall promulgate regulation tection.	ns to implement this

1701n Economic opportunities for low, and year low income parts

(a) Findings

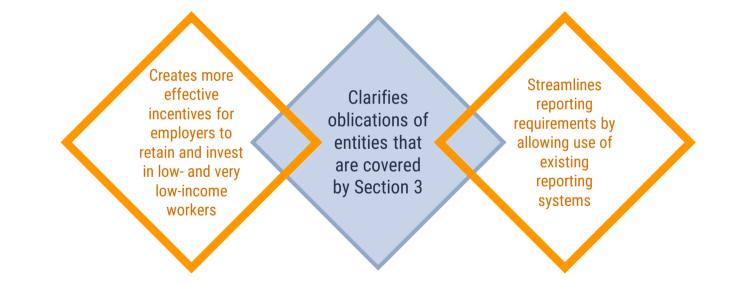
Economic Opportunity

ecipients of HUD Funding

Residents

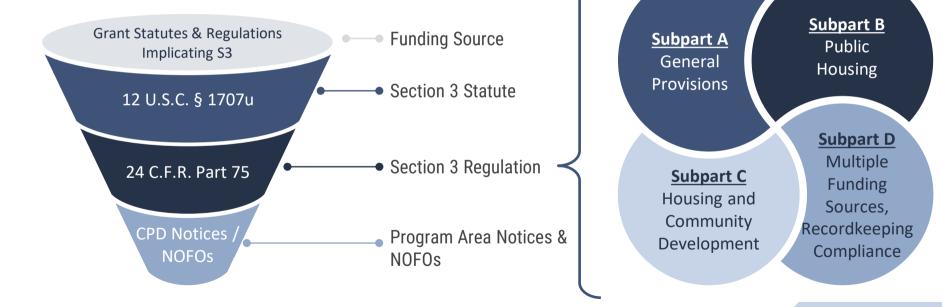


Statute Promulgated by 24 C.F.R. Part 75



Section 3 is a requirement of certain HUD funding, not a separate program!

Section 3 Rules & Requirements



Who in HUD is responsible for Section 3?

- FPM Delegations
 - Manage reporting system
 - Administer T/A Funds
 - Coordinate/Offer best practices to external stakeholders

- Program Area Delegations
 - Compliance/Enforcement
 - Section 3 Administration within Grant Programs

Secretarial Delegation promulgated in Delegation of Authority for the Office of FPM 85 Fed. Reg. 62753:

- FPM assigned the responsibility and authority to ..."manage the [SPEARS], or any successor system, and other related systems of record, to administer Section 3 T/A funds, and to coordinate and offer best practices to external stakeholders."
- Program areas are responsible "...to administer Section 3 compliance and enforcement as part of their grant administration process."

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Section 3 Definitions

Section 3 Key Term Definitions

Section 3 Worker & Business Concern Definition



A **Section 3 worker** is, or when hired in the past 5 years* was:



A low- or very low-income individual; or



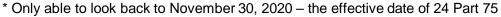
A Youthbuild participant; or



Employed by a Section 3 business concern











A Section 3 business concern $\ensuremath{\mathsf{is}}\xspace,$

documented within the last six-month period:

51% or more owned/controlled by low- or very low-income persons; or

> 75% labor hours performed over prior three-month period are performed by lowor very low-income workers; or

≥ 51% owned/controlled by current residents of public housing or Section 8assisted housing

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			FY 2022 IN	ICOME LIMITS DOCUMENTATION SYSTEM	
Individual Income	Limits			Start School a state: Then select a county: Mana Cann, Million Anna Cann, Million Mana Cann, Million Mana Cann, Million Mana Cann, Million Anna Cann, Million Mana Cann, Million Mana Cann, Million Cacase a Cacase, Million Mana Cann, Million Cacase a Cacase, Million Mana Cacase, Mana Cacase, Million	
Individual Income Area	Low-Income Limit	Individual Ir Area	ncome	Low-Income Limit	
Akron	\$48,650	Cleveland		\$50,650	
Brown County	\$43,900	Columbus		\$55,550	
Canton/Massillon	\$45,600	Dayton/Ketterin	ng	\$49,850	
Cincinnati	\$56,650	Hocking Count	У	\$44,000	
Sample Michigan Income Limite		Ottawa County	/	\$50,350	
Sample Michigan Income Limits					10

Source: http://www.huduser.org/portal/datasets/il.html (May 2023)

Targeted Section 3 Worker 24 C.F.R. § 75.11 (PHA) or § 75.21 (HCD)

Targeted Section 3 Workers

Workers

Section 3

workers

Targeted Section 3

workers



- A targeted Section 3 worker is a Section 3 worker who is:
- Employed by Section 3 business concern; or
- Who currently fits or when hired fit one of the following definitions, as documented in the previous five years:
- Public Housing Recipients
- Resident of public housing or Section 8 assisted housing; or
 A resident of another project managed by the PHA; or
 A YouthBuild participant
- Employed by Section 3 business concern; or
- Who currently fits or when hired fit one of the following definitions, as documented in the previous five years:

Housing & Community Development Recipients

- Living within the service area or the neighborhood of the project; or
- A YouthBuild participant

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Section 3 Requirements

Applicability and Requirements of Section 3

Determined by source of HUD funding

\$4.18 Billion

Public Housing:

Grant based – applies to all activities funded with the following funds regardless of amount funded:

- Operating Funds
- Capital Funds
- Development/ Modernization Funds
- <u>RAD</u> Partially (See Notice)
- Check NOFOs!

NOTE: Does not apply to HCV only program funding or RAD post-conversion



\$2.06 Billion

Housing & Community Development:

Project based – applies to only those activities that meet the funding threshold (Section 3 Projects):

- CPD Formula Grants
- CPD Competitive Grants
- Lead Grants
- CARES/ARP Funding

NOTE: Special provision for multiple funding sourced projects



(HCD) Section 3 Applies to <u>Section 3 Projects</u>

Section 3 Project Defined:

- Housing rehabilitation, housing construction, and other public construction project;
- Assisted under HUD programs that provide Housing and Community Development financial assistance;
- When the total amount of HCD assistance to the project exceeds a threshold of \$200,000.
 - The threshold is \$100,000 where the assistance is from the <u>Lead Hazard Control and</u> <u>Healthy Homes</u> program

A project for this purpose is the site or sites together with any building(s) and improvements on the site(s) that are *under common ownership*, *management*, *and financing*.

HOME CDBG HITE NSP HOPUN S2028, HRMP

Applies to Section 3 projects for which assistance or funding is committed on or after July 1, 2021 – See CPD Notices for more information



* Intent is to maximize impact of funding in L/VLI areas where funding is spent

PHAs & their contractors and subcontractors

Consistent with existing Federal, state, and local laws & regulations must make their best efforts to provide to Section 3 Workers

Make Best Efforts to Provide

Employment & Contracting with S3 businesses providing economic opportunity to:

- Targeted Section 3 Workers living in PHA Project
- Targeted Section 3 Worker subsidized by funding PHA
- Youthbuild Participants
- L/VLI Persons residing within Metro/County where assistance provided

Recipients of HCD Funding

Consistent with existing Federal, state, and local laws & regulations shall provide to Section 3 Workers in Metro/County where project is located



- Section 3 Workers residing <u>within neighborhood</u> of the Section 3 Project – See <u>Neighborhood Tool</u>
- Youthbuild Participants / Programs

Material Only contracts are exempted from Section 3 Requirements

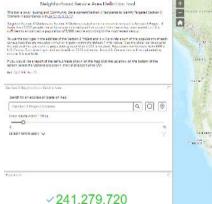


Neighborhood Service Area Definition

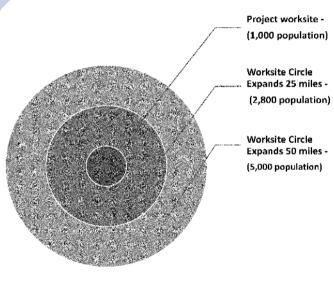
An area within one mile of the Section 3 project

If fewer than 5,000 people live within a onemile radius of the Section 3 project, then the circle is expanded until it is sufficient to encompass 5,000 people

Utilize <u>HCD</u> <u>Neighborhood</u> <u>Service Area Tool</u> on Region 5's Section 3 Resource Hub







Above: Graphic depiction showing how the one-mile radius can be expanded where there are fewer than 5,000 people until the 5.000-person population is found.



Multiple Funding Sources

Housing rehabilitation, construction, or other public construction is funded by <u>Public Housing</u> and <u>Housing and Community Development funds</u>:

- Public Housing must follow their normal requirements (Subpart B)
- Housing and Community Development recipient may follow *either* their normal requirements (Subpart C) <u>OR</u> public housing requirements (Subpart B)
 - May use either definition of a Targeted Section 3 worker (§ 75.11 or § 75.21)

Recipients of both sources of funding shall report on the project as a whole and shall identify the multiple associated funding sources while reporting on the labor hour numbers:



Highlight Section 3 Opportunities in your newsletters



Family Self-Sufficiency (FSS) PROGRAM

Integrate Section 3 into Employment programs such as FSS and Jobs Plus JOBS

Working with Federal Partners and promoting federal/state incentives for hiring low-income individuals



WORK OPPORTUNITY TAX CREDIT





Include Section 3 information in your contractor briefings, indicating the advantages of hiring a Section 3 worker and becoming a Section 3 business

Maintain a list of businesses that self-certify as Section 3 for affirmative outreach when contracting opportunities become available

Develop local/regional Section 3 Plan and Shared Business List and put it online

Section 3	Worker Certif	ication		
-	like to apply for Se 3 Worker Certifica	ection 3 preference in hiring? ation form.	Click below for	
	Section 3 V	Worker Certification (PDF, 2MB)		
-	Section 3 Bus	iness Certification		
	Are you a busine below.	ss seeking Section 3 preferen	ce? Fill out our fo	m
	•	Apply for Section 3 Preference	9 (PDF, 278KB)	
committee and the Ci	eed to fill out a "S to complying with ty of Grand Rapid: ction 3 Plan- Own	ection 3 Plan" form. It certifies h the Section 3 act, Section 3 r s Section 3 Guidelines. er/Developer and Contractors Plan- Subcontractors (PDF, 270KB) Section 3 Business List	egulations,	
		For a list of the Section 3 busi the City of Grand Rapids, click		mitted certification to
				19

4

Section 3 Verification and Reporting Required Documenation and Reporting



REGULATION 24 C.F.R. Part 75 outlines regulatory reporting requirements	R	Ν	PROGRAM NOTICES Program area notices detail specifics required by recipients of program funding
Recipients of HUD funding will have a Section 3 Plan outlining local requirements	S	C	Section 3 Recipients include required Section 3 language within Section 3 funded activities
SECTION 3 PLAN			CONTRACT



When Status is Determined

Section 3 Business Concern:



Businesses <u>self-certify</u> Section 3 status when signing up for the business registry



<u>Verification</u> that a business meets the definition of a Section 3 business concern is done <u>at the time of contracting</u>



Once verified a Section 3 business concern maintains its Section 3 status for as long as it continues to meet the definition (24 C.F.R. § 75.5)

Section 3 defers to local, state, and other federal rules and regulations. (24 C.F.R. §§ 75.9 & 75.19)

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or Targeted Section 3 workers at either:

Section 3 worker:

- Date of initial hire/contract; or
- Employee Certification Date (if after date of initial hire)

Workers are established as Section 3 workers

Established Section 3 workers or Targeted



Section 3 workers may count their labor hours for <u>five-years from the date used to establish</u> <u>their status.*</u>



Workers <u>may reestablish</u> their status as a Section 3 worker or Targeted Section 3 worker at end of the five-year period.

*Do not look back prior to the effective date of the rule (November 30, 2020)



Recipients must maintain documentation, or ensure that a subrecipient, contractor, or subcontractor maintains documentation, to ensure workers meet the definition of a Section 3 worker or Section 3 targeted worker:

Section 3 worker record requirements

- ✓ Worker's self-certification that their income is below the income limit from the prior calendar year (HUD Form 4736C & D)
- ✓ Worker's self-certification of participation in a means-tested program such as public housing or Section 8 (HUD Form 4736C & D)
- ✓ Certification from a PHA or Section 8 program manager that the worker is a participant in such a program (HUD Form 4736)
- ✓ Employer's certification that the worker's income from that employer is below the income limit (HUD Form 4736A & B)
- ✓ Employer's certification that the worker is employed by a Section 3 business concern (HUD Form 4736A & B)

Targeted Section 3 worker record requirements

- ✓ Worker's self-certification of participation in a means-tested program such as public housing or Section 8
- ✓ Certification from a PHA or Section 8 program manager that the worker is a participant in such a program
- ✓ Employer's certification that the worker is employed by a Section 3 business concern
- ✓ Worker's certification that the worker is a YouthBuild participant

* Additional Sample Section 3 Utilization and Funding Tracker Tools are available on HUD Clips as part of the HUD Form 4737 series



Safe Harbor – Presumption of Comliance

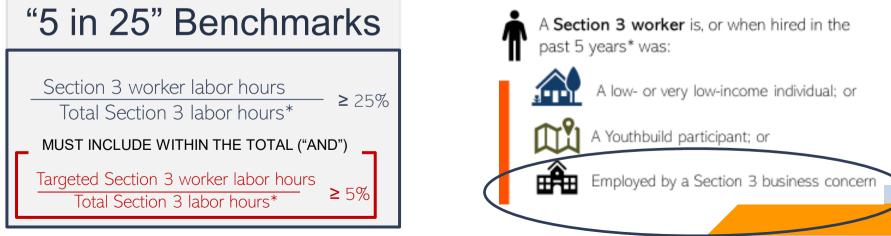
If you don't meet the benchmarks, you **must report qualitatively**: Basically, show what steps you took in an effort to meet the benchmarks

24

HUD considers recipients to have complied with Section 3, absent any contrary evidence, if they:

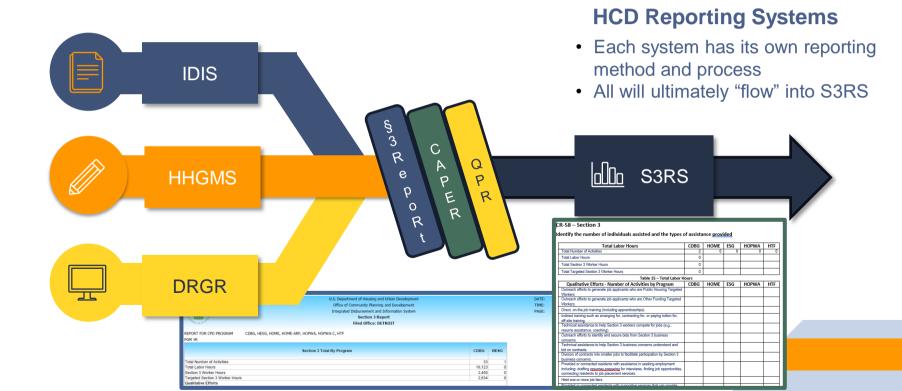
Certify that they have followed the prioritization effort outlined in § 75.9 or § 75.19 (as applicable), and

Meet or exceed the applicable Section 3 Benchmarks (published in Fed. Reg. for comment at least every three years)



*May excludes labor hours from professional services (24 C.F.R. § 75.15(a)(4))

HCD Reporting Systems



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On the "Add Activity" screen, indicate whether the Activity is subject to Section 3

HOPWA-C None	
HTF None	24 C.F.R. § 75.3(a)(2)
*Is this activity subject to Section 3 at 24 CFR Part 75? ① ● Yes O No	(HCD) Section 3 Applies to <u>Section 3 Projects</u>
*Environmental Review: Select v	on 3 Project Defined: Housing rehabilitation, housing construction, and other public construction project; Assisted under HUD programs that provide Housing and Community Development financial assistance; When the total amount of HCD 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 program
	A project for this purpose is the site or sites together with any building(s) and improvements on the site(s) that are under common ownership, management, and financing.
	Applies to Section 3 projects for which assistance or funding is committed on or after July 1, 2021 – See CPD Notices for more information

What is Reported: Step 3 – Outcomes Reporting

Add or Edit "CDBG Accomp." in the Activity.

Enter gathered labor hours into the system

System will identify if **"Safe Harbor Benchmark Met**" by indicating **"Yes"** or **"No"**

	22		nother Year: Edit Selected Year	
ccomplishment Narrative: (maximum 4 xample	000 characters)			
Accomplishments Accomplishment Type				Proposed I
L1 - Public Facilities				
*Section 3				
*Section 3		Calculated Percentage	Safe Harbor Bench	mark Met
*Section 3 Total Labor Hours	2000	Calculated Percentage	Safe Harbor Bench	mark Met
	2000	Calculated Percentage	Safe Harbor Bench Yes	mark Met

Quick Checks:

- 1. Total Labor Hours *must be* > Section 3 Worker Labor Hours *must be* > Targeted Section 3 Worker Labor Hours
- 2. Do the total labor hours make sense for the scope of the project?
- 3. Are all labor hour entries the same (indicates inaccurate and misrepresented data think all 1's)



Examples of Qualitative Efforts

lature of Agency Efforts	
his section is required if, based on the labor hours reporting above, the	reporting agency did not meet the safe harbor benchmarks.
heck all that apply. Maintain records available for HUD review to docume	ent any efforts checked.
Outreach efforts to generate job applicants who are Public Housing Ta	argeted Workers
Outreach efforts to generate job applicants who are Other Funding Ta	irgeted Workers.
Direct, on-the job training (including apprenticeships).	
\Box Indirect training such as arranging for, contracting for, or paying tuition	on for, off-site training.
Technical assistance to help Section 3 workers compete for jobs (e.g.	, resume assistance, coaching).
Outreach efforts to identify and secure bids from Section 3 business of	concerns.
Technical assistance to help Section 3 business concerns understand	and bid on contracts.
Division of contracts into smaller jobs to facilitate participation by Service 2010 Service 2	ction 3 business concerns.
Provided or connected residents with assistance in seeking employment	ent including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.
Held one or more job fairs.	
Provided or connected residents with supportive services that can pro-	ovide direct services or referrals.
\Box Provided or connected residents with supportive services that provide	one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.
Assisted residents with finding child care.	
Assisted residents to apply for, or attend community college or a four	year educational institution.
Assisted residents to apply for, or attend vocational/technical training	k
$\hfill\square$ Assisted residents to obtain financial literacy training and/or coaching	þ
Bonding assistance, guaranties, or other efforts to support viable bid	s from Section 3 business concerns.
Provided or connected residents with training on computer use or onl	ine technologies.
Promoting the use of a business registry designed to create opportunity	ities for disadvantaged and small businesses.
Outreach, engagement, or referrals with the state one-stop system, a	as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.
Other. Specify:	

Section 3 Worker Hours Safe Harbor Benchmarks **Not Met**:

• "Nature of Agency Efforts" menu will be presented to indicate efforts undertake.

•When completed, select **"Save and Continue"** to complete adding or updating the Activity Accomplishments.

HCD Reporting Considerations

Indicators of Accurate S3 Reporting

Some of the key things to look for when reporting on HCD Section 3 Projects.



Know what is a S3 Project and Commitment Dates Knowing where an activity falls within your specific program area notices (e.g. CPD Notice 21-07 & 21-09)

"Activity" ≠ "Section 3 Project" System activity entries do not always line up with the definition of a Section 3 Project

Labor Hour Anomalies Total Labor Hours *must be* ≥ S3 Worker LHs *must be* ≥ Targeted S3 Worker LHs

Update IDIS Activity Entry Process

Processes updated to reflect new rule and notices relating to S3 Project identification & LH reporting

5

Section 3 Resources

Resources and Best Practices

Resources

- Section 3 Final Rule
- <u>24 C.F.R. Part 75</u>
- Section 3 Benchmark Notice
- Section 3 Program
- Section 3 HUD Exchange
- HUD Exchange Ask a Question
- Section 3 Guidebook
- Section 3 Frequently Asked Questions
- HHGMS Section 3 Instructions
- IDIS Section 3 Instructions
- DRGR Section 3 Instructions

- Region 5 Section 3 Resource HUB
- HCD Neighborhood Service Area Tool
- <u>Sample Section 3 Certification Forms</u> (HUD-4736 Series)
- <u>Sample Section 3 Utilization Forms</u> (HUD-4737 Series)
- <u>PIH Notice 2022-38/FPM-19-2022</u>
- <u>PIH Notice 2022-10</u>
- CPD Notice <u>21-07</u> and <u>21-09</u>
- RAD Section 3 Guidance
- <u>Bipartisan Infrastructure Act Preferences</u>

🛱 Region 5 Resource Hub

📥 HUD Section 3 - Region 5 Illinois Indiana Michigan Minnesota Ohio Wisconsin Opportunity Portal

HUD Region 5 Section 3 Resource Hub

Discover Section 3 Resources in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin by clicking the state links above

Section 3, to the greatest extent feasible, ensures jobs, training, and contracting generated by select HUD funding is directed to low- and very low-income persons.

Section 3 Delivers Economic Opportunity

Section 3 is intended to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feesible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

Section 3 Recipients are required to report on the number of labor hours worked by Section 3 worker and Targeted Section 3 workers on Section 3 projects and activities, and to the greatest extent feasible are required to make available contracting and employment opportunities to Section 3 business concerns. This Resource Hub is designed to help those at the community level who are delivering on the promise of economic opportunity worker empowerment for those most vulnerable and disadvantaced. The HUD Region 5 Section 3 Resource Hub has been designed to provide Businesses and Recipients with a starting point in leveraging Section 3 to increase economic opportunity for low- and very low- income individuals.

Allow me to walk you though the hub and the different tools that have been put together to help de-mystify Section 3.

https://hud-region-5-section-3-resource-hub-hud.hub.arcgis.com/



Daniel Huyck

Management and Program Analyst Region 5 Section 3 Contact Field Policy and Management <u>daniel.j.huyck@hud.gov</u>

Nathan Roush

Section 3 Compliance Specialist Atlanta Field Office Field Policy and Management <u>nathan.a.roush@hud.gov</u> <u>Section3@hud.gov</u>