



SECTION 3 PLAN

THE HOUSING AUTHORITY OF THE CITY OF FORT MYERS

BOARD APPROVED: SEPTEMBER 27, 2023

Section 3 Plan
Housing Authority of the City of Fort Myers
4224 Renaissance Preserve Way
Fort Myers, FL 33916



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INTRODUCTION

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

HUD updated the regulations under Section 3. The Housing Authority of the City of Fort Meyers has updated its Section 3 plan in accordance with the Final Rule of Section 3 regulations, at 24 CFR Part 75 (the new rule), which was published on September 29, 2020, and became effective on November 30, 2020. The new rule updated HUD's Section 3 regulations by reducing regulatory burden and incentivizing employers to retain and invest in low- and very low-income workers. The new rule streamlined reporting requirements and provided program specific oversight while simplifying the administrative responsibility. Updates were included in HUD's PIH Notice 2022-10, issued April 18, 2022

This Section 3 Plan explains The Housing Authority of the City of Fort Meyers (HACFM) policies on the opportunities offered to low-income persons and describes any criteria or standards pertaining to HUD's recommended policies. The HACFM will, to the greatest extent feasible, attempt to offer training and employment skills building programs for the residents of public housing in Fort Meyers, and will make a good faith effort to recruit as many lower income residents as possible for employment and instructional positions, and contract opportunities to provide economic opportunities for area residents and area business concerns, in accordance with Section 3 of the Housing and Urban Development (HUD) Act of 1968.

Established by The Housing Authority of Fort Meyers, Florida and approved by Action of the Board of Commissioners (Board), for the City of Fort Meyers, Florida, this Section 3 Plan is in compliance with the Annual Contributions Contract (ACC) between the Housing Authority and HUD, Federal Regulations at 24 CFR 75, the procurement standards of the HUD Handbook 7460.8, REV 2, Procurement Handbook for Public Housing Agencies, and applicable state of Florida and local laws.



Section 3 of the Housing and Urban Development Act of 1968

Old Rule - 24 CFR Part 135	New Rule - 24 CFR Part 75
Focusing on sustained employment of low- and very low-income populations	
<p>A new hire for a temporary, one-month job and a new hire for a permanent, year-round job counted the same, instead of placing more value on long-term employment.</p>	<p>Recognizes the greater value of the permanent job by focusing on labor hours instead of new hires, creating an incentive for employers to invest in and retain their newly hired low-income workers.</p>
Crediting successful sustained employment in reporting benchmarks	
<p>Former benchmarks:</p> <ul style="list-style-type: none"> • 30% of persons hired by Section 3 funding must be Section 3 residents • 10% of total funds for construction contracts awarded to Section 3 businesses • 3% of total funds for non-construction contracts awarded to Section 3 businesses • No updates to these benchmarks 	<p>Final rule benchmark notice:</p> <ul style="list-style-type: none"> • 25% of all labor hours must be performed by a Section 3 worker • 5% of all labor hours must be performed by Targeted Section 3 workers • Benchmark notice should be updated by the Secretary every three years
Allowing varied outcomes for different geographies and activities	
<p>Section 3 residents are:</p> <ul style="list-style-type: none"> • Public housing residents • Low- and very low-income persons who live in the metropolitan area or non-metropolitan county where a HUD assisted project for housing or community development is located 	<p>Section 3 workers are:</p> <ul style="list-style-type: none"> • Workers whose incomes for the previous or annualized calendar year are below the income limit established by HUD • Employed by a Section 3 business concern • YouthBuild participants
<p>Under the old rule, there is no distinction or prioritization of hiring Targeted Section 3 workers.</p>	<p>New rule emphasizes the priority hiring of Targeted Section 3 workers living in public or Section 8-assisted housing or within a 1 mile radius of the project site.</p>
<p>Section 3 business concerns are:</p> <ul style="list-style-type: none"> • At least 51% owned by Section 3 residents • At least 30% of employees are currently Section 3 residents, or were within first three years of employment • Businesses that subcontract more than 25% of all subcontracts to a Section 3 business concern 	<p>Section 3 business concerns are:</p> <ul style="list-style-type: none"> • At least 51% owned and controlled by low- or very low-income persons • Businesses where Section 3 workers perform over 75% of the labor hours over a three-month period • At least 51% owned and controlled by current public housing or Section 8-assisted housing residents
Integrating Section 3 into the program offices	
<p>Enforcement and compliance was performed by the Office of Fair Housing and Equal Opportunity.</p>	<p>Enforcement and compliance will be integrated into regular program office work.</p>
Reducing reporting requirements for grantees who are meeting benchmarks	



PART I: OVERVIEW OF SECTION 3 REQUIREMENTS

A. WHAT IS SECTION 3

The New Rule updated HUD's Section 3 regulations by reducing regulatory burden and incentivizing employers to retain and invest in low- and very low-income workers. The New Rule streamlined reporting requirements and provided program specific oversight while simplifying administrative responsibility.

A more sustainable approach to long-term employment, labor hours under Section 3 are to be counted as a percentage of hours for a project and benchmarks adjusted to be more feasible, are a few of the key changes that will allow more workers and businesses to participate in Section 3 related projects. Such changes acknowledge the costly nature of hiring new employees and the seasonal availability of construction-related work, aiming for a more sustainable and long-term approach to Section 3 employment.

B. PURPOSE

This Section 3 Plan outlines how The Housing Authority of the City of Fort Myers (HACFM) and its subrecipients, contractors and subcontractors will comply with HUD's Section 3 requirements in implementing HACFM's HUD Public Housing programs. The HACFM will, to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low and very low-income people and to eligible businesses, and requires the same of its contractors.

The HACFM 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, 24 CFR 75.3

Section 3 applies to 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. Multiply 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 – 73.3(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.

PART II: SECTION 3 COORDINATOR

The HACFM's Section 3 Coordinator serves as the central point of contact for Section 3 compliance for HACFM and its subrecipients, contractors and subcontractors supporting the program. Subrecipients, contractors, subcontractors and others are encouraged to reach out to HACFM's Section 3 Coordinator with questions regarding Section 3 guidance and compliance.

Tyra Guthrie
Section 3 Coordinator
Email: TyraGGuthrie@HACFM.org
Phone: 239-344-3220



PART III: EMPLOYMENT, TRAINING, AND CONTRACTING GOALS

A. SAFE HARBOR COMPLIANCE AND BENEFICIARIES, 24 CFR 75.5

The Following types of economic opportunities are covered by Section 3:

- Job Training
- Employment
- Contracts

Training or employment opportunities resulting from public housing development or operating assistance including administration, management, clerical support, and construction are subject to compliance with Section 3.

The HACFM will be considered to have complied with 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.

- 1) The final rule defines Section 3 Workers as any worker who currently fits, or when hired, fit at least one of the following categories as documented within the past five years:
 - a) The workers income for the previous or annualized calendar year is below the income limits established by HUD,
 - b) The worker is employed by a Section 3 business concern,
 - c) The worker is an FSS or ROSS program participant.

(For public housing financial assistance)

- 2) The final rule defines Targeted Section 3 worker as a Section 3 worker who is also:
 - a) A worker employed by a Section 3 business concern: or
 - b) A worker who currently is, or who was when hired, as documented within the past five years:

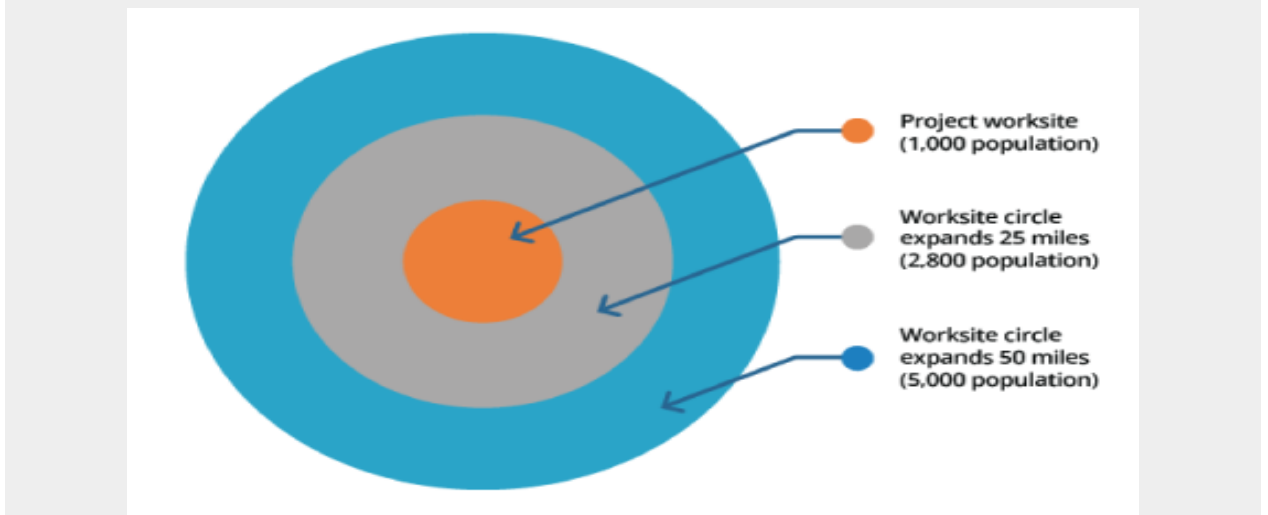


- A resident of public housing or Section 8-assisted housing
- A resident of other public housing projects or Section 8-assisted housing managed by the PHA that is expending assistance or
- An FSS or ROSS program participant

(For housing and community development financial assistance)

- 3) The final rule defines a Targeted Section 3 worker who is also:
- a) A worker employed by a Section 3 business concern: or
 - b) A worker who currently fits, or when hired fit, at least one of the following categories, as documented within the past five years:
 - Living within one mile of the service area or the neighborhood of the project:
 - * 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.
 - * An FSS or ROSS program participant

Determining a Service Area: When fewer than 5,000 people living within one mile of the Section 3 project, a recipient of housing and community development financial assistance may increase the size of the service area so that it is sufficient to encompass a population of 5,000 people, according to the most recent U.S. Census. This chart provides an example of a recipient who determined that a one-mile radius around the Section 3 project site would only include 1,000 people. When expanding the radius to 25 miles around the Section 3 project site, it only included 2,800 people. The recipient expanded and ultimately defined their service area for this Section 3 project at 50 miles, which encompassed 5,000 people.



If the contractor and subcontractor do 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, 24 CFR 75.5, 24 CFR 75.13

Section 3 recipients will be considered to have complied with Section 3 requirements and met the safe harbor, in the absence of evidence to the contrary. If they certify that they have followed the required prioritization of effort and met or exceeded the applicable Section 3 benchmarks.

If a recipient agency does not meet the benchmark requirements but can provide evidence that they have made qualitative efforts to assist low and very-low-income persons with employment and training opportunities, the recipient is in compliance with Section 3, absent evidence to the contrary (i.e., evidence or findings obtained from a Section 3 compliance review).

The HACFM 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. Section 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 Target Section 3 workers, as Targeted Section 3 Labor Hours/Total Labor Hours – 5%



$$\frac{\text{Section 3 labor hours}}{\text{Total labor hours}} = 25\% \quad \text{AND} \quad \frac{\text{Targeted Section 3 labor hours}}{\text{Total labor hours}} = 5\%$$

(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: $\frac{\text{Section 3 Labor Hours}}{\text{Total Labor Hours}} = 25\%$

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



$$\frac{\text{Section 3 labor hours}}{\text{Total labor hours}} = 25\% \quad \text{AND} \quad \frac{\text{Targeted Section 3 labor hours}}{\text{Total labor hours}} = 5\%$$

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, The HACFM will review and update the Section 3 Plan as necessary and depending on HUD Updates and Public Notices.

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 was not feasible. All contractors submitting bids or proposals to The HACFM are required to certify that they will comply with the requirements of Section 3.

Universe of Workers

When reporting Section 3 worker and Targeted Section 3 worker labor hours, it is important to note that the count of Targeted worker labor hours is contained within the count of the overall Section 3 worker labor hours as illustrated in the following chart. Therefore, the total percentage of total labor hours that need to be performed by a combination of Section 3 workers and Targeted Section 3 workers is 25 percent, with at least 5 percent of the total labor hours performed by Targeted Section 3 workers.



The graphic above shows three concentric circles. The smallest internal circle illustrates Targeted Section 3 workers, the mid-sized circle illustrates all Section 3 workers, and the largest external circle illustrates all workers.

C. CERTIFICATION OF PRIORITIZATION OF EFFORT FOR EMPLOYMENT, TRAINING, AND CONTRACTING, 24 CFR 75.9, 24 CFR 75.19

1. EMPLOYMENT AND TRAINING

Under The HACFM's Section 3 Program, contractors and subcontractors should make their 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 FSS and ROSS programs; and
- 4) To low- and very low-income people residing within the metropolitan area (or nonmetropolitan county) in which 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, 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 FSS and ROSS programs.

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



2. CONTRACTING

Under The HACFM'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 or 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) FSS and ROSS 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, 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) FSS and ROSS programs.

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

D. DAVIS BACON AND RELATED ACTS

For HUD assisted projects, including Section 3 projects, where the threshold and criteria for Davis-Bacon and Related Acts (DBRA) are met, the requirements of DBRA will apply.



The wage determination that will apply to the project should be determined by The HACFM prior to contracting. The Davis-Bacon wage rates will be the minimum prevailing wages in the State of Florida as determined by the U.S. Department of Labor (DOL).

Verification of the final wage decision applicable to the project must be pulled out the Friday before the contract is executed to ensure the most recent wage decision modification is applied to the project.

If Florida's minimum or prevailing wage is higher than the federal prevailing wages, the Florida State minimum or prevailing wage will apply (except where the public housing project assisted under the United States Housing Act of 1937, a higher state prevailing wage rate shall apply, 24 CFR 965.101). If there is a state prevailing wage law that sets minimum wages by worker classification, The HACFM will consult with their procurement and legal staff to determine which wage rates to utilize for the project. In no instance shall any state wage rates that are lower than the applicable Davis-Bacon wage rates be applicable.

E. PROFESSIONAL SERVICES

In the final rule, HUD amended the professional services definition to clarify that only non-construction services that require an advanced degree or professional licensing (e.g., legal, accounting, and engineering), rather than all non-construction services, are excluded from Section 3. HUD wants to ensure this final rule's emphasis encapsulated the statutory requirements to prioritize low- and very low-income workers and provides this category of exempted workers from reporting given the challenge to hire low- and very low-income workers in jobs that require such degrees and licensing.

Defining Professional Services

Professional services are non-construction services that require and 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.



The final rule does , however, give credit in reporting for opportunities that are created in the professional services context by including professional services labor hours in the numerator, and not in the denominator, or the reported outcomes ratios. The reporting structure in the rule allows a recipient to count as a Section 3 labor hours and as Targeted Section 3 labor hours for any work performed by a Section 3 worker or Targeted Section e worker (I.e., in the numerator of the calculation), even when the professional services are not counted in the baseline reporting (i.e., in the denominator of the calculation). The effect of this reporting structure is to give a recipient a bonus if they can report Section 3 hires in the professional services context.

PART IV: ELIGIBILITY AND CERTIFICATIONS

A. SECTION 3 ELIGIBILITY AND CERTIFICATIONS

Individuals and businesses that meet Section 3 criteria may seek Section 3 preferences from The Housing Authority of the City of Fort Myers or its contractors or subcontractors for training, employment, or contracting opportunities generated by The HACFM's 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 The HACFM may have their contract terminated as default and be barred from ongoing and future considerations for contracting opportunities.

1. SECTION 3 WORKER AND TARGETED SECTION 3 WORKER CERTIFICATION

A Section 3 worker seeking certification shall submit self-certification documentation to the recipient 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, The HACFM will use individual income rather than family or 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 they meet one or more of the following criteria currently or when hired within the past five years, 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) An FSS or ROSS participant.

Persons seeking the Targeted Section 3 worker preference shall demonstrate that they meet 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.
 - a) A resident of public housing, or
 - b) A resident of other public housing projects or Section 8-assisted housing, or
 - c) An FSS or ROSS participant

(For housing and community development 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.
 - a) Living within the service area or the neighborhood of the project as defined in 24 CFR Part 75.5, or
 - b) An FSS or ROSS participant.

Section 3 workers and Targeted Section 3 workers who are seeking preference in training and employment must submit the Section 3 Worker and Targeted Section 3 Worker Certification Form.

B. SECTION 3 BUSINESS CONCERN CERTIFICATION

The Housing Authority of the City of Fort Myers encourages contractors and subcontractors to make their 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>. Businesses 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 ver6y 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 and performed by Section 3 workers.

Businesses that seek Section 3 preference shall certify, or demonstrate to the HACFM, 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.

Section 3 Business Concern Certification Forms must be submitte4d at the time of bid or proposal. If The HACFM previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid, if the form is submitted within the prescribed expiration date. The Section 3 Business Concern Certification Form will expire in twelve months. Establishing a twelve-month certification of eligibility period allows The HACFM the ability to assess contractor performance to ensure the business is striving to meet the required goals.

PART V: ASSISTING CONTRACTORS WITH ACHIEVING SECTION 3 GOALS

To assist contractors with meeting or exceeding the Section 3 goals, The HACFM will do the following:

- 1) Share Section 3 Plan with contractors and subcontractors and explain policies and procedures,
- 2) Require contractors wishing to submit a bid or proposal to attend a pre-bid meeting,
- 3) Require contractors to sign the Section 3 Plan at pre-construction conference,



- 4) Review Section 3 benchmarks and prioritization of effort with contractors and subcontractors to ensure that the goals are understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every feasible effort to make Section 3 benchmark goals by utilizing existing qualified workforce and by considering qualified eligible Section 3 workers and Targeted Section 3 workers before any other person, when hiring additional employees is needed to complete proposed work to be performed by the HACFM.
- 5) At the time of bid, require the contractor to present a list, of the number of total labor hours, Section 3 worker labor hours, and Targeted Section 3 worker labor hours expected to be generated from the initial contract and a list of projected number of available positions, to include job descriptions and wage rates.
- 6) Maintain a local Section 3 worker or Targeted Section 3 worker database and provide the contractor with a list of interested and qualified Section 3 workers and Targeted Section 3 workers and contact information.
- 7) Inform contractors about the HUD Section 3 Opportunity Portal, <https://hudapps.hud.gov/OpportunityPortal/>.
- 8) Require contractors to notify Section 3 Coordinator of their interests regarding employment of Section 3 workers prior to hiring.
- 9) Encourage local businesses to register on the HUD Business Registry and direct contractors to the HUD Section 3 Business Registry, <https://www.hud.gov/Section3businessregistry>
- 10) Leverage The HACFM's communication outlets (social media, website, etc.) to effectively communicate employment and contracting opportunities that arise.
- 11) Require contractors to submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of the contract award.

PART VI: SECTION 3 OUTREACH

A. OUTREACH EFFORTS FOR EMPLOYMENT AND TRAINING

In order to educate and inform workers and contractors, The HACFM's Section 3 Coordinator will be prepared to provide training and technical assistance on a regular basis per program guidelines. When training opportunities are available, contractors and subcontractors should, to the greatest extent possible.



- 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 course 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 the Section 3 Worker and Targeted Section 3 Worker Self-Certification Form in all job postings
- 3) Working with the Section 3 Coordinator to connect Section 3 workers and Targeted Section 3 workers in the HACFM 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
 - a) Contacting local community organizations and provide them with job postings for
 - b) Section 3 eligible applicants, and
- 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 distribution and posting ads in common areas of housing developments and all public housing management offices.
 - 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, The HACFM 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 all RFPs, procurement documents, bid offerings and contracts.
- 2) Coordinating mandatory pre-bid meetings to inform Section 3 business concerns of upcoming contracting opportunities. The Section 3 Coordinator will participate in these meetings to explain and answer questions related to the Section 3 Plan.
- 3) 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) 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) Connecting with local Business/Economic Development agencies to inform them of contracting opportunities and request their assistance in identifying Section 3 business concerns.
- 7) Working with Section 3 business concerns to support business development and encourage collaboration by contractors with The HACFM to further contracting opportunities.

PART VII: SECTION 3 CONTRACTING POLICY AND PROCEDURE

The Housing Authority of the City of Fort Myers will incorporate Section 3 into its existing Procurement Policy and adopt a Section 3 Contracting Policy and Procedure to be included in all procurements generated for use with HUD funding. This policy and procedure contain requirements for making efforts to award contracts to Section 3 business concerns.

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



PART VIII: SECTION 3 PROVISIONS/CONTRACT LANGUAGE

The Housing Authority of the City of Fort Myers will include standard Section 3 language in all its contracts to ensure compliance with regulations in 24 CFR Part 75. The HACFM will take appropriate actions upon finding that a contractor is in violation of 24 CFR Part 75 and does not knowingly contract with any contractors that have been found in violation of Section 3 regulations. On a periodic basis the Section 3 Coordinator will audit The HACFM contractors 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, or 24 CFR Part 75.19.

For businesses, noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of contracts for default, and debarment or suspension from future HUD assisted contracts.

PART IX: SECTION 3 REPORTING REQUIREMENTS, 24 CFR 75.15

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

A. MONTHLY REPORTING

Contractors are required to submit monthly activity reports to HACFM's Section 3 Coordinator, by email to marcia@hacfm.org by the 5th business day of each month.

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, The HACFM's Section 3 Coordinator will conduct a final review of the project's overall performance and compliance.



3) The HACFM's Section 3 Coordinator will submit Section 3 data into the HA's required reporting system to HUD for the appropriate reporting period, 60 days after the fiscal year end (FYE) to coincide with the submission with the Financial Data System (FDS), whichever comes first.

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, The HACFM 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), The HACFM will follow subpart C of CFR 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.

D. QUALITATIVE REPORTING, 24 CFR 75.15 and 24 CFR 75.25

If HAFMS's reporting indicates that they have not met the Section 3 benchmarks, they must report in a form prescribed by HUD on the qualitative nature of its activities and those its contractors and subcontractors pursued.

Such qualitative efforts may, for example, include but are not limited to the following:

- 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, childcare),
- 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,
- Promotes use of business registries designated to create opportunities for disadvantaged 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

PART X: INTERNAL SECTION 3 COMPLAINT PROCEDURE

To resolve complaints generated due to non-compliance through an internal process, The HACFM 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 a brief description of the alleged violation of 24 CFR Part 75.
- 2) Complaints must be filed within ten (10) calendar days after the complainant becomes aware of the alleged violation.
- 3) An investigation will be conducted if the complaint is found to be valid. The HACFM will conduct an informal, but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.



- 4) The HACFM will provide written documentation detailing the findings of the investigation. The HACFM will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than ten (10) days after the filing of the complaint. If complainants wish to have their concerns considered outside of the HACFM, a complaint may be filed with the HACFM Board of Directors.
- 5) The local HUD Field Office responsible for the public housing financial assistance or the Section 3 project can be found through the HUD website at www.hud.gov/.
- 6) Complainants may be eligible to bring complaints under 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 over), disability or genetic information (medical history or predisposition to disease) For more information about complainant rights, please contact EEOC at www.EEOC.gov.
- 7) The Department of Labor Office of Federal 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.



XI: SECTION 3 HUD COMPLIANCE REVIEW CHECKLIST

An example of some records that recipients should maintain for a compliance review are:

Planning and Procedure Documents

- Copies of signed Consolidated Plan or Public Housing Annual Plan certifications/assurances.
- Annual Plans or other performance reports (i.e., Consolidated Plans, Action Plans, CAPERs, PHA Annual Plans, Budget documents, etc.), to determine the beginning and end dates of the recipient's program or fiscal year and the dollar amount of covered projects/activities that were completed during the program or fiscal years under review.
- Recipient procedures for monitoring subrecipients, developers, contractors, and subcontractors for compliance.
- Descriptions of procedures used by the recipient, subrecipients, developers and contractors to verify the eligibility of Section 3 workers and businesses, to determine if these procedures are consistent with the regulation and to ensure that they do not create any undue burden to prospective beneficiaries.

Procurement and Contract Documents

- Procurement records, to identify the dollar amount of each covered contract awarded during the time span under review.
- Copies of bid solicitations, to ensure that Section 3 applicability is referenced.
- Contract documents, to ensure that they include a Section 3 clause in contracts awarded.
- Minutes, sign-in sheets, agendas, or other relevant evidence from pre-construction meetings, to determine if Section 3 requirements were discussed with prospective bidders. (g) Plans for meeting or exceeding benchmarks by recipients and contractors (i.e., contractors' proposals or business utilization plan).
- Lists of Section 3 business concerns that received contracts/subcontracts during the period under review. This information should include name of contractor; address; telephone number; email address; contract amount; date awarded; and services provided.

Business and Worker Records

- Labor hour records of recipients and contractors, to determine the percentage of Section 3 workers and Targeted Section 3 workers in comparison to total labor hours.
- Lists of Section 3 workers and businesses maintained by the recipient, to determine the extent to which the recipient is attempting to provide economic opportunities to prospective beneficiaries.



- Lists of Section 3 workers or Targeted Section 3 workers employed by the recipient and/or its contractors during the period under review. This information should include the name of a low- or very low-income individual; address; telephone number; date hired; position; and current status (employed, terminated, etc.).
- Correspondence or other records from Section 3 workers and business regarding training, employment or contracting opportunities (including Section 3 grievances), to determine how those inquiries were addressed or resolved.

Outreach Documents

- Evidence of outreach efforts, to determine how Section 3 workers or businesses were targeted or recruited for employment, training, or contracting opportunities.
- Evidence that developers, contractors, or subcontractors notified local labor unions about their Section 3 obligations.
- Evidence that developers, contractors, or subcontractors posted signs regarding job vacancies and/or subcontracting opportunities at the job site.

Other Documents

- Other specific information related to Section 3 complaints that are currently pending HUD investigation.
- Other specific information related to steps taken by the recipient to address previous findings from Section 3 compliance reviews or other HUD monitoring reviews.
- Other relevant data that may demonstrate Section 3 compliance by the recipient.



XII. APPENDICES

APPENDIX A: DEEFINITIONS

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 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 people.

(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



APPENDIX A: DEFINITIONS CONTINUED

(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.

(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.

(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 a 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 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 an FSS or ROSS program 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.



APPENDIX A: DEFINITIONS CONTINUED

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).

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>	<p>None</p> <p>*Any amount of PH assistance triggers Section 3</p>	<p>PHA – must follow subpart B of Part 75</p> <p>HCD – may follow subpart B or C of Part 75</p>	<p>PHA – must follow 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 <i>(single or multiple recipients)</i>	Must follow subpart C of Part 75	<p>Exceeds \$200,000 for Section 3 projects</p> <p>*LHCHHP exceeds \$100,000</p>	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>



XIII: SECTION 3 KEY RESOURCES

These resources may be employed to generate meaningful Section 3 outcomes in the form of jobs, training, and contracts for eligible persons and businesses.

- [24 CFR Part 75](#): Section 3 Notices Regulation: Enhancing and Streamlining the Implementation of Section 3 Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses
- [85 FR 60907](#) (may be updated every three years): Section 3 Benchmark Notice: Section 3 Benchmarks for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses
- [Notice CPD-21-07](#): Section 3 of the Housing and Urban Development Act of 1968, as Amended by the Housing and Community Development Act of 1992, Final Rule Requirements for HOME and HTF projects.
- [Notice CPD-21-09](#): Section 3 of the Housing and Urban Development Act of 1968, as Amended by the Housing and Community Development Act of 1992, Final Rule Requirements for CDBG, CDBG-CV, CDBG-DR, CDBG-MIT, NSP, Section 108, and RHP Projects
- [Notice PIH 2022-10](#): Implementation of the Final Rule on Section 3 Regulations - 24 CFR Part 75
- [Notice PIH 2022-38/FPM-19-2022](#): Reporting Supplement to the Implementation of the Final Rule on Section 3 Regulations - 24 CFR Part 75





EXHIBITS

CONTRACTS AND FORMS



Section 3 Plan
Housing Authority of the City of Fort Myers
4224 Renaissance Preserve Way
Fort Myers, FL 33916



Exhibit 1

Section 3 Employer Certification Form-Public Housing	U.S. Department of Housing and Urban Development Office of Field Policy and Management	HUD FORM 4736B 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 information 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. This form is to be filled out by a representative of an employer of a Section 3 worker.

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 \$XX,XXX
<input type="checkbox"/> Worker is employed by a Section 3 Business Concern (Select if your business qualifies as a Section 3 Business Concern)	

*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 certify 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



Exhibit 2

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)

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 information 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, 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 \$XX,XXX
<input type="checkbox"/> Worker is employed by a Section 3 Business Concern (Select if your business qualifies as a Section 3 Business Concern)	
<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 certify 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



Exhibit 3

Section 3 Worker Self-Certification Form- Public Housing	U.S. Department of Housing and Urban Development Office of Field Policy and Management	HUD FORM 4736D 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 information 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 self-certification requirements. 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 if they are a FSS or ROSS program 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 self-certify that you 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 FSS or ROSS Participant* 	<p>Income limit</p> <p>\$XX,XXX</p>
--	-------------------------------------

*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 listed below you meet to be considered a Targeted Section 3 worker in the box below. 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>___ A participant in a means-tested program such as public housing or Section 8-assisted housing</p> <p>___ A FSS or ROSS 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 certify 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



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 information 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 FSS or ROSS 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 FSS or ROSS Participant* 	<p>Income limit</p> <p>\$XX,XXX</p>
--	-------------------------------------

*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.

___ Living within the service area or neighborhood of the project (requires employer confirmation)*

___ FSS or ROSS participant*

*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 certify 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



Exhibit 5

Section 3 Public Housing/Section 8 Certification Form	U.S. Department of Housing and Urban Development Office of Field Policy and Management	HUD FORM 4736 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 information 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 certification requirements listed in 24 CFR § 75.31. This form should be completed by either a representative of a Public Housing Authority, the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing.

Please provide the worker's information below:

Printed Name of Worker: _____

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

Phone #: _____ _Email: _____



I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct information and certify that the worker identified above is a participant in a PHA or Section 8 assisted housing program. 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)

Housing Representative Signature

Date



Section 3 Business Concern Certification for Contracting (Sample Form)

Instructions: Enter the following information and select the criteria that applies to certify your business' Section 3 Business Concern status.

Business Information

Name of Business _____

Address of Business _____

Name of Business Owner _____

Phone Number of Business Owner _____

Email Address of Business Owner _____

Preferred Contact Information

Same as above

Name of Preferred Contact _____

Phone Number of Preferred Contact _____

Type of Business (select from the following options):

- Corporation Partnership Sole Proprietorship Joint Venture

Select from *ONE* of the following three options below that applies:

- At least 51 percent of the business is owned and controlled by low- or very low-income persons (Refer to income guidelines on page 4).

- 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.

- Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers (Refer to definition on page 4).



Business Concern Affirmation

I affirm that the above statements (on the frontside of this form) are true, complete, and correct to the best of my knowledge and belief. I understand that businesses who misrepresent themselves as Section 3 business concerns and report false information to [insert name of recipient/grantee] may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities. I hereby certify, under penalty of law, that the following information is correct to the best of my knowledge.

Print Name: _____

Signature: _____ Date: _____

*Certification expires within six months of the date of signature

Information regarding Section 3 Business Concerns can be found at [24 CFR 75.5](#)

FOR ADMINISTRATIVE USE ONLY

Is the business a Section 3 business concern based upon their certification? YES NO

EMPLOYERS MUST RETAIN THIS FORM IN THEIR SECTION 3 COMPLIANCE FILE FOR FIVE YEARS.

(backside) Page 2 od 2





Exhibit 7

Certification for Resident Seeking Section 3 Training and Employment Preference

Eligibility Preference

A Section 3 resident seeking the preference in training and employment provided by this part shall certify or submit evidence to HACFM and/or recipient contractor/subcontractor, if requested, that the person is a Section 3 resident.

I, _____, am a legal resident of the City of Fort Myers

(Print name)

And meet the income eligibility guidelines for a low or very-low-income person for this area. My permanent address is:

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

- Copy of lease
- Copy of receipt of public assistance
- Copy of Evidence of participation in a public assistance program
- Other evidence

Signature _____

Print Name _____ Date _____





Exhibit 8

Certification for Business Concern Seeking Section 3 Preference in Contracting and Demonstration of Capacity

Name of Business _____

Address of Business _____

Type of Business ___ Corporation ___ Partnership ___ Sole Proprietorship ___ Other

Type of Business Activity _____

Attached is the following documentation as evidence of status for all business entities (as applicable):

- Copy of Articles of Incorporation
- Assumed Business Name Certificate
- List of owners/stockholders and 51% Ownership of each
- Organizational chart with names, titles, And brief function statement
- Certificate of Good Standing
- Partnership Agreement
- Corporation Annual Report
- Latest Board minutes appointing officers
- Additional documentation

For businesses claiming status as a Section 3 resident-owned enterprise: Certification for Section 3 residents (at least 51% of the business owners)

For businesses claiming Section 3 status by subcontracting 25% of the dollar award to qualified Section 3 business:

- List of subcontracted Section 3 business(es) and subcontract amount
- This certification & all supporting documentation for each subcontracted Section 3 business.

For business claiming Section 3 status, claiming at least 30% of their workforce are currently Section 3 residents or were Section 3 residents eligible within five years of date of first employment with the business:

- List of all current full-time employees
- List of employees claiming Section 3 status
- Certification for Section 3 residents (at least 30% of all current full-time employees) with supporting documentation showing Section 3 status immediately prior to the date of first hire.

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- Current financial statement
- List of owned equipment
- Statement of ability to comply with public policy
- List of all contracts for the past two years

Authorized Name, Title and Signature

(Corporate Seal)

Attested by: _____

Date: _____

Section 3 Plan
Housing Authority of the City of Fort Myers
4224 Renaissance Preserve Way
Fort Myers, FL 33916





Exhibit 9

SECTION 3 SPECIAL CONDITIONS

The HACFM has initiated efforts to enhance resident hiring on construction related contracts. These initiatives are designed to set the requirements for resident hiring and developing and/or strengthening administrative procedures for facilitating contractors' hiring of HACFM residents and other low-income and/or very low-income residents residing in the Section 3 area.

1. Procurement Documents

- * Each bidder must include a Section 3 Opportunities Plan which indicates its commitment to meet HACFM resident hiring requirements.
- * If a bidder fails to submit a Section 3 Opportunities Plan and the related data along with the bid, such bid will be declared as "non-responsive".
- * For Invitations for Bids (IFB) where awards are made to the most responsive and responsible bidder, the bidder's commitment to satisfy HACFM resident hiring requirements will be a factor used in determining whether the bidder is "responsive".
- * For RFQ's, RFP's and IBF's, contractors shall be required to detail the cost of the bid or proposal by separately categorizing Section 3 contract cost by labor (person hours and dollar amounts).

2. Enforcement

- * To enforce the decision-making process pertaining to determining applicable percentages for resident hiring, enforcement strategies are set forth below.
- * During the post award or pre-construction meeting, the objective shall be to impart critical Section 3 information to the contractor prior to commencement of the work/project. The following contract requirements shall be discussed in detail (non-construction contracts do not require Davis-Bacon compliance).
 - * Davis-Bacon Wage Requirements
 - * Minority and Women Owned Business Participation requirements
 - * Section 3 Program requirements

HACFM/LCHA representatives will require the contractor to certify its understanding of the terms and conditions of the contract as they pertain to Davis-Bacon, Section 3 hiring and Minority Women Owned Business participation.

3. Monitoring and Enforcement Authority and Responsibility

The function of monitoring and enforcing Section 3 compliance and hiring will be carried out by the Section 3 Compliance Officer.

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