

WEST VIRGINIA HOUSING DEVELOPMENT FUND
CDBG-DR PROGRAM
SECTION 3 CERTIFICATION

PURPOSE, AUTHORITY AND RESPONSIBILITY

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

When job training, employment or contracting opportunities are generated because a HUD-assisted project or activity necessitates the employment of additional persons or the awarding of contracts for work, Section 3 requires that, to the greatest extent possible, Recipients of HUD financial assistance give preference to low- and very low-income persons, Section 3 business concerns or other Section 3 eligible persons residing in the community where the project is located.

_____ (hereinafter called the Recipient/Contractor) hereby **CERTIFIES** that upon being awarded a contract to participate in the following HUD-funded project:

_____ (the "Project") located in _____ (city or town) in _____ (county), that the Recipient/Contractor:

- (a) is under no contractual or other impediment that would prevent it from complying with requirements of Section 3 as set forth in 24 CFR part 135; and
- (b) will comply with HUD's regulations in 24 CFR Part 135; and
- (c) will submit to the West Virginia Housing Development Fund (the "Fund") a Section 3 Plan before a "Notice to Proceed" is issued or start date is projected; the developer or prime contractors will require all subcontractors to submit a Section 3 Plan prior to proceeding with their respective scope of work; and
- (d) will send to each labor organization or representative of workers with which the Recipient/Contractor has a collective bargaining agreement or other understanding, a notice advising the labor organization or the representative or workers of the Recipient/Contractor's commitments under Section 3; and
- (e) will include the Section 3 Clause (24 CFR 135.38) and this Section 3 Certification of Compliance in every subcontract subject to compliance with the regulations found in 24 CR Part 135 (i.e., where the amount of the federal funding exceeds \$200,000 and the contract or subcontract exceeds \$100,000) and further agrees to take the appropriate action pursuant to those regulations in the event the contractor/subcontractor is found to be in violation of 24 CFR Part 135; and
- (f) will not contract/subcontract with any contractor/subcontractor where the Recipient/Contractor has notice or knowledge that the contractor/subcontractor has been found in violation of any provision of 24 CFR Part 135; and
- (g) will not fill any vacant employment positions, including training positions (1) after the Recipient/Contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations in 24 CFR Part 135 require employment opportunities to be directed, in order to circumvent the Recipient/Contractor's obligations under 24 CFR Part 135; and
- (h) will, to the extent feasible, make a good faith effort to utilize the services of Section 3 businesses located in or substantially owned by persons who live within the Project boundaries.

By: _____
Authorized Representative's Signature

Name and Title: _____

Date: _____