

# COMMISSIONERS OF WAYNE COUNTY

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## Wayne County Section 3 Action Plan

**Adopted by the Wayne County Board of Commissioners**

**May 19, 2022**

### **Policy Statement**

It is the public policy of Wayne County to promote the opportunity for full participation by low- and very low-income persons and to business concerns which provide economic opportunities to low- and very low-income persons through programs receiving housing and community development financial assistance through the U.S. Department of Housing and Urban Development.

Wayne County has developed this Section 3 Action Plan to identify the goals, objectives and actions that will be implemented to ensure compliance with the requirements of Section 3.

### **Applicability**

Section 3 projects mean housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.). The project is the site or sites together with any building(s) and improvements on the site(s) that are under common ownership, management, and financing.

The requirements of Section 3 apply to the entire project that is funded with Section 3 covered financial assistance, regardless of whether the Section 3 project is fully or partially funded with housing and community development financial assistance. Accordingly, \$200,000 of Section 3 covered financial assistance is invested into a project involving housing demolition, rehabilitation, or construction, or the rehabilitation or construction of public buildings, facilities,

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or infrastructure, the requirements of Section 3 apply to the entire project, both HUD and non-HUD funded portions.

The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq) and/or the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.). Activities focused only on mitigating lead paint hazards only do not constitute housing rehabilitation.

## **Section 3 Benchmarks**

It is the policy of Wayne County to the greatest extent feasible, to comply with the benchmarks established by the U.S. Department of Housing and Urban Development, as follows: 1) The benchmark for Section 3 workers is set at 25% percent or more of the total number of labor hours worked by all workers on a Section 3 project. 2) The benchmark for Targeted Section 3 workers is set at 5% percent or more of the total number of labor hours worked by all workers on a Section 3 project. The 5 percent for the Targeted Section 3 workers is part of the 25 percent threshold. If the benchmarks cannot be achieved, then Wayne County will provide evidence to demonstrate its qualitative efforts to achieve the benchmarks. The qualitative efforts may, for example, include but are not limited to the following:

1. Engage in outreach efforts to generate job applicants who are Targeted Section 3 workers.
2. Provide training or apprenticeship opportunities.
3. Provide technical assistance to help Section 3 workers compete for jobs (e.g. resume assistance, coaching).
4. Provide or connect Section 3 workers with assistance in seeking employment including drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.
5. Hold one or more job fairs.
6. Provide or refer Section 3 workers to services supporting work readiness and retention (e.g. work readiness activities, interview clothing, test fees, transportation, child care).
7. Provide assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.
8. Assist Section 3 workers to obtain financial literacy training and/or coaching.
9. Engage in outreach efforts to identify and secure bids from Section 3 business concerns.

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10. Provide technical assistance to help Section 3 business concerns understand and bid on contracts.
11. Divide contracts into smaller jobs to facilitate participation by Section 3 business concerns.
12. Provide bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.
13. Promote use of business registries designed to create opportunities for disadvantaged and small businesses.
14. Outreach, engagement, or referrals with the state on-stop system as defined in Section 121(3)(2) of the Workforce Innovation and Opportunity Act.

## **Section 3 Worker Certification Procedure**

The Section 3 Compliance Officer, Andrew Seder, will assist individuals who may identify as a Section 3 Worker or Targeted Section 3 Worker, who reside in the service area or the neighborhood of the Section 3 Project, and who are seeking preference in training and employment by completing and attaching a certification of Section 3 eligibility.

## **Assisting Contractors to Achieve Labor Hours Goals**

Wayne County will assist contractors with little or no experience in achieving Section 3 labor hours goals by:

- Requiring the contractor to present a list, to the Section 3 Compliance Officer, of the number of subcontracting and/or employment opportunities expected to be generated from the contracting opportunity.
- Providing the contractor with a list of interested and qualified Section 3 workers for construction projects.
- Providing contractors with a list of Section 3 business concerns interested and qualified for construction projects.
- Informing contractors of known issues that might affect Section 3 residents from performing job related duties.
- Reviewing the new hire clause with contractors and subcontractors to ensure that the requirement is understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to employ Section 3 workers before any other person, when hiring additional employees needed to complete proposed work to be performed with HUD housing and community development financial assistance.

## **Evidence of Section 3 Business Concern Certification**

Self-certifications for Section 3 business concerns must be submitted to the Section 3 Compliance Officer of Wayne County prior to the submission of bids for approval. If the Section

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3 Compliance Officer previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid.

## **Efforts to Award Contract Opportunities to Section 3 Business Concerns**

Wayne County will use qualitative methods to notify and encourage contracting opportunities with Section 3 business concerns. The list of qualitative methods is located at 24 CFR 75.25(b), but is not limited to those listed.

## **Recruitment and Training of Section 3 Workers and Targeted Section 3 Workers**

Wayne County will develop resources to improve training and employment opportunities for Section 3 Workers and Targeted Section 3 Workers by using, but not limited to the listed qualitative methods at 24 CFR 75.25(b).

## **Contractor's Requirements in Employing Section 3 Workers and Targeted Section 3 Workers**

Under Wayne County's Section 3 Program, contractors and subcontractors are required to inform known Section 3 Workers and Targeted Section 3 Workers of employment opportunities, by providing the following:

- Names of the Section 3 Business Concerns to be used
- Estimates of the total number of labor hours needed to complete the contract
- Projected number of available positions, to include job descriptions and wage rates (construction wages consistent with federal or state prevailing wage)
- Efforts that will be used to find Section 3 Workers and Targeted Section 3 Workers

## **Section 3 Grievance Procedures**

To resolve complaints generated due to non-compliance through an internal process, the Pennsylvania Department of Community and Economic Development encourages submittal of such complaints to its Section 3 Compliance Officer as follows:

- Complaints of non-compliance should be filed in writing to the PA Department of Community and Economic Development and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 75.
- Complaints must be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.
- An investigation will be conducted if the complaint is found to be valid. The Section 3 Compliance Officer 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.
- The Section 3 Compliance Officer will provide written documentation detailing the findings of the investigation. The PA Department of Community and Economic Development will review the findings for accuracy and completeness before it is

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released to complainants. The findings will be made available no later than thirty (30) days after the filing of the complaint.

## **Section 3 Recordkeeping**

Wayne County will maintain records to demonstrate compliance, in accordance with 24 CFR 75.31.

**Section 3 Action Plan Completed By:** Andrew M. Seder, Section 3 Compliance Officer for Wayne County.

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Signature

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Date