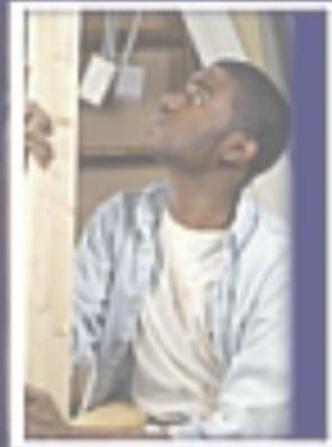
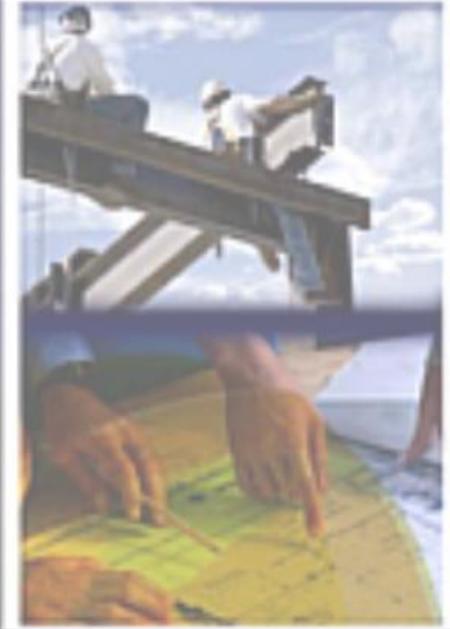


STACI GILLIAM

PROCESSING COMPLAINTS



US Department of Housing
and Urban Development

National Training
CONFERENCE 2018

June 18 - 20th

SECTION **3**
of the Housing and Urban
Development Act of 1968



HUD ACT
of 1968



50 Years of Promoting

Economic Opportunity

Processing Section 3 Complaints

Day 3

June 20, 2018

Staci Gilliam



Filing a Section 3 Complaint

Section 3 complaints may be filed by:

- Section 3 Resident or representative
- Section 3 Business or representative
- Complaints should be filed no later than 180 days from the alleged occurrence. An extension may be approved by the FHEO Assistant Secretary

PROCESSING COMPLAINTS

Filing a Section 3 Complaint

Complaints should be submitted to the appropriate FHEO Regional Office



PROCESSING COMPLAINTS

Filing a Section 3 Complaint

If you live in the following areas/states:	Call the toll-free telephone number	HUD Regional Office*
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	(800) 827-5005	Boston
New Jersey, New York, Puerto Rico, Virgin Islands	(800) 496-4294	New York
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia	(888)799-2085	Philadelphia
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee	(800) 440-8091	Atlanta
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	(800) 765-9372	Chicago
Arkansas, Louisiana, New Mexico, Oklahoma, Texas	(888) 560-8913	Ft. Worth
Iowa, Kansas, Missouri, Nebraska	(800) 743-5323	Kansas City
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	(800) 877-7353	Denver
American Samoa, Arizona, California, Guam, Hawaii, Nevada	(800) 347-3739	San Francisco
Alaska, Idaho, Oregon, Washington	(800) 877-0246	Seattle



Information for a Section 3 Complaint

- Complainant's name and address
- Respondent's name and address
- Description and date of complaint
- Corrective action desired
- Note: HUD may seek corrective remedies to ensure compliance

PROCESSING COMPLAINTS

When to File a Section 3 Complaint

- A complaint must be received not later than 180 days from the date of alleged noncompliance.
- The time for filing may be extended for good cause by the Assistant Secretary for Fair Housing and Equal Opportunity
- Alleged noncompliance may be continuous in nature or a one-time occurrence.



PROCESSING COMPLAINTS

Complaint Register

Under Section 3 of the Housing
And Urban Development Act of 1968

U.S. Department of Housing and Urban Development

Office of Fair Housing
and Equal Opportunity

OMB Approval No. 2529-0043 (revised)

(Expires 11/30/2018)

Instructions: This form is to be used to report allegations of noncompliance with Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations at 24 CFR Part 135.

1. Complainant Information:	
Name of Complainant (Person or organization)	Home Phone
Street Address	Work Phone
City, State, Zip code	
Email Address:	

2. You are: (check all that apply)



PROCESSING COMPLAINTS

6. **How did the HUD recipient, contractor, or subcontractor violate the requirements of Section 3?**
 (Check all that apply – provide documentation, if available)

HUD Recipient	Contractor and/or Subcontractor
<ul style="list-style-type: none"> <input type="checkbox"/> Failed to notify Section 3 businesses about contracting opportunities <input type="checkbox"/> Failed to incorporate the Section 3 Clause into covered Section 3 bid solicitations or contracts <input type="checkbox"/> Failed to provide priority consideration to Section 3 businesses for covered contracting opportunities <input type="checkbox"/> Failed to select Section 3 businesses in accordance with the order of priority consideration as set forth in 24 CFR 135.36 <input type="checkbox"/> Failed to award contracts to Section 3 businesses <input type="checkbox"/> Failed to ensure that its contractors/ subcontractors complied with Section 3 requirements 	<ul style="list-style-type: none"> <input type="checkbox"/> Failed to certify that all employment vacancies filled prior to contract execution were not filled to circumvent Section 3 <input type="checkbox"/> Failed to notify potential subcontractors about Section 3 requirements <input type="checkbox"/> Failed to post notices at the work site regarding Section 3 requirements in accordance with the Section 3 Clause <input type="checkbox"/> Failed to send to each labor organization or representative of workers a notice of Section 3 obligations in accordance with the Section 3 Clause <input type="checkbox"/> Failed to ensure that its subcontractors complied with Section 3 <input type="checkbox"/> Failed to train and/or hire Section 3 residents for new employment opportunities



PROCESSING COMPLAINTS

- Knowingly entered into contracts with contractors/ subcontractors that failed to comply with Section 3 requirements
 - Failed to notify Section 3 residents about training and/or employment opportunities
 - Failed to provide priority consideration to Section 3 residents for employment or training opportunities
 - Failed to select Section 3 residents for training or employment opportunities in accordance with the order of priority consideration set forth in 24 CFR 135.34
 - Failed to hire Section 3 residents for new employment opportunities
 - Retaliated against the complainant because complainant sought to enforce Section 3 requirements or participated in an investigation or proceeding regarding Section 3
 - Other
- Failed to provide priority consideration to Section 3 residents for employment or training opportunities in accordance with 24 CFR Part 135.34
 - Failed to ensure that contracts awarded to subcontractors included the Section 3 Clause
 - Failed to award subcontracts to Section 3 businesses
 - Failed to award subcontracts to Section 3 businesses in accordance with the order of priority consideration set forth in 24 CFR 135.34
 - Retaliated against the complainant because complainant sought to enforce Section 3 requirements or participated in an investigation or proceeding regarding Section 3
 - Other

Resolution of a Section 3 Complaint

The respondent has:

- 30 days to submit a written response if it believes the complaint lacks merit
- 60 days to resolve the issue with the complainant if the complaint is perceived to have merit
- Any request for an extension of the 60-day period by the recipient must be submitted in writing to the Assistant Secretary
- If the recipient is unable to resolve the complaint within the 60-day period (or more if extended), the complaint shall be referred to the Assistant Secretary for handling

Resolution of a Section 3 Complaint - continued

HUD will:

- Dismiss the complaint if it lacks jurisdiction or fails to present a valid allegation
- Attempt to obtain a voluntary resolution or impose a resolution if the complaint is valid
- The imposed resolution will become effective and binding at the expiration of 15 days following notification to recipient and complainant unless either party appeals.

Resolution of a Section 3 Complaint - continued

- Possible sanctions: debarment, suspension and limited denial of participation
- HUD may initiate a complaint directly if it has reason to believe or receives evidence of noncompliance
- Retaliatory act against a complainant are prohibited
- Complainants may exercise the right to seek redress through judicial procedures

Complaint Investigation Process

- Roles of Field and HQ
- Interviews
- Document Review
- Letter of Findings
- Letter of Determination

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Compliance Agreements

- Findings of Noncompliance
- Relief for Complainant(s)
- Relief for the Public
- Voluntary Compliance Agreement

Compliance Reviews

- Complaint Investigations → Compliance Reviews
- Comprehensive Review or Limited Monitoring Review
- Relief for Aggrieved Parties and/or Public Interest
- Voluntary Compliance Agreement

PROCESSING COMPLAINTS

Questions?

SECTION 3
of the Housing and Urban
Development Act of 1968

