

City of San Marcos Section 3 Local Opportunity Plan

The City of San Marcos will implement the following specific affirmative action steps to comply with the requirements of Section 3 for new employment, training, or contracting opportunities that are created during the expenditure of covered funding:

1. Implement procedures to notify Section 3 residents and business concerns about training and employment opportunities generated by Section 3 covered assistance;
2. Implement procedures to notify Section 3 business concerns about the availability of contracting opportunities generated by Section 3 covered assistance;
3. Notify potential contractors contemplating work on Section 3 covered projects of their responsibilities;
4. Incorporate the Section 3 Clause (verbatim) into all covered solicitations and contracts (see Section 24 CFR Part 135.38);
5. Facilitate the training and employment of Section 3 residents and the awarding of contracts to Section 3 business concerns;
6. Assist and actively cooperate with the U. S. Department of Housing and Urban Development in obtaining the compliance of contractors and subcontractors;
7. Refrain from entering into contracts with contractors that are in violation of the Section 3 regulations;
8. Document actions taken to comply with Section 3;
9. Establish the following minimum numerical goals as set forth at 24 CFR Part 135.30:
 - a. 30 percent of the aggregate number of new employees that are hired for section-three covered projects shall be Section 3 residents; and,
 - b. 10 percent of all covered construction contracts shall be awarded to Section 3 business concerns.
10. Submit Section 3 annual Summary Reports (form HUD-60002) in accordance with 24 CFR Part 135.90; and,
11. Appoint the City's *Development Services Director*, or his/her designee, as the City of San Marcos Fair Housing / Section 3/ Section 504 Standards Officer to coordinate and ensure compliance with the city's responsibilities under these acts.
12. Any Section 3 resident or business may file a complaint alleging noncompliance with Section 3 by a subrecipient or other funded entity, including contractors, and subcontractors. Complaints will be investigated by the City's Development Services Director or their designee; if appropriate, voluntary resolutions will be sought. The complainant shall have appeal rights to the Secretary of the U.S. Department of Housing and Urban Development concerning any agency decision. Section 3 residents and businesses may also seek judicial relief. Complaints must be submitted to HUD within one hundred and eighty (180) days of the action or omission upon which the complaints based. Complaints are to be filed in writing with the local FHEO office or the

Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5100, Washington, DC 20410-2000

A written complaint must contain:

- Name and address of the person filing the complaint;
- Name and address of the subject of complaint (HUD Recipient or Contractor);
- Description of acts or omissions in alleged violation of Section 3; and
- Statement of corrective actions sought.

Written complaints should be filed with:
The City's Development Services Director

Adopted by City Council Resolution # 2009-98R on the 4th day of August, 2009.

13. Applicability to FR-5938-N-01. Revision Notice 07/31/2016: This policy was reviewed and edited for compliance with CDBG-DR requirements for FR-5938-N-01. In instances where the existing City of San Marcos policy exceeded the standards outlined in the Federal Register, the City retained the more stringent existing policy standards.