

CITY OF SLIDELL SECTION 3 PLAN



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the City of Slidell
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POLICY STATEMENT

This document serves as the Section 3 Plan for the City of Slidell CDBG Program in compliance with the Housing and Urban Development Act of 1968, as amended (12.U.S.C. 1701u) (Section3) that is regulated by the provisions of 24 CFR 75.

PURPOSE

The purpose of Section 3 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall to the greatest extent feasible, and consisting with existing Federal, state and local laws, and regulations, be directed to the greatest extent possible 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 such persons.

This plan outlines how the City of Slidell and its sub- recipients, contractors, and subcontractors will comply with HUD's Section 3 requirements in implementing the City of Slidell's Community Development Block Grant (CDBG) program.

The City of Slidell will, to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low- and very low- income persons (Section 3 workers and Targeted Section 3 workers) and to eligible businesses (Section 3 Businesses) and requires the same of its contractors in all Community Development Block Programs.

APPLICABILITY

This plan applies to housing rehabilitation, housing construction and other public construction projects that exceed \$200,000 or more and are funded by Housing and Community Development Financial Assistance from one or more of Housing and Urban Development (HUD) programs. Applicability is determined at the project level.

For Lead and Hazard Control and Healthy Homes programs, this plan applies to projects that exceed \$100,000 of assistance.

This plan also applies to projects that include multiple funding sources such as with state, local, or private matching or leveraged funds. Multiple funding source projects include projects that include 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 – 24 CFR 75.3(b),
- 2) Indian and Tribal Preferences – 24 CFR 75.3 (c), and
- 3) 24 CFR 75.3 (d). Recipients that are not subject to Section 3, recipients are encouraged to consider ways to support the purpose of Section 3.

SECTION 3 COORDINATOR

The City of Slidell's CDBG Section 3 Coordinator serves as the central point of contact for Section 3 compliance for HUD funded community development projects in the City of Slidell. Sub-recipients, contractors, subcontractors and others are encouraged to contact the City of Slidell's Section 3 Coordinator with questions about Section 3 compliance: CDBG Administrator at cdbg@cityofslidell.org.

IMPLEMENTATION

The City seeks, to the greatest extent feasible, to meet the Section 3 regulatory requirements in an effort to create employment and business opportunities for low- and very low-income persons. The CDBG Administrator will monitor and implement the requirements of Section 3 in accordance with these Section 3 Guidelines.

EMPLOYMENT, TRAINING AND CONTRACTING GOALS

Safe Harbor Compliance

The City of Slidell will be considered to have complied with the Section 3 requirements and met safe harbor, if the City certifies that it has followed the prioritization of effort outlined in [24 CFR Part 75.19} and achieved 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 efforts for Section 3 workers, Targeted Section 3 workers, and Section 3 business concerns. After completion of the project, the contractors and subcontractors will be required to certify on the Section 3 Cumulative Report that they followed the prioritization of effort requirements.

If contractors and subcontractors do not achieve the safe harbor requirements, they must provide documentation that they have made qualitative efforts to assist low and very low-income persons with employment and training opportunities.

Safe Harbor Benchmarks

The City of Slidell employment and training goals that sub-recipients, contractors, and subcontractors should meet for community and development programs in order to comply with Section 3 requirements are outlined in 24 CFR Part 75.19. The safe harbor benchmark goals are as follows:

- 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 defined at 24 CFR Part 75.21;

$$\text{Section 3 Labor Hours/Total Labor Hours} = 25\%$$

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;

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

It is the responsibility of the City and its contractors to implement and document their good faith efforts to attain Section 3 compliance with HUD established Section 3 Worker and Targeted Section 3 Worker labor benchmarks. Any contractor or subcontractor that

does not meet the Section 3 benchmarks must demonstrate why meeting the benchmarks were not feasible. All contractors submitting bids or proposals for Community Development Programs are required to certify that they will comply with Section 3 requirements.

Section 3 workers' and Targeted Section 3 workers' labor hours may be counted for five years from when their status as a Section 3 worker or Targeted Section 3 worker is established.

HUD 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. Section 3 benchmarks are subject to change every three years or sooner. Therefore, the City of Slidell will review and amend the Section 3 Plan every three years or as necessary to ensure continued compliance with HUD's requirements and/or to reflect updated Section 3 guidance and outreach strategies.

CERTIFICATION OF PRIORITIZATION

Employment and Training

Contractors and subcontractors should make best efforts to provide employment and training opportunities to Section 3 workers 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 YouthBuild programs.

Contractors and subcontractors will be required to certify that they made the best efforts to follow the prioritization of effort requirements.

CONTRACTING

The City of Slidell will make its best effort to award contracts to business concerns that provide economic opportunities to Section 3 workers and will encourage contractors and subcontractors to make best efforts to award contracts and subcontractors to Section 3 business concerns that provide economic opportunities to Section 3 workers in the following order or priority:



- 1) Business concerns that provide economic opportunities to Section 3 workers residing within the service area or the metropolitan area in which assistance is located 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 neighborhood of the project, and
- 2) Participants in YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made the best efforts to follow the prioritization of effort requirements.

Contractors are ultimately responsible for Section 3 compliance for their specific project. It is their responsibility to ensure that the subcontractors are complying with Section 3.

ELIGIBILITY AND CERTIFICATIONS

Individuals and businesses that meet Section 3 criteria may seek Section 3 preference by the City of Slidell for training, employment, or contracting opportunities generated by 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 selfcertify that they meet the applicable criteria.

Businesses who misrepresent themselves as Section 3 business concerns and report false information may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities.

Section 3 Worker and Targeted Section 3 Worker Certification

A Section 3 worker may submit self-certification documentation to a contractor or subcontractor, that the person is a Section 3 worker or Targeted Section 3 worker as defined in 24 CFR Part 75. Individual income rather than family/household income is used to determine eligibility. The income limits will be determined annually using the guidelines published at <https://www.huduser.org/portal/datasets/il.html>.

Persons may qualify as a Section 3 worker if one or more of the following criteria apply 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) A YouthBuild participant.

Persons may qualify as a Targeted Section 3 worker if one or more of the following criteria applies:

- 1) Employed by a Section 3 business concerns 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) A YouthBuild 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.

Section 3 Business Concern Certification

Businesses that believe they meet Section 3 Business requirements may self-register in the HUD business registry at: <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% of the business is owned and controlled by low- or very low-income persons; or
2. At least 51% if 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 three-month period are performed by Section 3 workers.

Businesses that seek Section 3 preference shall certify, or demonstrate to the City of Slidell that they meet the definitions outlined above. Businesses may demonstrate eligibility by submitting the Section 3 Business Concern Certification Form.



Section 3 Business Concern Certification Forms must be submitted at the time of bid/proposal. Business who misrepresent themselves as a Section 3 business concern and report false information may have contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities. Section 3 preference does not automatically guarantee award of contract.

The Section 3 Business Concern Certification Form will expire after 6 months or upon completion of the community development project. Establishing a 6 month certification of eligibility period allows the City of Slidell to ensure the business is striving to meet the required goals.

Documentation of Workforce

Prior to the “Notice to Proceed”, the contractor (including subcontractors) must document their workforce for the project by submitting the Contractor/Subcontractor Form or they may use either <https://hudapps.hud.gov/OpportunityPortal/>:

- a. Name of Project;
- b. Name of Contractor;
- c. Job Titles;
- d. Number of Positions needed for a specific job title;
- e. Total expected hours throughout the project;
- f. Total persons on the payroll that meet the Section 3 definition and their title;
- g. Number of positions expected to be filled during the life of the project;
- f. Number of positions anticipated to be filled with Section 3 residents.

Contractors, including subcontractors, will be required to submit New Hire forms with its certified payrolls. The contractor must comply with the Section 3 requirement throughout the life of the contract.

ASSISTING CONTRACTORS WITH ACHIEVING SECTION 3 GOALS

In an effort to assist contractors with meeting or exceeding the Section 3 goals, the City of Slidell will do the following:

- 1) Share Section 3 Plan with contractors and subcontractors and explain policies and procedures;
- 2) Review Section 3 benchmarks and prioritization of effort with contractors and subcontractors to ensure that the goals are understood;
- 3) Encourage contractors who are interested in submitting a bid/offer/proposal to attend pre-bid meetings;
- 4) Review Section 3 regulations at the pre-construction conference and require the contractor to sign a Section 3 Plan prior to the Notice to Proceed;

Contractors should make every effort feasible to meet Section 3 benchmark goals by utilizing the existing qualified workforce and by considering qualified eligible Section 3 workers and Targeted Section 3 workers before any other person, when hiring additional employees to complete proposed work performed with CDBG funds.

Section 3 is not intended for contractors and subcontractors to terminate existing employees.

SECTION 3 OUTREACH

In order to educate and inform workers and contractors, the City of Slidell's Section 3 Coordinator will be prepared to provide training and technical assistance on Section 3 program guidelines.

Outreach for Employment Training

Contractors and subcontractors working on projects funded by Community and Development funds should, to the greatest extent feasible should provide training opportunities. Strategies to notify Section 3 workers and Targeted Section 3 workers which may include the following:

- 1) Clearly indicate 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) Include the Section 3 Worker and Targeted Section 3 Worker Self-Certification Form in all job postings;
- 3) Establish a current list of Section 3 eligible applications;
- 4) Contact local community organizations and provide them with job postings for Section workers;
- 5) Advertise job opportunities via social media;
- 6) Advertise job opportunities via flyer distributions, posting ad in common areas of housing developments and all public housing management offices;
- 7) Contact resident councils, and neighborhood community organizations to request their assistance in notifying residents of available training and employment. Opportunities.

Outreach for Contracting

When contracting opportunities arise in connection with the CDBG program, the City of Slidell will employ the following strategies including but not limited to:

- 1) Add Section 3 language to requests for proposals, request for quotes and contracts;
- 2) When conducting pre-bid meetings, explain and answer questions related to Section 3 policy;
- 3) Advertise contracting opportunities in local community papers that provide general information about the work to be contracted and where to obtain additional information;
- 4) Providing written notice of contracting opportunities in a timely manner to all known Section 3 Business Concerns;
- 5) Coordinate with business assistance agencies and contractor associations to inform them of contracting opportunities and request their assistance in identifying Section 3 business concerns;
- 6) Connect Section 3 business concerns with resources to support business development to assist in obtaining contracting opportunities.

SECTION 3 CONTRACTING POLICY AND PROCEDURE

The City of Slidell will incorporate a Section 3 policy to be included in all procurements generated for use with HUD funding. This policy contains requirements for making efforts to award contracts to Section 3 Business Concerns.

1. The City of Slidell will give preference to any business who can qualify as a Section 3 business concern, under all contracts, provided the all other procurement requirements have been met, and project costs are not unreasonable as determined by the City of Slidell;
2. The City of Slidell will require sub-recipients who are unable to obtain a Section 3 business concern for their project, to provide qualitative efforts furthering Section 3 worker.

All contractors/businesses seeking Section 3 preference must, before submitting bids/proposals to the City of Slidell be required to complete certifications, as appropriate. Such certifications shall be adequately supported with appropriate documentations as referenced in the Section 3 Business Concern Certification Form.

SECTION 3 CONTRACT LANGUAGE

The City of Slidell will include standard Section 3 language in all of its CDBG contracts to ensure compliance with regulations in 24 CFD Part 75.

Example: "This contract is subject to Section 3 requirements of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3"). Section 3 is a regulation that requires all contractors (including the prime and all contractors) to make efforts to hire low/moderate income people to work on the Project."

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 75.19 (for housing and community development financial assistance). For businesses, noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

REPORTING

It is the City's responsibility to report Section 3 accomplishments to HUD. The City is required to maintain documentation of actions taken to comply with the employment



and training requirements of Section 3, the results of actions taken and impediments encountered. The City of Slidell will maintain records of solicitation of bid proposals, selection material, and contract documents in accordance with Federal and State Law. This documentation should demonstrate all of the City's efforts to achieve Section 3 labor hour benchmark compliance.

Monthly Reporting

Contractors are required to submit monthly activity reports to the CDBG Administrator at cdbg_administrator@cityofslidell.org by the 15th of each month. A final cumulative report must be submitted with the final payroll. The City of Slidell will submit the Section 3 data into HUD's IDIS program.

Reporting on Projects with Multiple Funding Sources

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 City of Slidell will follow subpart C of 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 housing and community development financial assistance is not included in calculating whether the assistance exceeds the LHCHH \$100,000 threshold.

RECORDS

The City will maintain documentation and ensure that its subrecipients, contractors, or subcontractors that employ workers maintains documentation to ensure that workers meet the definition of a Section 3 Worker or Targeted Section 3 Worker, at the time of hire or the first reporting period, in accordance HUD regulations.

COMPLAINT PROCEDURES

In an effort to resolve complaints generated due to non-compliance through an internal process, The City of Slidell 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 brief description of the alleged violation of 24 CFR Part 75;
- 2) Complaints must be filed within 60 calendar days after the complainant becomes aware of the alleged violation;
- 3) An investigation will be conducted if complaint is found to be valid. This will be 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 City of Slidell will provide written documentation detailing the findings of the investigation. The City of Slidell will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than 60 days after the filing of complaint. If complainants wish to have their concerns considered outside of the City of Slidell, a complaint may be filed with:

The HUD program office responsible for the public housing financial assistance or the Section 3 project, or to the local HUD field office. These offices can be found through the HUD website. www.hud.gov/.

Complainants may be eligible to bring complaints under other 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 older), disability or genetic information (medical history or predisposition to disease). For more information about complainant rights, please contact EEOC at: www.EEOC.gov.



The Department of Labor Office of Federal Contracts Compliance Programs (OFCCP) enforces, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity require of those who do business with the Federal government. More information about the services they provide can be obtained at: <http://www.dol.gov/ofccp/>.

DEFINITIONS

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: any entity entering into 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.

Housing and Community Development Assistance: Any financial assistance provided or otherwise made available through a HUD housing or community development program through any grant, loan, loan guarantee, cooperative agreement, or contract, and includes community development funds in the form of Community Development Block Grants, and loans guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended. Housing and community development assistance does not include financial assistance provided through a contract of insurance or guaranty.

HUD: The U.S. Department of Housing and Urban Development

Labor hours: 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: a person as defined in Section 3(b)(2) of the 1937 Act, at or below 80% AMI. , this term means a person whose income does not exceed 80 percent of the

median for the area. Note that Section 3 worker eligibility uses individual income rather than family/household income.

Material supply contracts: contracts for the purchase of products and materials, including, but not limited to, lumber, drywall, wiring, concrete, pipes, toilets, sinks, carpets, and office supplies.

Metropolitan Area: A metropolitan statistical area (MSA), as established by the Office of Management and Budget.

New Hires: Full-time employees for permanent, temporary or seasonal employment opportunities.

Professional services: 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 Resident: Any individual who resides in public housing as a signatory on a public housing lease, or as a member of the family of the individual(s) who is the signatory on the public housing lease.

Recipient: 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 Business: A business concern meeting at least one of the following criteria, documented within the last six-month period: A business concern meeting at least one of the following criteria,

- It is at least 51 percent owned and controlled by low- or very low-income persons;
- Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or



- 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.

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. These requirements shall not 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 Clause: The basic contract provisions set forth in 24 CFR 75.17 and 24 CFR 75.27 that must be included in Section 3 Covered contracts.

Section 3 Covered Assistance: Section 3 requirements apply to all programs receiving public housing financial assistance regardless of the amount of assistance received from HUD. Section 3 also applies to the entirety of a mixed-finance development project as described in 24 CFR 905.604, regardless of whether the project is fully or partially assisted with public housing financial assistance

Section 3 Coordinator is person tasked with overseeing all Section 3 responsibilities for the CD office.

Section 3 Project: means 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 located on the site(s) that are under common ownership, management, and financing.

Section 3 worker means:

- Any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:
- The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
- The worker is employed by a Section 3 business concern.
- The worker is a YouthBuild participant.

The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction.

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.

Service area or the neighborhood of the project: 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.

Subcontractor: 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.

Subrecipient: A public or private nonprofit agency, authority, or organization, or a forprofit entity authorized under §570.201(o) to provide microenterprise assistance, receiving CDBG funds from the grantee to undertake activities eligible under the CDBG program

Targeted Section 3 Worker: For Housing and Community Development financial assistance, a Targeted Section 3 Worker is defined as: 1. A worker employed by a Section 3 business concern; or 2. A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years: i. Living within the Service Area or the Neighborhood of the Project, as defined herein; or ii. A YouthBuild participant.



Very Low-income Person: as defined in Section 3(b)(2) of the Housing Act of 1937 Act (42 U.S.C. 1437a(b)(2)), this term means a person whose income does not exceed 50 percent of the median for the area.

YouthBuild Programs: Programs that receive assistance through the U.S. Department of Labor under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226), and that provide at-risk youth with training and educational opportunities in construction and other industries.