



Jim Haining &lt;jhaining@gmail.com&gt;

---

## Re-distribution of Notices pertaining to RAD and Section 3 (including REVISED RAD Notice PIH 2012-032- Rev 2)

---

HAPA <mgifford@procurementassistance.org>  
Reply-To: HAPA <mgifford@procurementassistance.org>  
To: jhaining@gmail.com

Fri, Dec 23, 2016 at 5:01 PM



Housing Agency Procurement Assistance

### Housing Agency Procurement Assistance

I am re-distributing the following Notices that were issued by Ms. Sharbara Ellis of the Charlotte Housing Authority as a public service on November 30, 2016. If you have any questions or concerns about Section 3, please contact Ms. Ellis directly. If you have any questions or concerns pertaining to anything within the following Notices that HUD issued, it would be best to contact HUD directly. I hope that this helps.

BEGIN 2nd NOTICE ISSUED:

Section 3 Professionals:

A shout to our colleague Jennifer at the Indianapolis Housing Agency! Thanks for letting us know that the PIH Notice 2012-032 has a revision and that document simplifies the Section 3 and Davis-Bacon language. See page 34 of the document:

**13. Davis-Bacon prevailing wages.** The Davis-Bacon prevailing wage requirements (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) apply to all initial repairs and new construction that are identified in the Financing Plan to the extent that such repairs or construction qualify as development. "Development," as applied to work subject to Davis-Bacon requirements on Section 8 projects, encompasses work that constitutes remodeling that alters the nature or type of housing units in a PBV or PBRA project, reconstruction, or a substantial improvement in the quality or kind of original equipment and materials, and is initiated within 18 months of the HAP contract. Development activity does not include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of substantially the same kind. Davis-Bacon requirements apply only to projects with nine or more assisted units.

**14. Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** Section 3 (24 CFR Part 135) applies to all initial repairs and new constructions that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. In addition, Section 3 may apply to the project after conversion based on the receipt of the use of federal financial assistance for rehabilitation activities.

Sharbara Ellis  
*Economic Development Coordinator*  
**Procurement**  
**Charlotte Housing Authority**  
400 East Boulevard  
Charlotte, NC 28203

Tel: [704.336.6883](tel:704.336.6883)  
Fax: [704.336.7892](tel:704.336.7892)  
E-mail: [sellis@cha-nc.org](mailto:sellis@cha-nc.org)

[www.cha-nc.org](http://www.cha-nc.org)

END OF 2nd NOTICE ISSUED.

\*\*\*\*\*

BEGIN 1st NOTICE ISSUED.

Section 3 Professionals:

Attached is Notice PIH-2012-32 (HA) Issued July 26, 2012 that references the applicability of Section 3 to RAD conversions. Page 35 specifically deals with Project Based Vouchers (PBV) and page 43 for deals with Project Based Rental Assistance (PBRA).

[Page 35 for deals with PBV](#)

#### **D. PBV: Other Miscellaneous Provisions**

**3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** Under existing PBV program rules, projects that qualify as "existing housing" under 24 CFR § 983.52(a) are not subject to Davis-Bacon (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) or Section 3 (24 CFR Part 135). However, the Davis-Bacon Act and Section 3 shall apply to all initial repairs that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation, regardless of whether the project qualifies as "existing housing." Developmental requirements under 24 CFR § 983.154 and fair housing provisions under 24 CFR § 983.152(c)(vi) continue to apply.

[Page 43 for deals with PBRA](#)

#### **C. PBRA: Other Miscellaneous Provisions**

**1. Access to Records, including Requests for Information Related to Evaluation of Demonstration.** PHAs must agree to any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work.

**2. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** The Davis-Bacon Act (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) and Section 3 (24 CFR Part 135) apply to all initial repairs that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. (The Davis-Bacon Act only applies for projects with nine or more units.)

Sharbara Ellis  
*Economic Development Coordinator*  
**Procurement**  
**Charlotte Housing Authority**  
400 East Boulevard  
Charlotte, NC 28203

Tel: [704.336.6883](tel:704.336.6883)  
Fax: [704.336.7892](tel:704.336.7892)  
E-mail: [sellis@cha-nc.org](mailto:sellis@cha-nc.org)

END OF 1st NOTICE ISSUED.

Regards,


**Michael S. Gifford, C.P.M., CPSD**  
*Housing Agency Procurement Assistance*

I have a consulting practice providing procurement- and contracts-related mentoring, training, and technical assistance to housing agencies. I help housing agencies conduct procurement and contracts in a HUD-compliant and "best practice" manner. [Click here](#) to see my full resume. Please do not hesitate to contact me if you have any questions or concerns pertaining to procurement and contracts (initial answering of questions is "no charge"). As I am either on-the-road or on the phone a lot, an initial contact by e-mail is best; please be sure to include your return telephone number (office/cellular) so that I can call you back.

This email was sent to [jhaining@gmail.com](mailto:jhaining@gmail.com) by HAPA  
of Housing Agency Procurement Assistance  
2308 Flower Spring St  
Las Vegas, NV 89134

[procurementassistance.org](http://procurementassistance.org) | [Unsubscribe from Email Notifications](#) | [Privacy Policy](#)

---

 **December\_23\_\_2016\_attachment.pdf**  
987K