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Regulations Division
Office of the General Counsel
Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0500
Via regulations.gov

RE: Docket No. FR-6085-P-01
Enhancing and Streamlining the Implementation of "Section 3" Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses

The National Low Income Housing Coalition (NLIHC) is an organization whose members include state and local affordable housing coalitions, residents of public and assisted housing, nonprofit housing providers, homeless service providers, fair housing organizations, researchers, faith-based organizations, public housing agencies, private developers and property owners, local and state government agencies, and concerned citizens. While our members include the spectrum of housing interests, we do not represent any segment of the housing industry. Rather, we work on behalf of and with low-income people who receive or are in need of federal housing assistance, especially extremely low-income people and people who are homeless.

NLIHC staff's active engagement with Section 3 dates back to 1992. In addition, NLIHC board members, particularly those who are public housing residents, have been concerned about Section 3 implementation for many years. NLIHC and other advocates worked with HUD staff from 2009 through 2015, urging significant improvements to the 1994 interim rule.

NLIHC is pleased HUD has issued the proposed rule and to see it adopting advocates' suggestion to close the "new hires" loophole by moving to "labor hours worked" instead. NLIHC also welcomes the proposal to include Section 8 residents among the second level of employment priorities in the public housing portion of the proposed rule. NLIHC does, however, recommend some changes to improve the ability of Section 3 to better reach women and low-income residents in a variety of potentially available employment categories. NLIHC also has significant concerns about a number of other proposed provisions (detailed herein), and NLIHC endorses the recommendations provided in a separate letter from the Housing Justice Network.

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REMOVING SECTION 3 FROM FHEO

Concerns

NLIHC has concerns about the proposal to move Section 3 regulations from 24 CFR part 135 under the Office of Fair Housing and Equal Opportunity (FHEO) to a new part 75 under the Office of the Secretary. In addition, NLIHC has concerns about removing monitoring and enforcement of Section 3 from FHEO, transferring responsibility to the HUD program office responsible for the funding program that triggers Section 3, such as the Office of Public and Indian Housing (PIH), the Office of Community Planning and Development (CPD), and the Office of Recapitalization (for RAD demolition, rehab, or new construction).

Although not explicitly stated in the preamble to the proposed rule, we assume that the Office of Field Policy and Management (FPM) will have ultimate oversite of Section 3 implementation because the proposed rule was issued by FPM.

Throughout the history of Section 3, HUD has never seriously monitored and enforced the statute's implementation. For a very brief period around 2010 there was an attempt to begin enforcement, but that eventually tapered off. NLIHC would welcome genuine interest on the part of HUD to finally help make the letter and spirit of the statute a consistent reality for public housing, Section 8, and other low-income residents.

In the past, some FHEO Field Office staff have complained that other program offices were not responsive to Section 3 problems, suggesting the lack of a HUD institution-wide commitment to Section 3 and to FHEO authority to implement it. Also, in the past program staff have stated that their "constituents" are the jurisdictions or the PHAs, failing to include residents who are the intended beneficiaries of HUD programs.

Recommendations

Section 3 monitoring and enforcement should be carried out by HUD staff who are independent of the HUD program offices because program staff are too close to the jurisdictions, PHAs, and the development projects funded by their programs.

While independent of the program offices, FMP does not appear to possess the staff capacity or technical knowledge about Section 3 to effectively oversee Section 3 monitoring and enforcement. HUD should reconsider and keep Section 3 at FHEO.

One option is to assign monitoring and oversight to the Office of Davis-Bacon and Labor Relations (DBLR). That office has experience with the construction industry and experience providing training and technical assistance to jurisdictions and PHAs. In addition, DBLR has a working relationship with the Department of Labor. That relationship could greatly enhance Section 3 effectiveness.

Regardless, either DBLR, FMP, or FHEO will still need to secure increased resources to hire more staff to provide Section 3 technical assistance, monitoring, and enforcement.

Concern

The proposed rule would eliminate any Section 3-specific complaint process. It would rely on existing provisions in other HUD program regulations to address resident complaints.

The current regulation has an entire section about compliance [§135 Subpart D], including a section with details for residents on how to submit complaints [§135.76]. Form 958, as revised in 2012, is a useful means for residents to submit complaints.

Recommendations

It makes sense for Section 3 to be better integrated into each HUD program area; however, other HUD program areas do not have detailed provisions for residents to register failures on the part of a jurisdiction or a PHA to meet a program requirement, much less Section 3.

To ensure objective compliance and enforcement, we recommend that the final rule require each federal program have a detailed complaint process identical to or similar to that of the current rule, but that enforcement be assigned to DBLR, FMP, or FHEO.

SWITCH TO "LABOR HOURS WORKED" FROM "NEW HIRES"

As previously stated, NLIHC is very pleased to see the proposed rule adopting advocates' suggestion to close the "new hires" loophole by moving to "labor hours worked." As advocates have long observed, some contractors would hire Section 3 residents for a short time so that those employees would "count" toward the 30% new hires goal, only to lay the Section 3 worker off in short order. Advocates have also seen cases where contractors have given a Section 3 new hire only 20 hours or less of work per week. In addition, some contractors would shift their existing workforce to a Section 3 project so that the contractor could claim that new hires were not needed for the Section 3 project, while they would hire new, non-Section 3 residents at non-Section 3 projects.

Concerns

Anticipating the Section 3 "benchmarks" discussion, NLIHC notes that the benchmark of 30% of labor hours worked is an aggregate figure that does not ensure that Section 3 workers are engaged in a mix of job categories or trades. Consequently, there could be an undue concentration of Section 3 workers in jobs that pay the least and do not have a path toward developing greater skills and earning capacity – a purported goal of Section 3.

Recommendation

According to Chicago Women in Trades (CWIT), in 2018, women made up only 3.4% of construction workers. Because most assisted households are headed by single mothers, NLIHC recommends adopting a formula created by CWIT and other tradeswomen organizations.

NLIHC recommends that 30% of hours worked be measured for each job category/trade and that women make up at least one half of those 30%.

ALLOWING PHAs TO CONTINUE TO USE "NEW HIRES"

Concern

Allowing PHAs to use new hires rather than hours worked raises all of the concerns generally expressed about the use of the new-hires standard – especially as it relates to contractors and subcontractors PHAs use to undertake substantial projects such as roof repairs, tuck pointing, elevator installation, etc. Inexpensive software is readily available to facilitate a PHA's transition to labor hours worked.

Recommendation

NLIHC recommends that PHAs be required use labor hours worked. If HUD decides PHAs can use new hires, the rule should require the use of labor hours worked for contractors carrying out major projects. HUD should also monitor PHA performance to gather data regarding the types of jobs any new hires fill and whether those new hires are retained. If after three years it is determined that the new hires are not being reasonably retained, HUD should require PHAs to start using labor hours worked.

SMALL PHAs

Small PHAs should not be exempt; such PHAs could have significant contractor and subcontractor activity in any given year. In addition, inexpensive software is available for Small PHAs to use to report on the labor hours worked by their permanent staff as well by contractors and subcontractors.

SECTION 3 PROJECT

The proposed rule defines a “Section 3 project” as one that receives at least $200,000 from HUD programs other than public housing capital and operating funds for housing rehabilitation or new construction or for other public construction projects.

The proposed rule defines a “project” as “the site or sites together with any buildings and improvements located on the site(s) that are under common ownership, management, and financing.”

Concern

NLIHC has long raised concerns about the current rule’s $100,000 per-project threshold. While a $200,000 is an improvement, the underlying concerns remain.

Given the proposed definition of “project,” if there is a $200,000 per-project threshold, contractors would not have to comply with Section 3 if a contract for construction work on a project is less than $200,000. Consequently, contractors awarded significant amounts of Section 3-covered funds in a single program year to carry out small, discreet activities, such as homeowner housing rehabilitation, would not have to meet Section 3 obligations. Such contractors can spend far more than $200,000 in Section 3-covered funds cumulatively during a program year, yet they would not have to hire Section 3 workers or subcontract with Section 3 businesses because each component activity costs less than $200,000.

For example, if a contractor receives $1 million in CDBG funds to rehabilitate seven single-family houses and the contractor spends $130,000 per home, that contractor would not have to comply with Section 3 because each home is considered a single project and none of the seven rehabilitations had a contract for more than $200,000.

This is a significant limitation. Jurisdictions and contractors can avoid Section 3, even if a contractor is getting a lot more HUD money to do construction work, by breaking up construction activities into small contracts of less than $200,000 each.

Recommendation

NLIHC has long urged HUD to change this practice. NLIHC suggests that Section 3 obligations apply to any contractor that receives at least $1 million during a program year for a given type of activity, such as repaving city streets, laying water/sewer lines, and rehabilitating single-family homes.

SECTION 3 WORKER

The proposed rule would replace the interim rule term "Section 3 resident" with a new term, "Section 3 worker," who is someone who meets one of the following:

1. The worker's income is less than the income limit set by HUD for the program triggering Section 3; or,
2. The worker lives in a "qualified census tract;" or,
3. The worker is employed by a Section 3 business.

<u>Regarding option 1</u>:

Concerns

The current rule specifically lists a public housing resident as a "Section 3 resident;" the proposed rule would no longer explicitly do so.

In addition, people should not be counted as Section 3 workers simply because they are paid low wages.

Recommendations

While it is reasonable to assume a public housing resident or a Section 8 resident meets the low-income criterion, given the statute's repeated emphasis on ensuring Section 3 opportunities are provided "particularly to those who are recipients of government assistance for housing," NLIHC suggests the final rule explicitly list public housing residents, and add Section 8 residents (voucher and project-based), as well as residents of Section 811 and Section 202 developments.

The preamble to the proposed rule defines a Section 3 worker as "a worker *whose income, before being hired* to work on the project, is below the income limit established by HUD…"

In light of the above and the fact that women are very under-represented in the construction trades, the rule should continue to include anyone who meets the definition of low-income, but the text of the rule should be modified to read:

"Immediately prior to the date of hire, was a public housing, Section 8, Section 811, Section 202, or other low-income resident, particularly women."

The definition can add as (2), "A worker is low-income if the worker's income is below the income limit established by HUD." Current (2) and (3) could be renumbered as (3) and (4).

Regarding option 2:

Concern

Someone who lives in a qualified census tract will not necessarily be a low-income person. Depending on how the qualified census tract is drawn, a large number of residents could be higher-income.

Recommendation

The rule should not use a geographic area to define a Section 3 worker.

Regarding option 3:

Concern

Someone hired by a Section 3 business will not necessarily be a public housing, Section 8, or other type of low-income person.

Recommendation

The rule should only consider public housing, Section 8, Section 811, or Section 202 residents, or other low-income people as Section 3 workers.

Encouraging Sustained Employment of Section 3 Workers

Concern

The preamble claims that the proposed rule would encourage employers to retain a Section 3 worker by allowing the employer to continue counting that worker in the future, even if the employee is no longer a "low- or very-low income" person. However, the definition of "Section 3 worker" in the proposed text of the regulation does not provide for this; the definition of "Targeted Section 3 worker" does.

Recommendation

The definition of a Section 3 worker, as modified by NLIHC's proposal, should be further modified to be:

"Any worker who currently is or, immediately prior to the date of hire, was a public housing, Section 8, Section 811, Section 202, or other low-income resident, particularly women."

SECTION 3 BUSINESS

The proposed rule would significantly change the definition of "Section 3 business" to be a business that meets one of the following:

1. At least 51% of the business is owned by low-income people; or,
2. Low-income people work more than 75% of the labor hours worked at the business; or,
3. At least 25% of the business is owned by public housing residents or Section 8 residents.

The first proposed category is the same as the current rule and reflects the statute's definition.

<u>Regarding the second option</u>:

Concern

Businesses should not be rewarded for paying poverty wages.

Recommendation

Continuing with NLIHC's theme of honoring the statute's repeated emphasis on "particularly to those who are recipients of government assistance for housing," and minimizing the potential of rewarding business for paying low wages, NLIHC recommends that the second category be modified to read:

"More than 75% of the labor hours worked at the business are performed by public housing, Section 8, Section 811, or Section 202 residents or persons who, immediately prior to the date of hire, were low- or very low-income, particularly women."

<u>Regarding the third option</u>:

Concern

Setting a 25% threshold for public housing or Section 8 ownership for businesses risks rewarding businesses that are merely front entities, a problem sometimes experienced with minority-owned and women-owned business programs.

Recommendation

The rule should set the threshold at 51% or more ownership by public housing or Section 8 residents.

SECTION 3 EMPLOYMENT PRIORITIES

PHAs

For PHAs the proposed rule mirrors the statue and is welcome. NLIHC also welcomes the addition of Section 8 residents to the second-level priority.

Recommendations

As previously noted, because women are under-represented in the construction trades, NLIHC recommends slightly modifying the language of each priority level to include the clause "especially women."

Again, to minimize people being counted as Section 3 workers simply because they are paid low wages, the fourth priority should read:

"To persons who, immediately prior to being hired, were low- and very low-income persons, especially women, residing within the metropolitan area (or non-metropolitan county) in which the assistance is provided."

In addition, geographic limits often contribute to few or no women being hired, and can also limit access to certain types of jobs to men as well as women depending on the labor pool in a given geographic area. Therefore, additional priority levels should be added.

Prior to the current fourth priority (metro area or non-metro county), priority should be given to residents who, immediately prior to being hired, were low-income residents, especially women, of the *jurisdiction* in which the PHA is located. And a last priority level should be expanded to include *any* persons, especially women, who were low-income immediately prior to being hired if the PHA can reasonably demonstrate there are not sufficient Section 3 residents with the requisite job skills within a project's geographic area.

SECTION 3 EMPLOYMENT PRIORITIES

JURISDICTIONS

Concern

For jurisdictions, the proposed rule repeats the language in the statute, but strays from the current rule's priorities, which give first priority to residents of the service area or neighborhood of a project, third priority to homeless people, and only as last priority other Section 3 residents in the metro area or non-metro county.

Recommendations

Because the statute emphasizes three times that employment and training should go "**particularly to those who are recipients of government assistance for housing**," NLIHC suggest an alternative list of employment priorities:

- First priority should be for public housing, Section 8, Section 811, and Section 202 residents.
- Second priority should be for low-income people, especially women, living in the service area or neighborhood of the project.
    - NLIHC recommends retaining the current rule's definition of service area (the geographical area in which the persons benefitting from the project live) and neighborhood for housing activities (the geographical location in the jurisdiction designated in ordinances or other local documents).
- Third priority should be for homeless people living in the jurisdiction.
- Fourth priority should be for other low-income people, especially women and homeless people, living in the jurisdiction.
- Fifth priority should be for other low-income people, especially women and homeless people, living in the metro area.
- Sixth priority should be for any low-income person, especially women and homeless people, anywhere.

Geographic limits often contribute to few or no women being hired, and can also limit access to certain types of jobs to men as well as women depending on the labor pool in a given geographic area.

Therefore, jurisdictions should be allowed to go beyond a service area, neighborhood, jurisdiction, or metropolitan area or non-metropolitan county if they are able to demonstrate that there are not sufficient Section 3 residents with the requisite job skills within a project's geographic area.

SECTION 3 CONTRACTING PRIORITIES

The proposed priorities are the same as those for employment, therefore NLIHC makes the same recommendations.

TARGETED SECTION 3 WORKER

PHAs

Concerns

It is not clear which projects are intended to be covered by "other projects managed by the PHA that is expending assistance" [75.11(a)(2)(ii)]. HUD should provide some further guidance.

The definition of "Section 3 worker" includes as one option, "The worker is employed by a Section 3 business concern." The first option under the definition of Targeted Section 3 worker is "A worker employed by a Section 3 business concern." Repeating a "worker employed by a Section 3 business concern" as one option in the definition of a Targeted Section 3 worker dilutes the intent of establishing a benchmark. Furthermore, as previously stated, someone working at a "Section 3 business" will not necessarily be a public housing, Section 8, or other low-income resident.

Recommendation

Option 1 should be deleted. This leaves option 2 and necessitates a significant alteration and creation of a separate benchmark for PHAs, as recommended on page 12.

Jurisdictions

The definition of a Targeted Section 3 worker for jurisdictions includes the problematic first option, "A worker employed by a Section 3 business concern." The second option, "A resident living in the service area or neighborhood of the project," has the same geographic limitations of the proposed rule's definition of service area discussed above.

Recommendation

A wholly new benchmark is needed for jurisdiction, as recommended on page 12.

SECTION 3 BENCHMARKS

Concern

The preamble indicates that jurisdictions and PHAs do not have to include professional services in the benchmark, but they may voluntarily include them.

Recommendation

The current rule includes professional service jobs.

NLIHC recommends requiring the inclusion of professional services. Exclusion might overlook entry-level and career-growth opportunities in those professional areas.

Concern

The concerns previously raised regarding the definitions of Section 3 worker and Targeted Section 3 worker lead to concerns regarding the proposed benchmark that applies equally to PHAs and jurisdictions.

Recommendations

The benchmark should mirror the statute's repeated emphasis on providing employment opportunities, "particularly to those who are recipients of government assistance for housing."

Therefore, NLIHC recommends adopting our amended definition of Section 3 worker ("A Section 3 worker is a public housing, Section 8, Section 811, or Section 202 resident, or other low-income residents, especially women.") and establishing two benchmarks, one for public housing and one for Section 3 projects.

For public housing, NLIHC proposes the benchmark be:

1. Public housing, Section 8, Section 811, or Section 202 residents make up 30% of the total number of labor hours worked by all workers for each job category, and women make up one half of the 30%; and,
2. Three percent of all contracts are for Section 3 businesses.

For Section 3 projects, NLIHC proposes the benchmark be:

1. Low-income people who are not public housing, Section 8, Section 811, or Section 202 residents make up 20% of the total number of labor hours worked by all workers for each job category, and women make up one half of the 20%; and,
2. Public housing, Section 8, Section 811, or Section 202 residents make up 10% of the total number of labor hours worked by all workers in each job category, and women make up one half of the 10%; and,
3. Three percent of all contracts are for Section 3 businesses.

REPORTING

Concern

For both PHAs and jurisdictions HUD proposes that recipients submit a Section 3 report annually in a manner consistent with the reporting requirements for the applicable HUD program.

Annual reporting does not enable residents and advocates to detect and attempt to correct slow or insufficient Section 3 compliance.

Furthermore, the public housing program does not have an annual reporting mechanism, although the preamble suggests PHAs include Section 3 reporting with the annual PHA Plan, which is due 75 days before a PHA's new program year. The major CPD programs report through the Consolidated Annual Performance and Evaluation Report (CAPER), which is not due until 90 days after the close of the program year. The Consolidated Plan regulations do not have provisions regarding Section 3.

The Section 3 project proposed rule requires reporting only on projects completed during the program year. CDBG projects sometimes extend beyond a program year.

Recommendations

Reporting should be done on a quarterly basis, and for CPD projects the reporting should be based on projects underway.

The Consolidated Plan regulations at 24 CFR 91.520(a) should be amended to specifically include Section 3 reporting.

Because there are no equivalent reporting requirements with the public housing program, PIH will need to develop a Section 3 reporting format.

Concern

HUD proposes to allow a jurisdiction or PHA to accept a contractor's or subcontractor's "good faith assessment" of the labor hours worked by full-time or part-time employees if a contractor or subcontractor does not track labor hours.

Recommendation

A "good faith assessment" is too easily abused. Because inexpensive software is available, contractors and subcontractors engaged on Section 3 projects or undertaking work for a PHA should obtain and use such software to enable them to report actual labor hours worked.

OTHER CONCERNS AND RECOMMENDATIONS

Concern

Sections 75.31 Recordkeeping and 75.33 Compliance are not exclusively related to Subpart D's focus on Multiple Funding Sources. It would be easy for a jurisdiction or PHA uninterested in the Multiple Funding Sources provisions to fail to observe the overall recordkeeping and compliance provisions.

Recommendation

Move the recordkeeping and compliance provisions to Subpart A which has general applicability to jurisdictions and PHAs.

Concern

No matter which office of HUD ultimately is responsible for Section 3 monitoring and enforcement, HUD headquarters and field offices need to have more staff exclusively devoted to Section 3. In addition, in order to effectively implement Section 3 at the local level, jurisdictions and PHAs need additional resources to enable them to hire staff specifically devoted to serving as Section 3 coordinators who also monitor and enforce Section 3.

Recommendation

To demonstrate how important Section 3 is to the administration, HUD should request that the president's budget request seek adequate funding to enable HUD to hire the necessary headquarters and field office staff to provide Section 3 technical assistance and to robustly monitor and enforce the statute. In addition, the president's budget request should seek adequate funding to enable all jurisdictions and PHAs to hire and retain staff devoted to Section 3 coordination, monitoring, and enforcement. Some of the technical assistance funds, whether at the federal or local level, should be set aside for helping public housing and Section 8 residents develop and sustain businesses owned and controlled by them. Finally, to facilitate the complete switch to labor hours worked, the president's budget request should seek adequate funds to procure software to enable PHAs, contractors, and subcontractors to report labor hours worked.

Concern

Small, particularly fledgling businesses with majority ownership by low-income residents have difficulty competing with large, well-established businesses.

Recommendation

To promote the creation and retention of genuine Section 3 businesses, alternative procurement provisions should be created to help Section 3 businesses compete with larger, more established businesses.

Concern

The proposed rule addresses Section 8 in confusing and somewhat conflicting ways.

Section 75.5 includes the definition, "Section 8-assisted housing refers to housing receiving project-based rental assistance or tenant-based assistance under Section 8 of the 1937 Act."

The proposed rule seems to follow this definition in several places:

- Section 75.11Targeted Section 3 worker at (a)(2)(i) includes "A worker who currently is or who was when hired by the worker's current employer: A resident in a public housing project or *Section 8-assisted housing*."

- The definition of Section 3 business concern includes at (1)(iii), "It is a business at least 25 percent owned by current public housing residents *or residents who currently live in Section 8-assisted housing."*

- Section 75.31(b)(1), Recordkeeping, calls for certifications that refer to
  - (ii) workers participating in "Section 8-assisted housing" and
  - (iii) the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing."

Section 8-assisted housing seems to be treated differently, however, at Section 75.9(a)(2)(ii) regarding employment and training and the order of priority -
(ii) includes "…or to residents of Section 8-assisted housing *managed* by the PHA."

What distinction is HUD making and why? It is not clear which types of Section 8-assisted housing are intended or envisioned. Does it mean the Housing Choice Vouchers that a PHA administers ("manages") with many independent private owners? Does it mean public housing converted to RAD and using PBVs, even if the PHA is no longer the "owner" of the converted property? (Presumably RAD conversions to PBRA are not considered because PHAs are no longer involved with those properties.)

Recommendation

The final rule at 75.9(a)(2)(ii) should simply say "residents of Section 8-assisted housing" or should clarify this one unique use of Section 8-assisted housing "managed" by a PHA.

Concern

The Notices by which the Rental Assistance Demonstration (RAD) operates have, since the initial draft Notice and through the current Notice PIH-2012-32/(HA) H-2017-03, REV-3, limited Section 3 to the construction- or rehabilitation-related activities identified in the RAD Financing Plan and RAD Conversion Commitment. After the conversion, unless additional federal financial assistance is later used for rehabilitation, Section 3 no longer applies.

NLIHC has written comments in response to the initial draft and subsequent drafts urging HUD to extend Section 3 obligations post-conversion because application of Section 3 obligations pertaining to permanent PHA staff – a potential source of Section 3 training and employment –can be substantially diminished if a significant portion of the portfolio is converted or can be totally lost if an entire portfolio is converted.

Recommendation

NLIHC acknowledges that the public housing portion of the Section 3 statute that applies to the operating assistance provided by Section 9 of the Housing Act of 1937 does not extend to public housing converted to Project-Based Rental Assistance. PHAs will continue, however, to "manage" Project-Based Vouchers at public housing converted to PBVs. Therefore, the RAD Notice (currently at Section I.1.4A.5) should be modified to state that Section 3 will still apply to the permanent staff of the entities owning or managing a development converted to PBVs. This will extend some Section 3 training and employment opportunities post-conversion, rather than diminish them.

CONCLUSION

Since its inception through the Housing and Urban Development Act of 1968, HUD has not seriously enforced Section 3. Although the 1994 interim regulation was recognized as confusing and open to evasion, not until 2010 was there a genuine attempt to amend the Section 3 regulations. The current administration has championed Section 3's potential from the very beginning, which NLIHC commends. Now is the time to realize that potential by moving forward with the proposed "labor hours work" standard, and we urge HUD to incorporate NLIHC's additional recommendations offered here.

Please address any questions regarding these comments to Ed Gramlich, ed@nlihc.org, 202.662.1530 x 314.

Sincerely

Diane Yentel
President and CEO