

Exhibit 8 b

Consent to Voluntarily Disclose Confidential Wage-Earner Information



Purpose: By signing this consent form, I agree to provide documentation and truthfully answer questions (on Form HUD-11) asked by the Labor Standards Officer (LSO) appointed by the organization or individual under contract to provide services on behalf of Texas Department of Housing and Community Affairs (TDHCA). Even if employed by the contracted entity, the LSO bears responsibility for verifying the truthfulness of the project payroll and compliance with applicable Federal and State laws and rules.

Uses of Information Obtained: Voluntary recorded interviews with construction workers help the LSO to ensure compliance with Federal labor standards. Interviewees should present documentation of compensation, if necessary. Information collected will assist TDHCA and/ or HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer.

Sensitive Information. The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential.

The Privacy Act of 1974, 5 U.S.C. 552a, requires HUD and its recipient organizations to protect the income information obtained for its official purposes in complying with Federal law. Recipient agencies and contractors receiving HUD funds under contract to provide federally mandated services must adhere to applicable privacy laws as if agents of HUD. HUD, its recipients, and all lower-tier contractors may incur penalties for unauthorized disclosures or improper uses of personal or wage and hour information obtained based on the consent form. **Private owners may not request or receive information authorized by this form and collected by the LSO.**

Who signs Consent Form: The interviewed employee covered by Davis-Bacon Fair Labor Standards signs as the "interviewee," the LSO co-signs.

Consent: I voluntarily agree to disclose wage and hour information and provide supporting documentation about my job to the Labor Standards Officer for this project.

Project Name:		
TDHCA Contract number for this project:		
Interviewee name:		
Interviewee signature:		Date:
Interviewee job title or classification:		
Labor Standards Officer (name):		
LSO Signature:		Date:

Authority: *Davis-Bacon Act, as Amended, Public Law 107-217-Aug. 21, 2002 [as amended], 40, United States Code, "Public Buildings, Property, and Works", Subtitle II-Public Buildings And Works, Part A-General, Chapter 31 – General, Subchapter IV - Wage Rate Requirements.* This law requires HUD awardees to inform workers of their rights to fair wages and humane working conditions. Employers must obtain voluntary consent from employees before interviewing them to confirm information reported on project payroll forms.

Federal Labor Standards Compliance in Housing and Community Development Programs (1344)

Title I - Contract Work Hours and Safety Standards Act. This Act requires contractors and subcontractors with covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 in a workweek. See also Compliance Assistance By Law - The Contract Work Hours and Safety Standards Act (CWHSSA).

Copeland (Anti-Kickback) Act - establishes laws to prohibit the payment of "kickbacks" to work on federally assisted projects, enforces weekly payment and sets forth rules concerning allowable and disallowed employee deductions. Copeland Act also provides basis for contract termination and criminal prosecution pursuant to 18 U.S.C. 874

Federal Labor Standards Act - FLSA establishes laws for minimum wages paid to workers and laws associated with the employment of minor. FLSA also prohibits wage discrimination based on sex.

29 CFR Part 1 - Regulations describing the procedures for predetermination of wage rates.

29 CFR Part 3 - Regulations regarding contractors and subcontractors on public building or public work financed in whole or in part by funding from the United States.

29 CFR Part 5 - Regulations regarding the labor standards provisions applicable to contracts covering federally financed and assisted construction, as well as the labor standards applicable to nonconstruction contracts subject to the Contract Work Hours and Safety Standards Act.

Disputes arising out of HUD Federal Labor Standards Provisions of (HUD-4010) shall be resolved in accordance with the procedures of the U.S. Department of Labor, set forth in 29 CFR Parts 5, 6, and 7.

Sources of Information: U.S. Department of Labor maintains the accuracy of these rules and monitors compliance with them. (Form HUD-11 [08/2004]) TDHCA and HUD may verify the truthfulness of this information.