

Wage Theft Disclosure Certification Form

Last Updated: December 2024

This Wage Theft Disclosure Certification Form (“Certification Form”) is required by Minnesota Statute 462A.051 for all multiunit residential housing projects applying for funding from Minnesota Housing, including any loan and federal low-income housing tax credits. If the ownership entity exists at the time of application submittal, the owner must complete and sign this Certification Form and submit it with their application. If the ownership entity does not exist at the time of application, the project sponsor must complete and sign this Certification Form and submit it with their application.

Definitions:

- **Applicant:** The entity that will be the owner and is applying to Minnesota Housing.
- **Project Sponsor:** An individual, legal entity, or nonprofit board that exercises control, financial responsibility, and decision-making authority over a housing development.
- **Developer:** An individual, legal entity, or nonprofit board that is responsible for the coordination of financing and building of a housing development.
- **Owner:** An individual, legal entity, or nonprofit board that owns the real property construction or improvements receiving funding from Minnesota Housing or who will own the real property construction or improvements upon completion of the project.
- **Intended General Contractor:** The entity with whom there is a contract to perform the duties of general contractor on the project.

Note that the applicant, project sponsor, developer, and owner can—but do not need to be—the same individual, legal entity, or nonprofit board.

Notice to Applicant

Minnesota Housing will not process any application where the applicant refuses to provide the information requested by this Certification Form and may refuse to fund any application based on the information provided in this Certification Form.

At its sole discretion, Minnesota Housing may terminate funding and/or recoup funding to any applicant should it be determined the information submitted in this Certification Form is inaccurate.

Identification of Relevant Entities

Identify the legal name and registered office address for each of the following entities. If one entity will fulfill multiple roles on the project being applied for, indicate that below.

Project Sponsor

Project Sponsor Full Legal Name: _____

Project Sponsor Registered Street Address: _____

Project Sponsor Registered City, State ZIP Code: _____

Developer

Developer Full Legal Name: _____

Developer Registered Street Address: _____

Developer Registered City, State ZIP code: _____

Owner

Owner Full Legal Name: _____

Owner Registered Street Address: _____

Owner Registered City, State ZIP Code: _____

Intended General Contractor¹

Intended General Contractor Full Legal Name: _____

Intended General Contractor Registered Street Address: _____

Intended General Contractor Registered City, State ZIP Code: _____

SAMPLE

¹ If the intended general contractor changes after the applicant submits this form, the applicant must submit a revised form with updated information for the new intended general contractor and a revised option selected below (if necessary).

Certification

[NAME] , the [TITLE] of [ENTITY NAME] , hereby certifies the following:

- A. I (We) understand that this Wage Theft Disclosure Form and any related disclosures or documents provided to Minnesota Housing are subject to the Minnesota Data Practices Act.
- B. I (We) understand that I (we) have a duty to provide a copy of any disclosure(s) made to Minnesota Housing within 14 calendar days should any member of the public submit a request for the information. I (We) have designated the following public information officer to receive and timely process these requests:
- Public Information Officer Name: _____
 - Public Information Officer Street Address: _____
 - Public Information Officer City, State ZIP Code: _____
 - Public Information Officer Email Address: _____
 - Public Information Officer Telephone Number: _____
- C. I (We) understand and agree that:
1. Minnesota Housing will not process any application where the applicant refuses to provide the information requested by this Certification Form.
 2. Minnesota Housing may refuse to fund any application based on the information provided by this Certification Form.
 3. At its sole discretion, Minnesota Housing may terminate funding and/or recoup funding to any applicant should the agency determine the information submitted with this Certification Form is not accurate.
- D. Select one:
- ☐ **[Option 1]** Both I and the developer, project sponsor, owner, or intended general contractor for the proposed [NAME OF PROJECT] project, including any of the parent companies, subsidiaries, or other affiliated companies, now or in the five years prior to the date of this application, *have not been* subject to any conviction, court judgment, agency determination, legal settlement, ongoing criminal or civil investigation, or lawsuit involving alleged violations of Minn. Stat. 177.24, 177.25, 177.32, 177.41-177.44, 181.03, 181.101, 181.13, 181.14, 181.722, 181.723, 181A.01-181A.12 (Labor Standards and Wage Theft), Minn. Stat. 609.52, subdivision 2(a)(19) (Wage Theft), 29 U.S.C. 201-219 (Fair Labor Standards Act), or 40 U.S.C. 3141-3148 (Davis Bacon Act).²
- ☐ **[Option 2]** Either I or the developer, project sponsor, owner, or intended general contractor for the proposed [NAME OF PROJECT] project including any of the parent companies, subsidiaries, or other affiliated companies, now or within the five years prior

² This disclosure encompasses projects outside of the State of Minnesota for the purposes of the Fair Labor Standards Act and the Davis Bacon Act.

to the date of this application, *have been* subject to at least one conviction, court judgment, agency determination, legal settlement, ongoing criminal or civil investigation, or lawsuit involving alleged violations of Minn. Stat. 177.24, 177.25, 177.32, 177.41-177.44, 181.03, 181.101, 181.13, 181.14, 181.722, 181.723, 181A.01-181A.12 (Labor Standards and Wage Theft), Minn. Stat. 609.52, subd. 2(a)(19) (Wage Theft), 29 U.S.C. 201-219 (Fair Labor Standards Act), or 40 U.S.C. 3141-3148 (Davis Bacon Act).

Required Documentation:

1. I (We) have submitted an organizational chart that details the relationship between the developer, project sponsor, owner, or intended general contractor and the entity that has been subject to one of the actions described above.
2. I (We) will submit all relevant documents related to the conviction, court judgement, agency determination, legal settlement, lawsuit, and/or criminal or civil investigation as an attachment to this Certification Form. I (We) understand that Minnesota Housing reserves the right to request additional relevant details at its discretion.
 - For convictions, court judgment, agency determinations, or legal settlements, relevant documents include the court order, administrative order, and/or settlement agreement resolving the matter.
 - For ongoing criminal investigations, civil investigations, and/or lawsuits, relevant documents include the documents or pleadings initiating the investigation or lawsuit.

Signature

This Wage Theft Disclosure Form is being signed by the (select one) of this project.

Authorized Signatory Printed Name

Title

Authorized Signature

Date