



Executive Office of
Housing & Livable Communities

Responsible Contractor Guidance

For State-Funded Housing
Development Projects

October 2025



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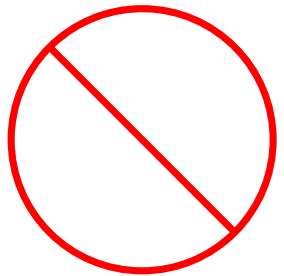
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What is the Purpose of the Guidance?

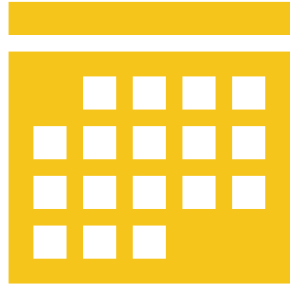


Ensure workers are treated fairly, paid properly, and protected under existing labor laws



Prevent contractors with serious labor law violations from participating on projects

When Does the Guidance Apply?



**Effective Date:
January 1, 2025**



Applies to:

- Projects awarded EOHLC funds from programs listed in Appendix A
- Funding awarded **on or after** January 1, 2025



Does Not Apply:

- Projects awarded funding before January 1, 2025
- Guidance is **not** retroactive

Who Must Comply?



Project Owners



General Contractors



Subcontractors

What Projects Are Covered?



Projects that receive awards from the following programs:

Federal Low Income Housing Tax Credit (LIHTC)

Massachusetts State LIHTC

American Rescue Plan Act (ARPA)

HOME Investment Partnerships Program (HOME)

HOME American Rescue Plan (HOME-ARP)

National Housing Trust Fund (HTF)

Affordable Housing Trust Fund (AHTF)

Housing Stabilization & Investment Trust Fund (HSF)

Capital Improvement & Preservation Trust Fund (CIPF)

Housing Innovations Fund (HIF)

Facilities Consolidation Fund (FCF)

Community-Based Housing (CBH)

Transit Oriented Development (TOD)

Are There Any Exemptions?



Small projects with **20 or fewer** residential units are exempt from many—but not all—of the requirements.



- General Contractors and subcontractors must still submit Certificates of Compliance
- General Contractor must also still submit a Closeout Certificate to the Project Owner
- Project Owner must keep records for 3 years

Who Cannot Work on a Project?



General contractors & subcontractors on or added to these lists in the last 3 years:

[MA Attorney General's Office \(AGO\) debarment list](#)

[Division of Capital Asset Management & Maintenance \(DCAMM\) debarred/suspended/decertified list](#)

[Department of Industrial Accidents debarment list](#)

[Federal Excluded Parties list](#)



Those with serious violations in last 3 years:

Been criminally penalized or debarred

Had serious violation **with intent**, with fines/damages **over \$15,000**

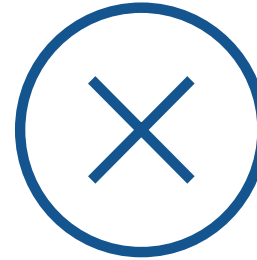
Had serious violations **without intent**, with fines/damages **over \$100,000**

Fines/damages can be checked on the [AGO listing of civil enforcement actions \(7/1/21–present\)](#)

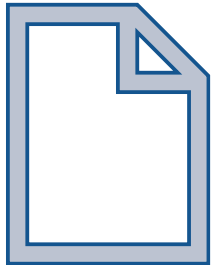
What is a Project Owner Responsible for?



Collecting Certificate of Compliance from General Contractor before construction begins



Determining that a General Contractor does not appear on any debarment or excluded parties list within last 3 years or with serious labor law violations



Including in the contract with the General Contractor a provision prohibiting use of subcontractor that appears on debarment list or with serious labor law violations



Collecting & maintaining all records from General Contractor for 3 years after construction completes, as evidenced by a certificate of occupancy



Making documents available to EOHLC, AGO, or Dept. of Labor upon request

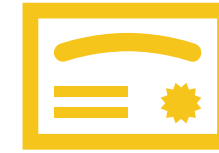
What is a General Contractor Responsible for?



Approving all subcontractors in writing before work starts, keeping Subcontractor List, & sending list and updates to Project Owner



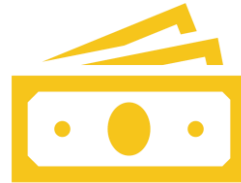
Posting worker rights notices on the job site



Completing Certificate of Compliance before work begins & Closeout Certificate when construction completes



Maintaining insurance: worker's compensation; general liability; commercial vehicle; & any other required



Providing payment, performance, & lien bonds



Sending all documents to Project Owner when construction completes



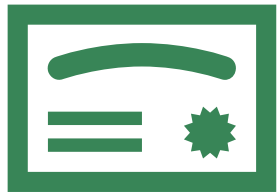
Collecting & keeping records:

- Certificates of Compliance
- OSHA cards
- Daily job site records
- Certified payroll
- DUA Certificate of Compliance
- DOR Certificate of Good Standing



Making documents available to EOHLC, AGO, or Dept. of Labor upon request

What is a Subcontractor Responsible for?



Completing a Certificate of Compliance



Maintaining insurance:

- Worker's compensation
- General liability
- Commercial vehicle
- Any other required



Providing records to General Contractor:

- Certificates of Compliance
- OSHA cards
- Daily job site records
- Certified payroll
- DUA Certificate of Compliance
- DOR Certificate of Good Standing

What Documents are Required & When?



Form	Description	When to Submit	Who Is Responsible
Subcontractor List	List of all subcontractors; must be kept up-to-date	Before construction; updates within 15 days of changes	General Contractor (GC) → Project Owner
Certificate of Compliance	Affirms compliance with labor laws, not debarred, no serious violations	Before starting work on project	Each Contractor/Subcontractor → GC → Project Owner
Certified Payroll Record	Certified payroll records for all employees	Ongoing, per payroll schedule	GC & Subcontractors
Daily Job Site Record	Record of who is on-site each day	Ongoing during construction	GC & Subcontractors
OSHA Training Cards	Copies of OSHA 10 cards for each worker	Within 2 weeks of worker's start date	GC & Subcontractors
Closeout Certificate	GC certifies compliance with all requirements & wage laws	Within 15 days of completion of construction along with all other records	GC → Project Owner
DUA Certificate of Compliance	Proof of compliance with MA Dept. of Unemployment Assistance (DUA)	Within 30 days before work starts	GC & Subcontractors
DOR Certificate of Good Standing	Proof of good standing with MA Dept. of Revenue (DOR)	Within 30 days before work starts	GC & Subcontractors

What is the Timeline for the Guidance?



Pre-Construction

- Subcontractor List
- Certificates of Compliance
- OSHA Training Cards
- DUA Certificate of Compliance
- DOR Certificate of Good Standing
- Post worker rights notices



During Construction

- Updated Subcontractor List
- Certified Payrolls
- Daily Job Site Record
- Maintain insurance & bonds
- OSHA Training Cards
- Ongoing from Added Subs:
 - Certificates of Compliance
 - DUA Certificate of Compliance
 - DOR Certificate of Good Standing



Completion

- Closeout Certificate
- General Contractor sends all documents & records to Project Owner
- Owner retains records for 3 years following issuance of certificate of occupancy

Recordkeeping



- **During construction**, the General Contractor must retain all records
- **After construction is complete**, the Project Owners must retain all records for 3 years
- All records must be open to inspection by **EOHLC**, the **AGO**, and the **U.S. Department of Labor**



Reporting Suspected Noncompliance



Notify EOHLC

- If you believe a contractor or subcontractor is not in compliance
- Email the designated EOHLC compliance contact:
eohlc-contractorguidance@mass.gov



Written Follow-Up

- EOHLC will review the concern
- EOHLC will notify the parties involved **in writing** with next steps



Opportunity to Cure

- Parties may be given a cure period to resolve issues
- Willful or unresolved violations may lead to enforcement



- **Opportunity to Correct**

- EOHLC will give parties a **reasonable period of time** to take corrective action and come into compliance



- **Repeated or Willful Non-Compliance**

- Deliberate efforts to **circumvent requirements, falsify records, or repeatedly ignore obligations** may subject a party to further actions by EOHLC or the Attorney General's Office (AGO)
- EOHLC will handle compliance issues on a **case-by-case basis**



- **Enforcement Actions**

- AGO may **pursue enforcement action**, if there are suspected labor law violations
- If the AGO pursues an enforcement action, **parties may appeal** through the regular appeals process

Scenarios



Scenario: Missing Payroll Records

A General Contractor (GC) fails to submit Certified Payroll records on schedule. EOHLC receives a report and reviews the issue.

EOHLC Response:

EOHLC notifies the GC and Project Owner in writing. GC is given a cure period to submit missing payroll records.

If Corrected:

Records submitted, project remains in good standing, issue resolved.

If Not Corrected (or Willful):

Treated as willful non-compliance. GC may be barred from future projects. AGO may pursue enforcement action, if suspected violations of labor laws.

Scenario: Subcontractor Added to Debarment List

During construction, a subcontractor is added to a state debarment list. The GC has already approved this subcontractor for the project.

EOHLC Response:

EOHLC notifies the GC and Project Owner in writing. GC is required to stop using the subcontractor.

If Corrected:

GC promptly replaces the subcontractor with an eligible firm. Work continues, and the project remains in good standing.

If Not Corrected (or Willful):

GC continues to use debarred subcontractor despite notice. EOHLC may bar GC from future projects. AGO may pursue enforcement, if suspected violations of labor laws.

Resources



[Responsible Contractor
Guidance Website](#)



[Guidance Checklist](#)



Forms:
Certificate of Compliance;
Closeout Certificate,
Subcontractor List,
Certified Payroll



Questions?

eohlc-contractorguidance@mass.gov

