



February 6, 2012

Mr. David Fuks, CEO
Robison Jewish Home
dba Cedar Sinai Park
6125 SW Boundary St.
Portland, OR 97221-1019

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Kehillah Housing
Requested by: Robison Jewish Home dba Cedar Sinai Park

Dear Mr. Fuks:

On February 1, 2012, you submitted a request on behalf of Robison Jewish Home dba Cedar Sinai Park asking if the Prevailing Wage Rate law would apply to the proposed Kehillah Housing project. Sufficient information to make a determination was received on February 3, 2012, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. Robison Jewish Home dba Cedar Sinai Park plans to construct Kehillah Housing ("project"). The project will be a new, two story residential apartment building located in SW Portland. Robison Jewish Home is a domestic non-profit located in Portland. Cedar Sinai Park is an assumed business name for Robison Jewish Home.
2. Kehillah Housing will be a new two story residential apartment building. It will contain 14 one-bedroom apartment units and a manager's apartment unit. The building will also include amenities such as a laundry room and common areas for the residents' use and storage. The apartment units will serve occupants whose incomes are no greater than 50% of the area median income.

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3. Kehillah Housing will be on property adjacent to 6125 SW Boundary Street in Portland. The project site has not yet been assigned its own address.
4. Cedar Sinai is in the process of setting up a non-profit corporation to own Kehillah Housing. It will be owned by a single entity.
5. The total project budget is estimated at \$3,158,487. Funding for the project includes the following sources:
 - a. Funds of a public agency: \$275,000
 - i. Oregon Housing and Community Services
 1. Community Development Block Grant (CDBG): \$275,000
 - b. Federal Funds: \$1,878,692
 - i. HUD 811 Capital Advance: \$1,878,692
 - c. Other Funds: \$1,004,795
 - i. Kuni Foundation Grant: \$200,000
 - ii. National Council of Jewish Women: \$450,000
 - iii. Private Donations: \$200,000
 - iv. SDC / Metro Excise Tax Waivers: \$144,795
 - v. Capital Investments: \$10,000

CONCLUSIONS OF LAW:

1. The proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(A) because the project will not be carried on and contracted for by a public agency.
2. The proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(B) because although the project will be privately owned, it will not use \$750,000 or more in funds of a public agency. However, even if the project did meet the definition of public works under ORS 279C.800(6)(a)(B), the exemption under ORS 279C.810(2)(d) for projects for residential construction that are privately owned and that predominately provide affordable housing would apply.

DETERMINATION:

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction, reconstruction, major renovation and/or painting of the Kehillah Housing project.

This determination is based on the agency’s file as of the date of this determination. The commissioner may make a different determination if any of the project information is

incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

REQUEST FOR A RECONSIDERATION:

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

RIGHT TO A HEARING:

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division, must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator
Wage and Hour Division
Bureau of Labor and Industries
800 NE Oregon St., Suite 1045
Portland, OR 97232

If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: February 6, 2012

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries

Christine N. Hammond

CHRISTINE N. HAMMOND,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On February 6, 2012, I mailed the Prevailing Wage Rate Determination for the Kehillah

Housing project to the requestor, as follows:

Mr. David Fuks, CEO
Robison Jewish Home
dba Cedar Sinai Park
6125 SW Boundary St.
Portland, OR 97221-1019

Certified Mail – Return Receipt Requested
Article #: 7009 2820 0001 4829 2435

Vince Chiotti
Oregon Housing & Community Services
1600 SW 4th Ave., Ste. 109
Portland, OR 97201

Certified Mail – Return Receipt Requested
Article #: 7009 2820 0001 4829 2442



Cristin Casey
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries