

Traci Manning  
Housing Director  
Central City Concern  
232 NW Sixth Ave  
Portland OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*  
Project: Rose Quarter Housing  
Requested by: Central City Concern

Dear Ms. Manning:

On February 8, 2008, you submitted a request on behalf of Central City Concern (“CCC”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by February 27, 2008, and therefore, the commissioner issues the following determination:

#### **FINDINGS OF FACT**

1. Rose Quarter Housing LLC, of which CCC is the managing member, owns the project site located at 10 N Weidler Street in Portland, Oregon.
2. CCC proposes to redevelop the property into a mixed-use building consisting of four floors of residential rental units over ground-floor commercial space. Of the 176 residential units to be built, all will be units occupied by occupants whose incomes are no greater than 50 percent of the area median income.
3. To develop the project, CCC intends to use a loan in the amount of \$5,000,000 from the Portland Development Commission (“PDC”), a grant of \$200,000 from Multnomah County (“County”), a grant of \$3,680,000 from the City of Portland (“City”), and a total of \$335,000 in Housing PLUS and Low-Income Weatherization funds from Oregon Housing and Community Services Department (“OHCS”).
4. CCC entered into funding agreements with PDC, the County, and the City prior to July 1, 2007. CCC has not yet entered into agreements with OHCS for receipt of the Housing PLUS and Low-Income Weatherization funds. OHCS has announced its intent to award these funds to the project but has not entered any agreement committing these funds.

## **CONCLUSIONS OF LAW**

1. If CCC or Rose Quarter Housing enters into a public contract with OHCS after July 1, 2007, this project shall be subject to the prevailing wage law as amended on July 1, 2007.
2. The construction project is intended to be privately owned. \$750,000 or more in funds of a public agency will support the project. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(B) will apply to this project if OHCS commits funds to this project.
3. The project is a mixed-use development (residential and commercial construction) and will not meet the definition of “residential construction” under ORS 279C.810(2)(d)(D) or OAR 839-025-0004(24). Therefore, the exemption for residential construction that provides affordable housing does not 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 apply to the Rose Quarter Housing project if OHCS enters an agreement to commit funds to the 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.

## **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, Oregon 97232

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

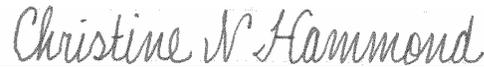
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a

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: April 7, 2008

Dan Gardner, Commissioner  
Bureau of Labor and Industries



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Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## Certificate of Service

On April 7, 2008, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Rose Quarter Housing project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Traci Manning  
Housing Director  
Central City Concern  
232 NW Sixth Ave  
Portland OR 97209

Mike McHam  
Oregon Housing and Community Services  
725 Summer Street NE, Suite B  
Salem OR 97301-1266

Dan Williams  
Portland Development Commission  
222 NW Fifth Ave  
Portland OR 97209

Multnomah County  
Attn: Housing Program  
501 SE Hawthorne, Room 600  
Portland OR 97214

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Gerhard Taeubel, Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries