



January 22, 2015

Kristen Karle  
St Vincent De Paul Society  
of Lane County, Inc.  
PO Box 24608  
Eugene, OR 97402

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Alona Place  
Requested by: St. Vincent DePaul Society of Lane County, Inc.

Dear Ms. Karle:

On January 15, 2015, you submitted a request asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on January 21, 2015, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. The St. Vincent DePaul Society of Lane County, Inc. (SVDP), a domestic non-profit corporation, plans to construct a new affordable housing project to be located at 1<sup>st</sup> Ave and Oak Street in Junction City, Oregon.
2. The project, known as Alona Place, includes the construction of 11 two-story stick-built buildings containing forty 1-4 bedroom housing units. The project also includes the construction of a single story stick-built building that will serve as a community center for the residents.
3. The project will be owned as a private limited partnership, with 99.99% to the limited partner (to be determined) and 0.01% to St Vincent DePaul Society of Lane County, Inc. as the general partner.
4. Thirty-nine of the forty units will be restricted to households at or below 50% or 60% of the area median income. One on-site manager unit will be income exempt.
5. The total project cost will be \$9,284,903. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$900,000
    - i. Oregon Housing and Community Services Department HOME funding: \$900,000

**PORTLAND**  
800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

**SALEM**  
3865 Wolverine St. NE; E-1  
Salem, OR 97305-1268  
(503) 378-3292  
FAX (503) 373-7636

**EUGENE**  
1400 Executive Parkway, Suite 200  
Eugene, OR 97401-2158  
(541) 686-7623  
FAX (541) 686-7980

**BEND**  
Apprenticeship and Training  
Worksource Bend  
1645 NE Forbes Rd, Ste 106  
Bend, OR 97701-4990  
(541) 322-2435  
FAX (541) 389-8265

Oregon Relay TTY:711

[www.oregon.gov/boli](http://www.oregon.gov/boli)  
AN EQUAL OPPORTUNITY EMPLOYER

**MEDFORD**  
Apprenticeship and Training  
119 N Oakdale Ave.  
Medford, OR 97501-2629  
(541) 776-6201  
FAX (541) 776-6284



- b. Other Funds: \$8,384,903
  - i. Oregon Housing and Community Services Department Low Income Housing Tax Credit equity: \$7,425,257
  - ii. Permanent loan underwritten by NOAH (Network for Affordable Housing): \$900,000
  - iii. Deferred Development fee: \$29,646
  - iv. Energy Trust incentives: \$30,000

6. No public agency will occupy or use any square footage of the completed project

### **CONCLUSIONS OF LAW**

1. The proposed project meets the definition of “public works” under ORS 279C.800(6)(a)(B) because the project will use funds of a private entity and \$750,000 or more of a public agency for the construction of privately owned structures.
2. The proposed project meets the definition of “residential construction” that is “privately owned” and that “predominantly” provides “affordable housing” under ORS 279C.810(2)(d), because the project will be owned by a private limited partnership and includes the construction of four-story or less single-family homes or apartments, and 60% or more of the units will serve occupants whose incomes are no greater than 60% of the area median income.
3. Pursuant to ORS279C.810(2)(d), the prevailing wage rate laws do not apply to projects for residential construction that are privately owned and that predominantly provide affordable housing.

### **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 Alona Place 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, 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 either by 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, and 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 issued 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: January 22, 2015

Brad Avakian, Commissioner  
Bureau of Labor and Industries



Gerhard Taeubel, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

**Certificate of Service**

On January 22, 2015, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Alona Place project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Kristen Karle  
St. Vincent DePaul Society of Lane County, Inc.  
PO Box 24608  
Eugene, OR 97402

  
\_\_\_\_\_  
Hannah Wood, Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries