



February 26, 2014

Ms. Rosie Andalon
CASA of Oregon
20512 SW Roy Rogers Road, Ste 150
Sherwood, OR 97140

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Heritage Heights Apartments
Requested by: CASA of Oregon

Dear Ms. Andalon:

On February 12, 2014, you submitted a request on behalf of CASA of Oregon asking if the Prevailing Wage Rate law would apply to the proposed Heritage Heights Apartments project. Sufficient information to make a determination was received on February 25, 2014; therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. CASA of Oregon is a non-profit developer helping Columbia Cascade Housing Corporation ("CCHC"), a domestic non-profit corporation, develop an apartment complex known as Heritage Heights Apartments. The primary purpose for the construction is to provide affordable housing for farmworkers and their families. CCHC anticipates the construction of Heritage Heights to begin in the middle of September 2014.
2. CCHC intends to construct Heritage Heights Apartments ("Heritage Heights"), a 24-unit affordable housing development for farmworkers and their family. Heritage Heights will be centrally located near other businesses and amenities desired by farm workers along 10th Street in The Dalles, Oregon.
3. A privately owned, single level home built in 2008 is currently at the project location site. CCHC has a purchase and sales agreement in place to take over ownership of the land and property. Once the ownership is transferred, CCHC

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800 NE Oregon St. Suite 1045
Portland, OR 97232-2180
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3865 Wolverine St. NE; E-1
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intends to convert the existing home into a two bedroom ADA unit. Including the existing home, Heritage Heights will be comprised of 23 residential units for farmworkers and their families, all of which will be two stories in height. The units consist of two-, three-, and four-bedroom townhomes with washer/dryer hook ups, and will surround landscaped courtyards, outdoor sitting areas, a play area, and a community building. The community building will feature a laundry room, space for resident service activities, (including a computer station), and a management office for the on-site resident manager. Of the 24 residential units, 23 will be restricted to households earning at or below 60% of the area median income (AMI). One unit will be used for the resident manager (unrestricted).

4. Heritage Heights Apartments will be owned and operated by CCHC, a private domestic, non-profit corporation.
5. The total project cost is \$5,844,016. Funding sources for the Heritage Heights Apartments include:
 - a. Funds of a public agency: \$1,059,000
 - i. Oregon Rural Rehabilitation (ORR) \$99,000
 - ii. Oregon Housing & Community Services-HOME: \$910,000
 - iii. Oregon Housing & Community Services-Trust Fund/GHAP: \$50,000
 - b. Other funds: \$4,785,016
 - i. USDA Rural Development 514 Grant: \$1,500,000
 - ii. USDA Rural Development 516 Loan: \$1,500,000
 - iii. Private grant \$100,000

CONCLUSIONS OF LAW:

1. The Heritage Heights project meets the definition of “public works” under ORS 279C.800(6)(a)(B) because the project will be privately owned and will use \$750,000 or more of funds of a public agency.
2. The Heritage Heights project is exempt from Oregon prevailing wage rate law because it is a residential construction project that predominantly provides affordable housing that will be privately owned pursuant to ORS 279C.810(2)(d). The project is residential construction pursuant to ORS 279C.810(2)(d)(D) because it includes only townhome apartment units, all of which are not more than four stories in height. The project predominantly provides affordable housing pursuant to ORS 279C.810(2)(d)(A) and ORS 279C.810(2)(d)(B) because 23 of the 24 residential units constructed will serve occupants whose

incomes are at or below 60% of the area median income (AMI). The project is privately owned because Columbia Cascade Housing Corporation is not a public entity.

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 Heritage Heights 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 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

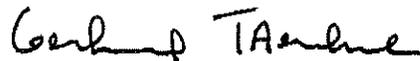
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 order 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.

Date: February 26, 2014

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



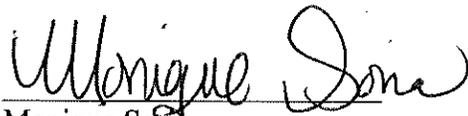
Gerhard Taeubel, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On February 26, 2014, I mailed the Prevailing Wage Rate Determination for the Heritage Heights Apartment project to the requestor below:

Rosie Andalon
CASA of Oregon
20512 SW Roy Rogers Road, Ste 150
Sherwood, OR 97140

Certified Mail – Return Receipt Requested
Article #: 7011 3500 0002 7277 4396



Monique Sofia
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries