



September 14, 2012

Garrick Harmel, Director of Housing Development  
Willamette Neighborhood Housing Services  
257 SW Madison Ave., Suite 113  
Corvallis, OR 97333

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Lancaster Bridge Apartments  
Requested by: Willamette Neighborhood Housing Services

Dear Mr. Harmel:

On September 12, 2012, you submitted a request on behalf of Willamette Neighborhood Housing Services asking if the Prevailing Wage Rate law would apply to the proposed Lancaster Bridge Apartments Renovation project. Sufficient information to make a determination was received on September 12, 2012, and therefore, the commissioner issues the following determination:

**FINDINGS OF FACT:**

1. Willamette Neighborhood Housing Services, an assumed business name for Corvallis Neighborhood Housing Services, Inc., a private non-profit corporation, owns the Lancaster Bridge Apartments located at 3384 NE Oxford Circle in Corvallis, Oregon.
2. The Lancaster Bridge Apartments are comprised of 50 apartments in 17 two-story buildings, and include a laundry room and a common area for residents' use. The apartment complex does not include any commercial space. All units provide rental housing to individuals and families with a median income of no greater than 50 percent of the area median income.
3. Willamette Neighborhood Housing Services proposes to renovate the Lancaster Bridge Apartments complex. Work will include replacement of the entire envelope, corrections to design defects in the roofs and attics, improvements to indoor air handling components, and replacement of interior items. The total project cost is expected to be \$8,296,485.

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4. The proposed project will use both public and private funding. Total funds of a public agency to be used for the project will be \$383,000, in the form of two HOME grants through the City of Corvallis, in the amounts of \$230,000 and \$153,000.

#### **CONCLUSIONS OF LAW:**

1. The Lancaster Bridge Apartment Renovation project will be privately owned, but will not use more than \$750,000 in funds of a public agency. Therefore, the definition of “public works” under ORS 279C.800(6)(a)(B) will not apply to the project. The project does not meet the definition of “public works” under any other portion of ORS 279C.800(6)(a).
2. Even if the project were to meet the definition of “public works” under ORS 279C.800(6)(a), the prevailing wage rate law does not apply to projects for residential construction that are privately owned and that predominately provide affordable housing. ORS 279C.810(2)(d) The proposed project is a project for residential construction because it is a project for the renovation of apartment buildings not more four stories in height. Additionally, the project will be privately owned and will predominately provide affordable housing because the tenants will have incomes no greater than 50 percent of the area median. Therefore, the exemption from the law under ORS 279C.810(2)(d) will apply to the Lancaster Bridge Apartments Renovation project.

#### **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 Lancaster Bridge Apartments Renovation 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

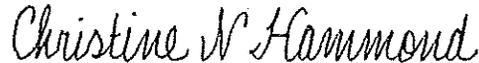
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: September 14, 2012

Brad Avakian, Commissioner  
Bureau of Labor and Industries



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

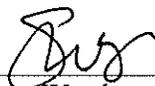
## Certificate of Service

On September 14, 2012, I mailed the Prevailing Wage Rate Determination for the Lancaster Bridge Apartments Renovation project to the requestor, associated public agency, and other interested party, as follows:

Garrick Harmel, Director of Housing Development  
Willamette Neighborhood Housing Services  
257 SW Madison Ave., Suite 113  
Corvallis, OR 97333

Joyce Robertson  
Oregon Housing and Community Services  
725 Summer St. NE, Suite B  
Salem, OR 97301-1266

Daryn Murphy  
Housing Development Center  
847 NE 19<sup>th</sup> Ave., Suite 150  
Portland, OR 97232



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Susan Wooley  
PWR Technical Assistance Coordinator  
Wage and Hour Division  
Bureau of Labor and Industries