



Oregon

Bureau of Labor and Industries

Brad Avakian
Commissioner

March 2, 2016

Trell Anderson, Executive Director
Caritas Community Housing Corporation
2740 SE Powell Blvd., #5
Portland, OR 97202

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Rondel Court Apartments
Requested by: Caritas Community Housing Corporation

Dear Mr. Anderson:

On March 1, 2016, the Bureau of Labor and Industries received the request you submitted asking if the Prevailing Wage Rate laws would apply to the proposed construction and renovation of Rondel Court Apartments. Sufficient information to make a determination was received on March 2, 2016, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. Fenton Rondel Court Limited Partnership currently owns the Rondel Court Apartments located in Molalla, Oregon. The General Partner in this Limited Partnership is Caritas Community Housing Corporation ("CCHC"), a private non-profit entity. A to-be-named Limited Partner will enter the Limited Partnership at construction closing, which is estimated to be mid-May 2016. The Limited Partner will be a private entity, and no public agency currently is or will be a partner in Fenton Rondel Court Limited Partnership.
2. CCHC proposes to renovate two of the existing buildings at the Rondel Court Apartments, demolish one existing building, and construct four new buildings on the property. Housing Development Center, a private non-profit entity, is the development consultant for the project.
3. The renovation to be done on the existing buildings includes replacing the building envelope, upgrading the unit interiors, and modifying the site plan for accessibility and usability.

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4. All of the apartment buildings will be two or three stories high. One of the new buildings will be a one-story community building, which will include an on-site property management office. The project will not include any commercial space.
5. Of the 47 apartment units in Rondel Court Apartments, 17 will be restricted to occupants with incomes no greater than 60 percent of the area median; 30 units will be restricted to occupants with incomes no greater than 40 percent of the area median.
6. The total project cost, including acquisition, is estimated to be \$11,083,908. Funds of a public agency that will be used on the project include:

\$61,257	OHCS Low Income Weatherization Funds
\$500,000	OHCS Trust Funds
\$925,000	HOME Funds through Clackamas County

Other funds that will be used on the project include:

\$475,000	Permanent Loan
\$8,347,651	Low Income Housing Tax Credit Equity (US Bank)
\$315,000	Deferred Developer Fee
\$460,000	Existing Soft Funds

CONCLUSIONS OF LAW

1. The proposed project meets the definition of “public works” under ORS 279C.800(6)(a)(B), as the project will use \$750,000 or more of funds of a public agency for constructing a new building and performing a major renovation on several existing buildings.
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), as the project is and will be owned by a private entity, includes the construction and major renovation of apartment buildings not more than four stories in height, and 60 percent or more of the units will serve occupants whose incomes are no greater than 60 percent of the area median income.
3. Pursuant to ORS 279C.810(2)(d), the Prevailing Wage Rate laws do not apply to projects for residential construction that are privately owned and that predominately provide affordable housing. Even though this project meets the definition of “public works” under ORS 279C.800(6)(a)(B), it will be exempt from the Prevailing Wage Rate laws.

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 Rondel Court Apartments 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, 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.

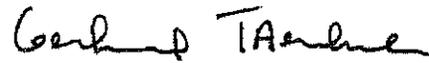
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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: March 2, 2016

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On March 2, 2016, I mailed the Prevailing Wage Rate Determination for the Rondel Court Apartments project to the requestor and interested parties, as follows:

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Portland, OR 97202

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Susan Wooley
PWR Technical Assistance
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