



Oregon

Bureau of Labor and Industries

Brad Avakian
Commissioner

May 6, 2016

Rosie Andalon
CASA of Oregon
20508 SW Roy Rogers Road, Suite 155
Sherwood, OR 97140

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Seavey Meadows 3 Apartments
Requested by: CASA of Oregon

Dear Ms. Andalon:

On May 5, 2016, the Bureau of Labor and Industries received the request you submitted on behalf of Willamette Neighborhood Housing Services, asking if the Prevailing Wage Rate laws would apply to the proposed Seavey Meadows 3 Apartments project. Sufficient information to make a determination was received on May 5, 2016, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. Corvallis Neighborhood Housing Services, Inc., dba Willamette Neighborhood Housing Services ("WNHS"), a private non-profit entity, is the sponsor of the proposed project known as Seavey Meadows 3 Apartments. WNHS owns property in Corvallis, Oregon, and plans to construct affordable housing that will provide a preference for veterans who have a disability, and/or are homeless or at risk of homelessness.
2. WNHS is the sole Member of Seavey 3 Development LLC, which in turn is the Managing Member of Seavey 3 Community LLC, with a .01 percent ownership interest. A to-be-named private investor will be a Member of Seavey 3 Community LLC, with a 99.99 percent ownership interest. Upon closing, WNHS will sell the property to Seavey 3 Community LLC.
3. Seavey 3 Community LLC will contract for the construction of Seavey Meadows 3 Apartments. CASA of Oregon is the consultant for the project.

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4. The proposed Seavey Meadows 3 Apartments will consist of a mix of two-bedroom town houses and one-bedroom units. No building will be higher than two stories. The property will include a fenced dog run and a community building, which will be for the residents' use only. The property will not include any commercial or retail space.
5. Seavey Meadows 3 Apartments will provide 12 units of affordable housing, with the occupants' income restricted to no greater than 50 percent of the area median. One unit will be used for the onsite manager, and that unit will have no income restrictions.
6. The total construction cost is estimated to be \$3,825,157. Funds of a public agency that will be used on the project include:

\$188,000	City of Corvallis HOME Grant
\$500,000	OHCS GHAP Grant
\$27,585	OHCS Low Income Weatherization Program

Other funds that will be used on the project include:

\$2,855,164	OHCS LIHTC Equity
\$235,363	Owner Contribution

CONCLUSIONS OF LAW

1. The project meets the definition of "residential construction" in ORS 279C.810(2)(d)(D), as the project includes the construction, reconstruction, major renovation or painting of apartment buildings not more than four stories in height, and does not include any commercial space.
2. The property is currently owned by a private entity and will be purchased by another private entity. Therefore, the project meets the definition of "privately owned" in ORS 279C.810(2)(d)(C)(ii).
3. The project meets the definition of "affordable housing" in ORS 279C.810(2)(d)(A), as the project will serve occupants whose incomes are not greater than 60 percent of the area median income. The proposed project will "predominately" provide affordable housing, as 60 percent or more of the units will be for affordable housing. ORS 279C.810(2)(d)(B).
4. 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 if this project meets the definition of "public works" under ORS 279C.800(6)(a), 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 Seavey Meadows 3 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.

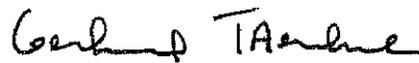
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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: May 6, 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 May 6, 2016, I mailed the Prevailing Wage Rate Determination for the Seavey Meadows 3 Apartments project to the requestor, as follows:

Rosie Andalon
CASA of Oregon
20508 SW Roy Rogers Road, Suite 155
Sherwood, OR 97140



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