



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

August 5, 2015

Nicole Peterson  
BRIDGE Housing Corporation  
925 NW 19<sup>th</sup> Avenue, Suite B  
Portland, OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Woodland Park Apartments  
Requested by: BRIDGE Housing Corporation

Dear Ms. Peterson:

On July 28, 2015, the Bureau of Labor and Industries received your request on behalf of BRIDGE Housing Corporation asking if the Prevailing Wage Rate laws would apply to the proposed reconstruction and renovation work to be done on the Woodland Park Apartments. Sufficient information to make a determination was received on August 4, 2015, and therefore, the commissioner issues the following determination:

## FINDING OF FACT

1. BRIDGE Housing Corporation, a foreign non-profit entity, created Woodland Hillsboro LLC, a foreign limited liability company, in 2014. The only member of Woodland Hillsboro LLC is Winfield Hill Inc., a private entity registered in California. In 2014, Woodland Hillsboro LLC purchased the Woodland Park Apartments located at 280 SE 12<sup>th</sup> Avenue in Hillsboro, Oregon.
2. Upon close of proposed construction financing, ownership of the Woodland Park Apartments will transfer to Woodland Park Associates LP. The partners in Woodland Park Associates LP will consist of BRIDGE Northwest Development, a domestic non-profit entity, as General Partner, and a to-be-determined tax credit investor as Limited Partner. No public agency will be a member of the Woodland Park Associates LP.
3. Woodland Park Associates LP will contract for the reconstruction and renovation of the Woodland Park Apartments, and will operate the property. The work to be done includes interior renovation, upgraded HVAC systems, elevator modernization, structural improvements to exterior stairways, new roofs on some of the buildings, and installation and repair of exterior lighting.

**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



4. Woodland Park Apartments consist of six two-story buildings and one three-story building, with a total of 111 apartment and townhouse units. The property includes a leasing office, community room, community kitchen, community bathrooms, storage rooms, laundry facilities, playground, picnic area, and basketball court. The property does not include any retail space.
5. Of the 111 apartment and townhouse units on the property, 110 will be restricted to occupants with incomes no greater than 50 percent of area median. One unit will be used for the property manager, and that unit will have no income restrictions.
6. The total construction cost is estimated to be \$5,300,000. Funds of a public agency that will be used on the project, for both construction costs and acquisition of the property, include:
 

\$4,000,000	OHCS Tax Exempt Bonds
\$2,500,000	OHCS Oregon Affordable Housing Tax Credit Loan
\$2,850,668	OHCS Housing Preservation Funds
\$20,000	OHCS Low Income Weatherization Funds

Private funds that will be used on the project include:  
 \$5,487,939                      LIHTC Limited Partner Equity

## 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 retail space.
2. The property is currently owned by a private entity, and upon close of construction financing, ownership will be transferred to a Limited Partnership. No public agency will be a partner in the Limited Partnership that will own the property. 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 Woodland Park 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

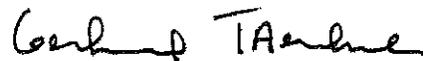
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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: August 5, 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 August 5, 2015, I mailed the Prevailing Wage Rate Determination for the Woodland Park Apartments project to the requestor, as follows:

Nicole Peterson  
BRIDGE Housing Corporation  
925 NW 19<sup>th</sup> Avenue, Suite B  
Portland, OR 97209



---

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