

April 23, 2009

Riad Sahli, Housing Project Manager
REACH Community Development, Inc.
1135 SE Salmon St.
Portland, OR 97214

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Admiral Apartments Renovation
Requested by: REACH Community Development, Inc.

Dear Mr. Sahli:

On April 9, 2009, you submitted a request on behalf of REACH Community Development, Inc. ("REACH"), asking if the Prevailing Wage Rate law would apply to a proposed renovation project to the Admiral Apartments building. Sufficient information to make a determination was received on April 22, 2009, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Admiral Apartments, a privately-owned building, is a five-story apartment building located at 910 SW Park Avenue in Portland, Oregon. The building has 37 rental units, primarily for an elderly and disabled population. All occupants will have incomes less than 60 percent of the area median income.
2. The Admiral Apartments currently has 550 square feet of commercial space on the ground floor. The commercial tenant will be vacating the space in September 2009, and at that time the space will be converted to residential common areas including a trash room, manager's office, and resident services office.
3. The proposed renovation will include replacing all plumbing and electrical systems, replacing steam heat boilers, replacing the exterior brick siding, replacing all windows, making seismic upgrades, and installing new finishes and new appliances in the residential units.
4. Funds of multiple public agencies in excess of \$750,000 will be used on this project.

CONCLUSIONS OF LAW

1. The Admiral Apartments renovation project will be privately owned, and more than \$750,000 in funds of a public agency will be used on the project. Therefore, the definition of “public works” under ORS 279C.800(6)(a)(B) will apply to the project.
2. The Admiral Apartments building is five stories in height and includes both residential and commercial space and, as such, does not meet the definition of “residential construction” in ORS 279C.810(2)(d)(D). Therefore, the exemption for residential construction that is privately owned and that predominately provides affordable housing under ORS 279C.810(2)(d) will not apply to this 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 apply to the proposed renovation of the Admiral Apartments.

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 HB 2140 Section 43 (Enrolled) OR Laws 2007. 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

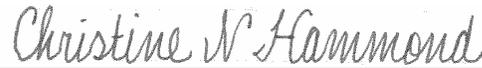
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: April 23, 2009

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 April 23, 2009, I mailed the Prevailing Wage Rate Determination for the Admiral Apartments renovation project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Riad Sahli, Housing Project Manager
REACH Community Development, Inc.
1135 SE Salmon St.
Portland, OR 97214

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Portland Development Commission
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Portland, OR 97209

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Susan Wooley
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