

December 9, 2010

Dahe L Good, Project Manager
GoodJames Consulting
PO Box 730
Yamhill, OR 97148

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Chaucer Court Apartments
Requested by: GoodJames Consulting

Dear Mr. Good:

On December 3, 2010, we received your request on behalf of GoodJames Consulting asking if the Prevailing Wage Rate law would apply to a proposed renovation project to the Chaucer Court Apartments building. Sufficient information to make a determination was received on December 7, 2010, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Chaucer Court Apartments, located at 1019 SW 10th Avenue in Portland, Oregon, is currently owned by Chaucer Court, LTD, a domestic limited partnership registered with the Oregon Secretary of State's Corporation Division on October 27, 1980. The property will be purchased by Chaucer Court Union Manor Limited Partnership ("CCUMLP"). CCUMLP is comprised of the Union Labor Retirement Association as General Partner, and an unnamed for-profit entity as Limited Partner.
2. The Chaucer Court Apartments is a seven-story building, with 84 rental units available to residents whose incomes are no greater than 60 percent of the area median income.
3. The Chaucer Court Apartments has 7,195 square feet of commercial space on the ground floor occupied by a long-term tenant.

4. The proposed renovation will include replacing the roof, windows, water supply lines, plumbing fixtures, heating units, lighting, carpet, kitchen and bathroom flooring, cabinets, countertops, and appliances. The work will also include an overhaul of the HVAC system, installation of ducted ventilation, installation of skylights, and repainting the interior of the building.
5. The following funds of a public agency will be used on this project:

\$100,000	OHCS Housing Development Grant (Trust Fund)
\$411,864	OHCS Low-Income Weatherization Funds
\$2,615,000	City of Portland, Portland Housing Bureau

CONCLUSIONS OF LAW

1. The Chaucer Court Apartments renovation project will be privately owned, and more than \$750,000 in funds of multiple public agencies 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 Chaucer Court Apartments building is over four stories high 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 law, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will apply to the proposed renovation of the Chaucer Court 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

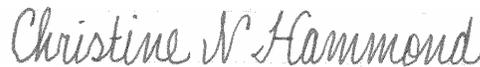
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: December 9, 2010

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 December 10, 2010, I mailed the Prevailing Wage Rate Determination for the Chaucer Court Apartments renovation project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Dahe L Good, Project Manager
GoodJames Consulting
PO Box 730
Yamhill, OR 97148

Dolores Vance, Loan Officer
Multifamily Housing Section
Oregon Housing & Community Services
725 Summer Street, NE, Suite B
Salem, OR 97301

Dan Williams
Housing Development Finance Coordinator
Portland Housing Bureau
421 SW 6th Avenue, Suite 500
Portland, OR 97204

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