



October 11, 2011

Dale Inslee
Director of Asset Management
Northeast Oregon Housing Authority
P.O. Box 3357
La Grande, OR 97850

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Strawberry Village Apartments
Requested by: Northeast Oregon Housing Authority

Dear Mr. Inslee:

On September 26, 2011, you submitted a request on behalf of Northeast Housing Authority asking if the Prevailing Wage Rate law would apply to the Strawberry Village Apartments project ("project"). Sufficient information to make a determination was received on October 7, 2011, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. Northeast Oregon Housing Authority plans to purchase and rehabilitate the Strawberry Village Apartments. The Strawberry Village Apartments are located in Prairie City in Grant County. The address is 142 E. 11th Street, Prairie City, Oregon.
2. The project involves the rehabilitation of ten (10) low-income apartment units. Major elements of the rehabilitation include replacing roof, siding, windows, space and water heating, fixtures, cabinets, carpeting, appliances, landscaping and site paving.
3. Northeast Oregon Housing Authority is a public agency.

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4. Funding for the project will come from Oregon Housing and Community Services. Oregon Housing and Community Services is a public agency. It will provide funding for the Strawberry Village Apartment project as follows:
 - a. Funds of a Public Agency:
 - i. \$499,500 – General Housing Account Program (GHAP)
 - ii. \$201,775 – Housing Preservation Fund (HPF)
 - iii. \$513,358 – Home Investment Partnerships Program Grant (HOME)
 - b. Other Funds:
 - i. \$340,120 – Oregon Affordable Housing Tax Credits (OAHTC)

CONCLUSIONS OF LAW:

1. The definition of “public works” under ORS 279C.800(6)(a)(A) includes “roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency to serve the public interest.” The Strawberry Village Apartment project meets this definition of public works because it is a project for the construction, reconstruction, major renovation and/or painting of a building, structure or improvement that is being carried on or contracted for by Northeast Oregon Housing Authority, a public agency.
2. ORS 279C.800 to 279C.870 do not apply to projects for which the contract price does not exceed \$50,000 or to projects for which no funds of a public agency are used. ORS 279C.810(2)(a), (b). Northeast Oregon Housing Authority has secured \$1,554,753 in funding for the project, \$1,214,633 of which is funds of a public agency. The contract price for the project will exceed \$50,000 and the project will use funds of a public agency. Therefore, neither of these exemptions will apply.
3. ORS 279C.800 to 279C.870 do not apply to projects for residential construction that are privately owned and that predominately provide affordable housing. ORS 279C.810(2)(d). Northeast Oregon Housing Authority is a public agency so the Strawberry Village Apartment project is not privately owned. Therefore, this exemption will not apply.

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 construction, reconstruction, major renovation and/or painting of the Strawberry Village 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 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, OR 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: October 11, 2011

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries

Christine N. Hammond

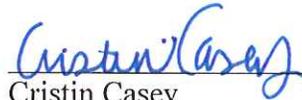
CHRISTINE N. HAMMOND,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On October 11, 2011, I mailed the Prevailing Wage Rate Determination for the Strawberry Village Apartments project to the requestor, as follows:

Dale Inslee
Director of Asset Management
Northeast Oregon Housing Authority
P.O. Box 3357
La Grande, OR 97850

Certified Mail – Return Receipt Requested
Article #: 7009 2820 0001 4829 2237



Cristin Casey
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries