



June 4, 2014

Stephen McMurtrey  
Senior Housing Development Manager  
Northwest Housing Alternatives  
2316 SE Willard Street  
Milwaukie, OR 97222-7740

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Julian Hotel (2014)  
Requested by: Northwest Housing Alternatives

Dear Mr. McMurtrey:

On June 14, 2013, you submitted a request on behalf of Northwest Housing Alternatives asking if the Prevailing Wage Rate laws would apply to the proposed project known as the Julian Hotel. This office responded to your request on June 27, 2013, providing determinations for two possible scenarios. On December 2, 2013, you sent this office an email containing new information regarding the Julian Hotel project and requesting a revised coverage determination. The Bureau issued a response to your request on December 5, 2013, advising you that, based on the new information you had provided, the Prevailing Wage Rate laws would apply to the Julian Hotel project. On May 30, 2014, you sent this office an email with updated information, and asked that we issue a coverage determination based on the most current modifications to the Julian Hotel project.

Sufficient information to make a determination was received on June 3, 2014, and therefore the commissioner issues the following determination:

## FINDINGS OF FACT

1. Northwest Housing Alternatives owns the Julian Hotel in Corvallis. Northwest Housing Alternatives is proposing a significant rehabilitation and seismic upgrade to the Julian Hotel. Northwest Housing Alternatives is a domestic non-profit corporation that builds and rebuilds affordable housing for low-income Oregonians.
2. The Julian Hotel is a four-story building with two retail spaces on the ground floor: a chiropractic office and a resale clothing store. In addition, the Julian contains 30 one-bedroom units and 5 studio apartments.

### 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

### MEDFORD

Apprenticeship and Training  
119 N Oakdale Ave.  
Medford, OR 97501-2629  
(541) 776-6201  
FAX (541) 776-6284



3. One hundred percent of the units will be made available to persons with incomes at or below 60 percent of the area median income (AMI).
4. Total project cost will be \$8,196,321. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$736,460
    - i. Oregon Housing and Community Services Low-Income Weatherization Program: \$41,460
    - ii. Corvallis Housing and Community Development – Community Development Block Grant: \$100,000
    - iii. Corvallis Housing and Community Development – HOME Investment Partnerships: \$595,000
  - b. Other Funds: \$7,459,861
    - i. Low Income Housing Tax credits: \$5,884,387
    - ii. Network for Oregon Affordable Housing (NOAH) permanent loan: \$1,077,399
    - iii. Deferred development fees: \$244,382
    - iv. NeighborWorks loan: \$110,657
    - v. Cash from rent revenue or other operational cash not derived from funds of a public agency: \$93,036
    - vi. Potential loan made up of small grants for energy modeling through Enterprise Community Investments and the Network for Oregon Affordable Housing (NOAH): \$50,000

## CONCLUSIONS OF LAW

1. The proposed project will not be carried on or contracted for by any public agency, and therefore does not meet the definition of “public works” under ORS 279C.800(6)(a)(A).
2. The proposed project will be privately owned and will use funds of a private entity and less than \$750,000 of funds of a public agency. Therefore, the proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(B).
3. A public agency will not occupy twenty-five percent or more of the square footage of the completed project. Therefore, the proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(C).

## **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 proposed construction, reconstruction, major renovation and/or painting of the Julian Hotel 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.

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: June 4, 2014

Brad Avakian, Commissioner  
Bureau of Labor and Industries

Gerhard Taeubel

Gerhard Taeubel, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

**Certificate of Service**

On June 4, 2014, I mailed the Prevailing Wage Rate Determination for the proposed project known as the Julian Hotel to the requestor, as follows:

Stephen McMurtrey  
Senior Housing Development Manager  
Northwest Housing Alternatives  
2316 SE Willard St  
Milwaukie, OR 97222-7740

*Hannah Wood*

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Hannah Wood  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries