



June 17, 2013

David Ruelas  
Housing Development Associate  
Hacienda Community Development Corp.  
5136 NE 42<sup>nd</sup> Ave.  
Portland, OR 97218

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Wendorf (Vista de Rosas) Affordable Housing  
Requested by: Hacienda Community Development Corporation

Dear Mr. Ruelas:

On June 12, 2013, you submitted a request on behalf of Hacienda Community Development Corporation asking if the Prevailing Wage Rate law would apply to the proposed Wendorf (Vista de Rosas) Affordable Housing project. Sufficient information to make a determination was received on June 14, 2013, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT:

1. Hacienda Community Development Corporation ("HCDC"), a domestic nonprofit corporation, is rehabilitating the Wendorf Affordable Housing Project ("project"), now known as Vista de Rosas. The project is located at 6936 NE Killingsworth in Portland. It was originally built in 1978 and was acquired by HCDC in 1996 with Low Income Housing Tax Credits. The property is managed and will continue to be managed by Cascade Management, Inc.
2. The proposed project will include major building envelope improvements, interior improvements, and weatherization and site improvements. The project consists of four residential buildings, each two stories tall. The total building square footage is 17,568. The property is currently a 25-unit development, but the project will include the conversion of a four-bedroom unit into two separate units, making the property a 26-unit development (10 one-bedroom units and 16 two-bedroom units). A laundry room and maintenance equipment storage site will also be

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provided for the residents of the property as part of the rehabilitation. The laundry room, which will contain 6 large capacity washers and dryers, will be combined in a 1,250 square foot facility with the storage space.

3. The project currently offers and will continue to offer affordable housing to households at 0 to 60 percent of Area Median Income (AMI) for Multnomah County. It has an existing allocation of 6 project based vouchers from Home Forward. The rehabilitation will not affect the project based vouchers.
4. The total project cost will be \$3,797,538. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$875,000
    - i. Portland Housing Bureau – HOME Funds: \$875,000
  - b. Other funds: \$2,922,538
    - i. Small Nonprofit Accelerated Program Bond (SNAP) through Key Bank: \$1,400,000
    - ii. Sponsor cash/NOI during construction: \$164,895
    - iii. Sponsor Equity – Land/Improvements: \$1,241,270
    - iv. Energy Trust Incentives: \$10,000
    - v. Deferred development fees: \$106,373

#### **CONCLUSIONS OF LAW:**

1. The Wendorf (Vista de Rosas) Affordable Housing project will be privately owned and will use more than \$750,000 in funds of a public agency. Therefore, the definition of “public works” under ORS 279C.800(6)(a)(B) will apply to this project.
2. The prevailing wage rate laws do not apply to projects for residential construction that are privately owned and that predominately provide affordable housing. ORS 279C.810(2)(d). The Wendorf (Vista de Rosas) Affordable Housing project will be a privately owned residential construction, reconstruction, major renovation and/or painting project. The project will predominantly provide affordable housing because the units are and will continue to be restricted to households earning 60% of the area median income and below. Therefore, this exception applies and the prevailing wage rate laws will not apply to the Wendorf (Vista de Rosas) Affordable Housing 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 not apply to the proposed construction, reconstruction, major renovation and/or painting of the Wendorf (Vista de Rosas) Affordable Housing 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

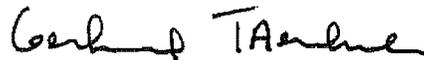
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: June 17, 2013

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries



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GERHARD TAEUBEL,  
Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## Certificate of Service

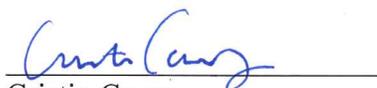
On June 17, 2013, I mailed the Prevailing Wage Rate Determination for the Wendorf (Vista de Rosas) Affordable Housing project to the requestor and affected agency, as follows:

David Ruelas  
Housing Development Associate  
Hacienda Community Development Corp.  
5136 NE 42<sup>nd</sup> Ave.  
Portland, OR 97218

Certified Mail – Return Receipt Requested  
Article #: 7012 2210 0000 1197 7417

Siobain Beddow, Relationship Manager  
Portland Housing Bureau  
421 SW 6th Ave, Suite 500  
Portland, OR 97204

Certified Mail – Return Receipt Requested  
Article #: 7012 2210 0000 1197 7424



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