



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

April 26, 2011

Bonnie Johnson  
Bonnie Johnson Project Development Services  
0630 SW Nevada Street  
Portland, OR 97219

Re: Request for Reconsideration of Prevailing Wage Rate Law  
McCoy Village Apartments

Dear Ms. Johnson:

This will acknowledge receipt of your April 19, 2011 letter requesting reconsideration of the agency's determination relating to the McCoy Village Apartments project, issued April 13, 2011.

The McCoy Village Apartments will be a privately-owned, predominately affordable housing project that will use more than \$750,000.00 in funds of a public agency, and therefore meets the definition of "public works" under ORS 279C.800(6)(a)(B). In the original coverage determination request for this project, the proposed project included two commercial spaces; one commercial space is currently vacant, and the other is currently leased to Better People, a private non-profit entity that provides employment and counseling programs to the community. Due to this commercial space, the project as originally proposed does not meet the definition of "residential construction" under ORS 279C.810(2)(d)(D), and therefore the exemption from the prevailing wage rate law for privately-owned residential construction projects that predominately provide affordable housing (ORS 279C.810(2)(d)) does not apply to the originally proposed project. As a result, the project as originally proposed would be subject to the prevailing wage rate laws.

In your reconsideration request, you provided information regarding a change in the fact situation for the proposed project. You stated that the commercial spaces will be eliminated and converted to community space that will serve only the residents of McCoy Village. Better People, the current tenant in one of the commercial spaces, will be relocated to an alternate space that is not part of the McCoy Village Apartment complex. If there will be no commercial space in the McCoy Village Apartments, the project will then meet the definition of "residential construction" under ORS 279C.810(2)(d)(D). If the project meets the definition of "residential construction," then the exemption from the

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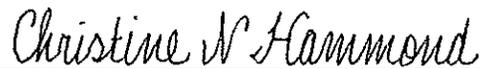
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prevailing wage rate law for privately-owned residential construction projects that predominately provide affordable housing will apply to the McCoy Village Apartments (ORS 279C.810(2)(d)). If the proposed changes are made so that the project does not include any commercial space, the prevailing wage rate laws will not apply to this project.

If you have any questions regarding this matter, please feel free to contact Susan Wooley at (971) 673-0853.

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries



Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries