



VAL HOYLE
Labor Commissioner

August 30, 2022

Sarah Brooks, Project Administrator
DevNW
212 Main Street
Springfield, OR 97477

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Evergreen Apartments
Requested by: DevNW

Dear Ms. Brooks:

On June 27, 2022, the Bureau of Labor and Industries received the request you submitted, asking if the Prevailing Wage Rate laws would apply to the Evergreen Apartments project. Sufficient information to make a determination was received on August 25, 2022, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. A subsidiary of Corvallis Neighborhood Housing Services dba DevNW ("DevNW"), a private non-profit entity, owns property located at 905 and 925 Cottage Street NE in Salem, Oregon. The property includes the Evergreen Presbyterian Church and a single-family home used as the parsonage for the church. DevNW proposes to convert both the church and the home into buildings that provide multi-family occupancy. The project is referred the Evergreen Apartments (the "Project").
2. According to the plans for the Project, the church, a three-story building including a full basement, will be renovated into 12 studio apartments and 3 one-bedroom apartments. The renovated church will include office space, a shared laundry room, and a community bathroom. The parsonage, a two-story home, will be renovated into 2 studio apartments and 1 one-bedroom apartment. The Project will provide full wraparound support services, with 9 of the apartment units made available for Permanent Supportive Housing.
3. All apartment units will be restricted to occupants with incomes no greater than 60 percent of the area median income.
4. The Project will use the following funds of a public agency:
\$2,880,000 Oregon Housing and Community Services ("OHCS") GHAP Funding
\$1,059,069 City of Salem HOME Funds
\$1,011,866 OHCS Market Cost Offset Funds



Other funds to be used for the Project include:

\$ 770,000	NOAH Acquired Pre-development Loan
\$ 498,000	Permanent Loan
\$ 264,450	DevNW Equity

CONCLUSIONS OF LAW

1. The Project will use \$750,000 or more in funds of a public agency for renovation and reconstruction of a building. Therefore, the Project meets the definition of “public works” under ORS 279C.800(6)(a)(B).
2. Under ORS 279C.810(2)(d), projects for residential construction that are privately owned and that predominantly provide affordable housing are not subject to the Prevailing Wage Rate laws. “Residential construction” is defined in ORS 279C.810(2)(d)(D) as construction, reconstruction, major renovation or painting of single-family houses or apartment buildings not more than four stories in height. While the Project will be privately owned and will predominately provide affordable housing, the Project does not meet the definition of “residential construction” because the Project includes the renovation of a church building, which is neither an apartment building or a single-family home.¹ Therefore, the exemption from the Prevailing Wage Rate laws under ORS 279C.810(2)(d) will not apply to the Project.
3. No other exemptions from the Prevailing Wage Rate laws under ORS 279C.810 apply to the 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 apply to the Evergreen Apartments project.

This determination is based on the agency’s file as of the date of this determination. If any of the project information provided is incorrect or incomplete, this determination may no longer apply. If the project or project documents are modified or supplemented after the date of this determination, this determination may no longer apply. The commissioner may make a different determination if any of the project information is incomplete or incorrect, or if the project or project documents are modified or supplemented after the date of this determination. A new determination may be requested based on the modified or supplemented information or documentation.

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

¹ See also: In The Matter of Central City Concern. Case No 66-08. Final Order of Commissioner Brad Avakian Issued March 3, 2009.

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

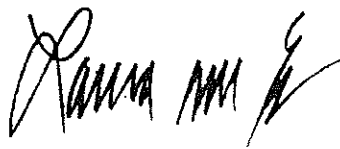
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 order 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.

Date: August 30, 2022

VAL HOYLE, Commissioner
Bureau of Labor and Industries

A handwritten signature in black ink, appearing to read 'Laura van Enkevort', with a stylized flourish at the end.

Laura van Enkevort
Acting Wage and Hour Administrator

Certificate of Service

On August 30, 2022, I mailed the Prevailing Wage Rate Determination for the Evergreen Apartments project to the requestor, as follows:

Sarah Brooks, Project Administrator
DevNW
212 Main Street
Springfield, OR 97477



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