



CHRISTINA E. STEPHENSON
Labor Commissioner

July 18, 2023

Stacey Bartholomew
Creating Housing Coalition
966 Brice Court SW
Albany, OR 97321

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*

Project: Hub City Village

Ref: **23-1666**

Requested by: Creating Housing Coalition

Dear Ms. Bartholomew:

On May 19, 2023, the Bureau of Labor and Industries received the request you submitted, asking if the Prevailing Wage Rate laws would apply to the Hub City Village project. Sufficient information to make a determination was received on July 18, 2023, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Creating Housing Coalition, a private non-profit entity, owns property located at 241 Waverly Drive SE in Albany, Oregon. Creating Housing Coalition proposes to construct a tiny home cooperative village on the property that will house individuals with documented Serious and Persistent Mental Illness ("SPMI"). The construction project is referred to as the Hub City Village project (the "Project"). Creating Housing Coalition will continue to own the Project after construction.
2. Creating Housing Coalition has contracted with JBLC Construction to construct the Project. The Project includes the construction of 27 one-bedroom permanent tiny homes, a resident center, a greenhouse and garden area, a covered enclosure for bicycles, and a parking area. The resident center will provide storage and laundry facilities for residents, and will be available for meetings and classes for residents on such topics as cooking, budgeting, and mental health. The resident center will also be used for SPMI ongoing support.
3. Twenty-six of the tiny homes will be restricted to occupants whose incomes are not more than 50 percent of the area median income. One tiny home will be occupied by a Peer Support Specialist and will not have any income restrictions.
4. The Project will use the following funds of a public agency:
\$1,600,000 Oregon Health Authority SPMI Grant
\$ 350,000 City of Albany Grant, 2021 HB 5024
\$ 100,000 City of Albany CDBG Grant

Other funds to be used for the Project include:

\$ 800,000 U.S. Housing and Urban Development Disaster Recovery Grant



CONCLUSIONS OF LAW

1. The Project meets the definition of “residential construction” in ORS 279C.810(2)(d)(D) as the Project includes the construction of single-family homes and related incidental items, and does not include any commercial space.
2. The Project will be owned by a private entity and is therefore “privately owned” under ORS 279C.810(2)(d)(C).
3. The Project meets the definition of “affordable housing” in ORS 279C.810(2)(d)(A), as the Project will serve occupants whose incomes are not greater than 60 percent of the area median income. The Project will “predominantly” provide affordable housing, as 60 percent or more of the units will be for affordable housing. ORS 279C.810(2)(d)(B).
4. Pursuant to ORS 279C.810(2)(d), the Prevailing Wage Rate laws do not apply to projects for residential construction that are privately owned and that predominantly provide affordable housing. Even if the Project meets the definition of “public works” under ORS 279C.800(6)(a), it will be exempt from the Prevailing Wage Rate laws.

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 Hub City Village 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 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: July 18, 2023

CHRISTINA E. STEPHENSON, Commissioner
Bureau of Labor and Industries

A handwritten signature in black ink, appearing to read "Christina E. Stephenson".

Laura van Enckevort
Wage and Hour Administrator

Certificate of Service

On July 18, 2023, I mailed the Prevailing Wage Rate Determination for the Hub City Village project to the requestor, as follows:

Stacey Bartholomew
Creating Housing Coalition
966 Brice Court SW
Albany, OR 97321



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