



July 25, 2014

Nicole Peterson
BRIDGE Housing Corporation
925 NW 19th Avenue, Suite B
Portland, OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Abigail Apartments
Requested by: BRIDGE Housing Corporation

Dear Ms. Peterson:

On July 24, 2014, you submitted a request on behalf of BRIDGE Housing Corporation asking if the Prevailing Wage Rate laws would apply to the Abigail Apartments project. Sufficient information to make a determination was received on July 25, 2014, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. BRIDGE Housing Corporation, a private entity, created Abigail Housing Associates Limited Partnership (“Abigail LP”), a single-purpose entity. The members of Abigail LP are Abigail Manager LLC, the General Partner, and BRIDGE Housing Ventures Inc., the interim Limited Partner. BRIDGE Housing Ventures, Inc. will be replaced by NHT Equity LLC, the LIHTC investor Limited Partner, when the Limited Partnership Agreement is executed.
2. Abigail LP purchased property at 1650 NW 13th Avenue in Portland, Oregon, from Hoyt Street Properties LLC on July 14, 2014, and proposes to build a multi-family mixed-use apartment building at this location. The building will be known as the Abigail Apartments.
3. The building will consist of five stories of wood construction over a concrete podium, with a level of underground parking. The project will include 155 total apartment units, with 128 of the units restricted to occupants with incomes no greater than 60 percent of the area median. When one of those units will be used as a manager’s unit, that unit will have no income or rent restrictions. There will be 27 units on the sixth floor that will

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have no income or rent restrictions. The building will include 930 square feet of commercial space.

4. Abigail LP will develop the project and will contract for construction of the project.
5. The total project cost is estimated to be \$48,000,000. Funds of a public agency that will be used on the project include but are not limited to:

\$3,000,000	OHCS Oregon Affordable Housing Tax Credit Loan
\$163,976	OHCS Low Income Weatherization Incentives
\$12,450,000	Portland Housing Bureau Loan
\$400,000	Business Oregon Brownfield Program Loan

Private funds that will be used on the project include but are not limited to:
\$15,374,854 LIHTC Limited Partner Equity

CONCLUSIONS OF LAW

1. The Abigail Apartments project is a privately owned construction project that will use funds of a private entity and more than \$750,000 in funds of a public agency. Therefore, the project meets the definition of “public works” under ORS 279C.800(6)(a)(B).
2. The project will be more than four stories in height and will include commercial space. As such, the project does not meet the definition of “residential construction” under ORS 279C.810(2)(d)(D). Therefore, the exemption for privately owned residential construction that predominately provides affordable housing will not apply to this project.
3. No other exemptions from the Prevailing Wage Rate laws apply to this 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 Abigail Apartments 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

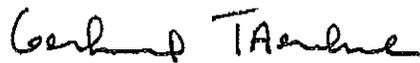
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 25, 2014

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On July 28, 2014, I mailed the Prevailing Wage Rate Determination for the Abigail Apartments project to the requestor and associated public agencies, as follows:

Nicole Peterson
BRIDGE Housing Corporation
925 NW 19th Avenue, Suite B
Portland, OR 97209

Janna Graham
Multifamily Finance & Resources Section
Oregon Housing & Community Services
725 NE Summer Street
Salem, OR 97301

Barbara Shaw, Program Coordinator
Portland Housing Bureau
421 SW 6th Avenue, Suite 500
Portland, OR 97204



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