



December 19, 2013

Jodi L. Enos
Housing Developer
Northwest Housing Alternatives
2316 SE Willard Street
Milwaukie, OR 97222-7740

Re: *Determination of Whether Project is Subject to Prevailing Wage Rate Law*
Project: Victorian Inn Apartments and Mayfield Court Apartments
Requested by: Northwest Housing Alternatives

Dear Ms. Enos:

On December 12, 2013, you submitted a request on behalf of Northwest Housing Alternatives asking if the Prevailing Wage Rate law would apply to the proposed Victorian Inn Apartments and Mayfield Court Apartments (“Victorian-Mayfield”) rehabilitation project. Sufficient information to make a determination was received on December 17, 2013; therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. Northwest Housing Alternatives is a domestic, non-profit corporation that builds and rehabilitates affordable housing for lower-income Oregonians.
2. The Victorian Inn Apartments (“Victorian”) and Mayfield Court Apartments (“Mayfield”) are privately owned by limited liability companies solely controlled by Northwest Housing Alternatives.
3. The Victorian, located in Portland, is made up of 62 apartments; the Mayfield, located in Gresham, includes 30 apartments. Both the Victorian and Mayfield serve residents earning at or below 60% of the area median income (AMI). Neither property contains commercial space.
4. Rehabilitation work planned for the Victorian includes brick and stucco repair, roof repair, window restoration, and HVAC improvements. Rehabilitation work planned for the Mayfield includes the installation of new siding and new windows, common area upgrades, and HVAC improvements.

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5. The total project cost is \$14,925,083. Funding sources for the Victorian-Mayfield project are as follows:
 - a. Low Income Housing Tax Credits (LIHTC) - \$3,693,990
 - b. Conduit Bond (Perm Loan) - \$3,200,000
 - c. Historic Tax Credits - \$670,658
 - d. Deferred Developer Fee - \$286,668
 - e. Seller Financing - \$6,760,000
 - f. Existing Project Reserves - \$220,000
 - g. Cash Flow During Rehab - \$93,767

CONCLUSIONS OF LAW:

1. The Victorian-Mayfield project will not be carried on or contracted for by a public agency; therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(A).
2. The Victorian-Mayfield project will not use \$750,000 or more in funds of a public agency; therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(B).
3. No public agency will use or occupy 25 percent or more of the square footage of the completed Victorian-Mayfield project; therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(C).

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 Victorian-Mayfield rehabilitation 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: December 19, 2013

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



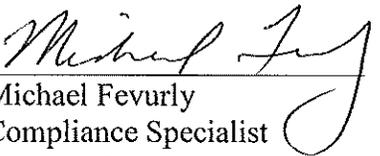
GERHARD TAEUBEL,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On December 19, 2013, I mailed the Prevailing Wage Rate Determination for the Victorian-Mayfield project to the requestor below:

Jodi L. Enos
Housing Developer
Northwest Housing Alternatives
2316 SE Willard Street
Milwaukie, OR 97222-7740

Certified Mail -- Return Receipt Requested
Article #: 7012 3460 0001 3059 9071


Michael Fevurly
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries