

November 22, 2010

Ruby L. Mason, Executive Director
Columbia Cascade Housing Corp.
312 Court St., Suite 419
The Dalles, OR 97058

Re: *Determination Whether Project is Subject to Prevailing Wage Rate (10-2718)*
Project: Cascade Meadows Senior Apartments – Affordable Housing
Requested by: Columbia Cascade Housing Corp.

Dear Ms. Mason:

On October 28, 2010, you submitted a request on behalf of the Columbia Cascade Housing Corp. (CCHC), asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by November 17, 2010, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. CCHC proposes to construct a total of 13 units of affordable rental housing in Cascade Locks, Oregon, referred to as the Cascade Meadows Senior Apartments project.
2. The project will be owned by Cascade Meadows Senior Apartments, a privately held Oregon non-profit corporation which has filed for tax-exempt status with the Internal Revenue Service.
3. The proposed plan includes three one-story residential buildings with four one-bedroom apartments in each building for a total of thirteen units of affordable rental housing. There will also be a structure to house an office and common gathering room on the first floor and a two-bedroom townhome apartment for the on-site manager. There are no commercial or retail spaces.
4. All occupants of the rental units will have incomes no greater than 50% of the Area Median Income.
5. Funding for the project consists of the following: HUD Section 202 Funds in the amount of \$1,633,800.00; HOME funds in the amount of \$1,108,000.00 and Housing Trust Funds in the amount of \$100,000.00.

CONCLUSIONS OF LAW

1. The construction project is intended to be privately owned. \$750,000 or more in funds of a public agency will support the project. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(B) will apply to this project.

2. The project is for residential construction that is privately owned and that predominantly provides affordable housing. Therefore, it will be exempt from the Prevailing Wage Rate law. ORS 279C.810(2)(d).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, do not apply to Cascade Meadows Senior Apartments.

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.

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: November 22, 2010

Brad Avakian, Commissioner
Bureau of Labor and Industries

Christine N. Hammond

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

Certificate of Service

On November 22, 2010, I mailed, by certified mail, the Prevailing Wage Rate Determination for Cascade Meadows Senior Apartments to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Debbie Sluyter, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries

Ruby L. Mason, Executive Director
Columbia Cascade Housing Corp.
312 Court St., Suite 419
The Dalles, OR 97058

Judge Gary Thompson, Chairman
Mid-Columbia Housing Authority
312 Court St., Suite 419
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Ms. Roz Barnes
Oregon Housing and Community Services
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