

February 17, 2010

Sheila Greenlaw-Fink, Executive Director
Community Partners for Affordable Housing, Inc.
PO Box 23206
Tigard, OR 97281-3206

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: The Knoll at Tigard
Requested by: Community Partners for Affordable Housing, Inc.

Dear Ms. Greenlaw-Fink:

On February 10, 2010, you submitted a request asking if the Prevailing Wage Rate law would apply to the proposed project known as The Knoll at Tigard. Sufficient information to make a determination was received on February 12, 2010, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Knoll at Tigard, LLC (“the LLC”) will own The Knoll at Tigard project. Currently, Community Partners for Affordable Housing, Inc. (“CPAH”), a private non-profit entity, is the sole member of the LLC. Upon admission of a tax credit investor, CPAH will become the managing member of the LLC, with .01 percent ownership. The other member of the LLC will be Enterprise Community Investment, Inc. (“ECI”), a for-profit subsidiary of Enterprise Community Partners, Inc., a non-profit low income housing tax credit syndicator. ECI will have 99.99 percent ownership in the LLC.
2. The Knoll at Tigard project will consist of one building made up of a three-story residential wing and a four-story residential wing. The ground floor of the four-story wing will include a common area, computer room, kitchen, meeting rooms, and restrooms for the occupants’ use. The building will include 45 one-bedroom apartments and 3 two-bedroom apartments. The building will not include any commercial space. All occupants’ incomes will be no greater than 60 percent of the area median income.

3. The proposed project will use funds of a public agency from several sources, as follows:

\$100,000	OHCS Trust Funds
\$100,000	OHCS LI Weatherization Funds
\$1,500,000	Washington County HOME Funds
\$425,000	City of Tigard CDBG Funds
\$100,000	Metro Transit Oriented Development Funds

CONCLUSIONS OF LAW

1. The proposed project known as The Knoll at Tigard will be privately owned, and funds of a public agency in excess of \$750,000 will be used on the project. Therefore, the proposed project is a “public works” under ORS 279C.800(6)(a)(B).
2. The proposed project is for residential construction that will be privately owned and that predominantly provides affordable housing. Therefore, the exemption from the prevailing wage rate law provided for in ORS 279C.810(2)(d) will 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 not apply to the proposed project known as The Knoll at Tigard.

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

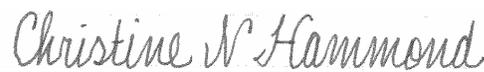
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: February 17, 2010

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On February 17, 2010, I mailed the Prevailing Wage Rate Determination for the proposed project known as The Knoll at Tigard to the requestors, public agencies, and other entities associated with this project, as follows:

Sheila Greenlaw-Fink, Executive Director
Community Partners for Affordable Housing, Inc.
PO Box 23206
Tigard, OR 97281-3206

Mike Di Blasi, Project Manager
Housing Development Center
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Vince Chiotti
Oregon Housing and Community Services
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Portland, OR 97208

Duane Roberts
City of Tigard, Community Development
134125 SW Hall Blvd.
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Susan Wooley
PWR Technical Assistance Coordinator
Wage and Hour Division
Bureau of Labor and Industries