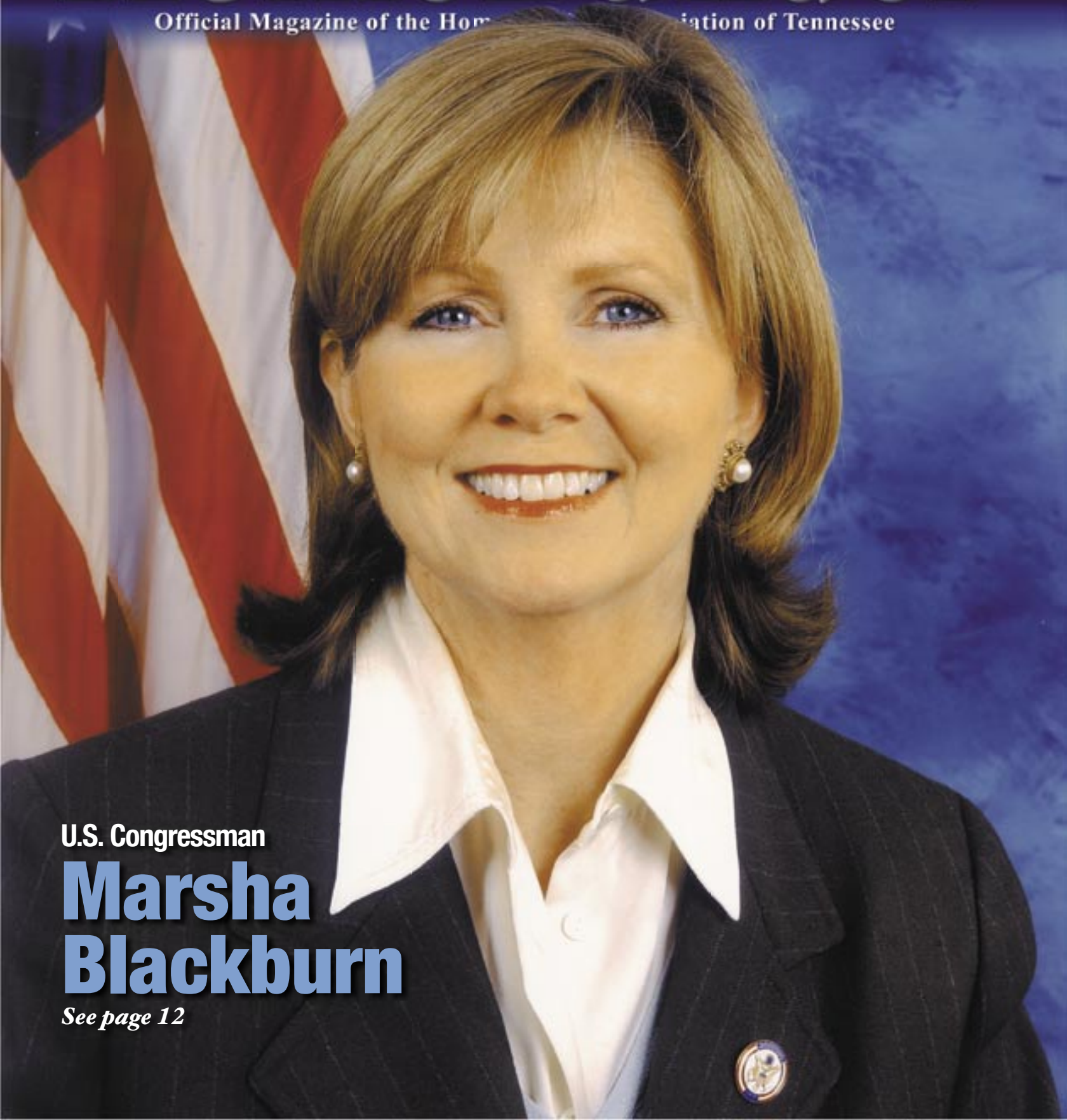


# TENNESSEE HomeBuilder

Sept./Oct. 2005

Official Magazine of the Home Builders Association of Tennessee



U.S. Congressman

**Marsha  
Blackburn**

*See page 12*

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# TENNESSEE HomeBuilder

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The Home Builder's Association of Tennessee (HBAT) is a not-for-profit trade association comprised of professional builders, developers and associated firms engaged directly or indirectly in home building, remodeling, and light commercial construction. We benefit our members through governmental representation, education, networking, information and other various member services. Our mission is to continue to be the recognized voice of our industry. Our goals are to:

- Ensure housing affordability
- Be the leading industry advocate on related governmental issues
- Continue to be responsive to the needs of our members and local associations
- Promote and enhance the image of our industry
- Educate our members and encourage excellence in construction
- Continue to strive to increase membership

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# PRESIDENT'S PERSPECTIVE

*"What is a good tax?"*

On September 13, 2005, the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) met in Nashville to discuss 14 "Growth Tax" bills that were referred from the General Assembly for further study. If passed, these bills would authorize a local government to enact new housing development taxes or local transfer taxes (we are calling them all "Growth Taxes").

As you know, we joined with the Tennessee Association of Realtors in our battle against these taxes during the 2005 legislative session. Both groups had an opportunity to testify before TACIR to express our points of view. Below are some of the highlights from the presentation we made before TACIR.

**Local government often looks at growth and sees only costs, without recognizing the many benefits.** The outcome usually points to one solution—the imposition of some type of Growth tax—under the assumption that new development doesn't pay its own way. Elected officials can be blinded by the immediate fiscal promise of growth taxes and neglect considering the ramifications to the home buyer and the long-term benefits of residential growth.

**A study by the National Association of Home Builders found that the construction of 100 average-priced new homes has a strong economic impact.** Those 100 homes helped to generate 250 jobs, 65 of which are on an ongoing basis after the homes were built. These new homes also generated at least \$138,000 for a local government after year 2 and each year thereafter.

**Even a cursory look at growth taxes reveals a series of negative consequences, most important, growth taxes make all homes more expensive. Yet, home ownership continually generates additional revenue for the economy.**

Home buyers spend more than \$10,500 in actual costs for every \$5,000 in growth taxes rolled into a 30-year mortgage, assuming a 5.75 percent rate of interest. According to the U.S. Census Bureau, the

national median sales price of a new home in 2000 was \$169,000. By year-end 2004 it was \$221,000—a 31 percent increase in home pricing in only four years—more than likely a substantial portion of these costs could be attributed to new regulatory burdens, increased subdivision regulations and the imposition of new and increased fees, including growth taxes.

When local government supports the imposition or escalation of growth taxes, the people most affected are average citizens who are looking to live where they work and where they enjoy their day-to-day lives.

**Home ownership or "growth" is the foundation of a good economy.**

In Tennessee more than 37,000 homes were built in 2004, representing over \$5 billion in purchases by Tennessee residents. Home construction accounted for more than 116,000 jobs in Tennessee, which makes us one of the largest employers in Tennessee. Much of the demand for goods and services associated with residential growth leads to a permanent expansion of the local job and tax base—an indicator of a healthy economy.

**Frequently, a local government's attitude toward commercial growth is on the opposite end of the spectrum from residential growth. But you cannot have commercial growth without residential growth.**

Economic development incentives are provided on the one hand, but are undermined by creating regulatory and tax barriers to the construction of housing that is affordable to workers. Growth taxes do not offer long-term remedies. Taxes are an inevitable result of growth, but what I am suggesting is an equitable solution to taxation that is broad-based so that everyone living in the area who receives services contributes to the cause—not just one segmented group, such as new home buyers or the home building industry.

A local government's simple goal of generating additional economic development activity—often absent of any regard



Photograph by Jerry Smith of Dasya's Photography

HBAT President James Carbine

for the need for workforce housing (an issue not considered when growth taxes are proposed)—renders prospective companies with little choice but to pass over the community despite all of its enticements.

**How do we structure a tax that is equitable and fair?** A good tax should have the following attributes:

- It should be recurring.
- It should be broad-based.
- It should be elastic.
- It should be a bondable revenue stream.
- It should not be dependent upon economic conditions.

**Let's examine a growth tax against these same criteria:**

*Is it recurring?* No. Growth taxes are paid only once.

*Is it broad-based?* No. Growth taxes are only imposed on one sector of the public—new home buyers. There are four times as many existing homes sold each year versus new homes, per the U.S. Census Bureau. These homes have equally as much impact on services, if not more, yet they do not pay a growth tax.

*Is it elastic?* No. Growth taxes are based on the square footage of the new home being constructed.



*Is it a bondable revenue stream?* No. Growth taxes are not a reliable revenue stream for debt service purposes.

*Is it dependent upon economic conditions?* Yes. Growth taxes derived from home building activity are directly dependent upon favorable economic conditions.

***Based upon the above analysis it is very apparent that growth taxes are not a good tax.***

If these taxes are not, by definition, a good or fair tax, then why are they being imposed?

The number one reason given for justification of these growth taxes by county government is schools. Certainly schools are the largest expenditure by county governments, especially in high growth areas.

The one consistent fact to be derived from studies on Bedford, Blount, Rutherford and Williamson counties over a 10-year time period is that **revenue growth exceeded population growth by three to one**. In some cases it was 10 to one.

But for the sake of argument, let's say that the money is needed for schools. Does anyone really believe that families with children moving into an area only buy new homes? Please remember that there are four times as many existing homes sold each year than new homes.

New home buyers cannot carry the burden of school funding on their backs. The entire community benefits from a good education system and thus everyone should pay equally.

The big growth sector of our state's population between now and 2025 will be people 65 and older. Certainly they should help fund education through property and sales taxes like everyone else but it is unfair to expect them to pay growth taxes to fund school construction through a new home purchase as they downsize.

***The bottom line? Growth taxes are an attempt to transfer a local government's infrastructure financing burden to a faceless group that is perceived as not yet living or voting in a community.***

No one can dispute the economic and social benefits of home ownership. Still, regulations, fees and taxes are continually piled on—often putting the dream of home ownership out of the reach of thousands of Tennessee families. ❖



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# EXECUTIVE OFFICER *Outlook*

## *“Help for HBAs Hit by Hurricane Katrina”*

Our hearts and prayers go out to those affected by Hurricane Katrina. In the aftermath of Katrina's devastation of our Gulf Coast states, I thought I would share with you additional information regarding what we can do to help our home builder families in Louisiana, Mississippi and Alabama.

The National Association of Home Builders (NAHB) has a great deal of information on their website detailing a number of ways to provide support, assistance or financial contributions as a result of Katrina. Go to [www.nahb.org](http://www.nahb.org) and click on NAHB Disaster Resources.

As announced at the Fall Board of Directors meeting in September, the NAHB has also established a relief fund that will be used to assist our home builder members to help get them back on their feet and in business again so they can begin the massive effort to rebuild their communities.

Many of our NAHB members have lost their homes and businesses to the wrath of Katrina. At this time, we have no knowledge of any loss of life in our home builder

family, but the local and state associations are still in the process of trying to make contact with all of their members.

It is the intent of the NAHB to get our members and their families up and running first, so they can provide the reconstruction needs their areas will require. To date over \$300,000 has been pledged by NAHB members and state and local associations.

If you are interested in working in Alabama, Mississippi or Louisiana, you will need a general contractor's license in any of the three states. However, Tennessee has a reciprocal licensing agreement with each of them, if you have a valid Tennessee Contractor's License.

What that means is you must apply to the appropriate state licensing board by submitting a completed application along with a copy of your license or a letter indicating that you have a Tennessee Contractor's license and are in good standing. You will not be required to take the exam and in most cases, they will waive the 30-day waiting period.



*Susan Ritter, HBAT  
Executive Vice President*

Here are the Contractor's Board contact numbers for each state:

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- Louisiana: 504-765-2301 or [www.lslbc.louisiana.gov](http://www.lslbc.louisiana.gov)
- Mississippi: 601-354-6161 or [www.msbc.state.ms.us](http://www.msbc.state.ms.us)

In some way or another, Katrina has touched us all. The Executive Officer of the Home Builders Association of Mississippi, Marty Milstead, is a close and respected friend of mine. He told me an incredible story about the devastation of his parents' home on the Gulf Coast of Mississippi, just down the road from Senator Trent Lott's demolished home as shown on national news.

He said the surge took *everything* out of the first floor, including furniture, appliances, all of the carpeting and even the fireplace insert. There was a dining room chair in the house, but it wasn't theirs. Yet the second floor was remarkably untouched. The beds were still made.

With tears in his eyes, he told me Katrina certainly put things into perspective—nothing is more important than family and friends, nothing. ♦



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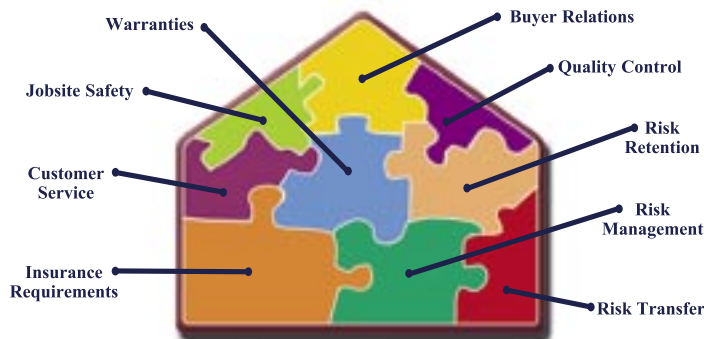
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# Marsha Blackburn



**THB:** Rep. Blackburn, unlike many new members of Congress who often take a wait-and-see attitude, your record indicates that you hit the ground running when you took office in the 108<sup>th</sup> Congress. Now in your second term, what would you consider to be your most significant contribution to date?

One of the things I talked about when first running for Congress was the importance of restoring the federal sales tax deduction. I worked on this issue my first term in Congress and was able to get the deduction attached to a tax bill in the House in 2004. This year for the first time in nearly two decades, Tennesseans were able to deduct their state and local sales tax payments on federal tax returns. This tax relief is good for individual Tennessee taxpayers and it pumps more money into our state's economy. For me this victory ranks very near our successful effort to defeat a state income tax when I served in the state Senate.

*Top: Rep. Blackburn helped start a House task force dedicated to searching out and eliminating waste, fraud, and abuse in government spending in 2003.*

*Middle: Congressman Blackburn visits the University of Memphis to discuss the New Madrid fault responsible for past earthquakes across the region.*

*Bottom: Congressman Blackburn is the House chairman of the first-ever Congressional Songwriters Caucus. With a district that includes portions of both metro Memphis and Nashville, Rep. Blackburn represents a large and talented community of songwriters and performers. The caucus advocates for tax and intellectual property rights policies that will protect the work product of Tennessee's creative community.*



**THB:** With your congressional district reaching all the way from Montgomery and Williamson counties in Middle Tennessee to Shelby Co. in the west, what impact do you see the home building industry having on the economy in the state of Tennessee?

Clearly the nation and Tennessee have benefited hugely from extremely strong construction and home building industries. Tennessee home builders are providing jobs and they're helping fuel the state's growth. We've watched a strong economy and low taxes combine to really drive a construction boom.

**THB:** In 2003, you were named a "small business advocate" by the Small Business Survival Committee. Since most of our builder members are small business owners, what do you see is ahead for them in terms of healthcare reform—specifically in terms of the legislation now before the Senate regarding Association Health Plans (AHPs)?

We have fought to pass Association Health Plans in Congress for several years now. As a former small business owner, I know that healthcare costs are an incredible challenge to balancing the books. We passed Health Savings Account legislation to give our small business owners an affordable healthcare option for their employees, and I believe AHPs would be an even more beneficial new healthcare choice. I was a strong advocate for passage in the House and was pleased to see the AHP bill approved by 263 to 165. That vote was a significant victory, and I am hopeful the Senate will take up the bill before the end of this Congress.



**THB:** *You seem to have an interest in a variety of issues—everything from government efficiency and fiscal responsibility to the strong support of our military personnel to intellectual property rights (the Congressman founded the Congressional Songwriters Caucus to give Tennessee songwriters a voice on Capitol Hill). Is there one issue you plan to give particular focus and why?*

It is difficult to pick one issue given the range of things I'd like to see us act on. We absolutely must take on government waste, fraud, and abuse in order to reign in federal spending. And our tax code is in need of extensive reform. We will be dealing with the devastating effects of Hurricane Katrina for some time to come. But the war on terrorism is dominating Capitol Hill. I've spent time in Iraq, Afghanistan, and at our Guantanamo Bay detention facility in Cuba, and whether it's talking with our Tennesseans in uniform or meeting with allies fighting alongside the U.S., everyone understands the gravity of this war. No matter what issue I'm working on or speaking about on any given day in Congress, the tremendous effort we're making to be sure our kids don't have to live in fear of terrorism is at the top of the list.

**THB:** *Congressman Blackburn, the home building industry has been affected by the continuing rising cost of building materials—some due to the lack of available imports. From your position on the House Subcommittee on Commerce, Trade and Consumer Protection what is your stance on the U.S. trade position with Mexico on concrete and lumber from Canada and how this affects our industry?*

Trade issues have been a hot topic in Congress the past few months. After much debate, we recently passed the Central American Free Trade Agreement (CAFTA). I have called for better border security, but I have always supported free and fair trade. I want to see our goods get fair entry to foreign markets, and I'm willing to give foreign goods fair access to our markets. It's been unfortunate that some products have been caught up in larger trade issues. That's why it's been important that the Bush Administration has had the

—Continued on page 25

## Representative Marsha Blackburn

Rep. Marsha Blackburn, the U.S. Congressman representing the Seventh District, continues to live according to a basic principle she learned as a young child.

"Growing up," she said, "My parents stressed the importance of giving back more to your community than you take. So, getting involved in local politics and running for Congress has been a way for me to serve my community."

Motivated by this down-home value of serving, Congressman Blackburn enthusiastically works with the people of the Seventh District—a 13-county area covering all of Fayette, Hardeman, Chester, McNairy, Hardin, Wayne, Henderson, Decatur and Perry counties, as well as parts of Montgomery, Hickman, Williamson and Shelby counties.

Referred to as a "rising star" by *Roll Call*, a Capitol Hill newspaper, Marsha finds comfort in such simple acts as gardening and digging her hands into the Tennessee soil and making things grow—when she's not in Washington representing the people of the Seventh District. Perhaps finding time for what some might call ordinary pursuits is one of the reasons she remains so in tune with her constituents.

Married to Chuck Blackburn and a mother of two grown children—Mary Morgan Ketchel and Chad Blackburn—Marsha understands more than most the juggling act of raising a family and establishing a meaningful career and how that brings a different rhythm to everyday life.



Rep. Blackburn announces road funding for the greater Nashville area.

A political career that perhaps began with an appointment as Executive Director to the Tennessee Film, Entertainment and Music Commission in 1995, Rep. Blackburn found her niche—using her people and administrative skills, along with her talent for budgeting.

Running for Congress was not only natural, but inevitable. "I ran for Congress in order to lower taxes, reduce regulation and preserve our individual freedoms," Congressman Blackburn said, adding, "Every day I wake up thankful for the privilege to serve."

"Serving in Congress is challenging and awe inspiring," she noted, still somewhat amazed, even after having been a member of Congress, at the American legislative process that ensures our freedoms. The human element, however, brings her down to earth, saying that "There's never a dull moment."

To those who have considered becoming a part of the political process, she offers

—Continued on page 25



"I have always felt that Marsha Blackburn believes that small business is the engine that runs our country. She has always believed that people should be able to keep more of their profits so that they can reinvest in America. This reinvestment leads to more jobs and a better standard of living for everyone. I believe Marsha also wants to reduce regulation and create an environment where business can succeed."

—Steve Cates, HBAT Government Affairs Chair

# 104<sup>TH</sup> GENERAL ASSEMBLY

## *Home Builders Play Critical Role in the Political Process*

You hear a lot said lately about “special interest groups” in politics. While some people say that phrase with a sneer, there are many mainstream organizations, like the Home Builders Association of Tennessee (HBAT), that exist to take their members’ messages to governmental bodies. Whether these groups communicate with Congress, state legislatures, or federal and state regulatory agencies and departments, their job is to ensure that these governmental bodies hear from the people they serve.

Think about the organizations where you belong. There is a good chance that they maintain ongoing communication with the government.

There are groups that promote your interests even though you do not yet hold a membership. For example, the American Association of Retired Persons (AARP)

works to protect the rights of older workers—looking out for those who receive social security benefits or who are in nursing homes—and each of us is likely to be in at least one of these categories at some point in our lives.

Home builders work hard to make housing a priority at all levels of the government—national, state and local—not only to improve the business climate we work in, but also, to keep housing within the means of the average everyday worker as a viable part of the American dream. Our mission statement puts it in the form of a goal: (to) “Ensure housing affordability.”

The National Association of Home Builders (NAHB) has worked diligently to elevate housing on the national agenda. Here in Tennessee, HBAT and your local associations are very active at the state and local levels in a variety



*Legislative Report by Jay West  
Director of Governmental Affairs  
Bone McAllester Norton PLLC  
615.238.6360; 615.238.6301<sup>Fax</sup>  
jwest@bonelaw.com*

of housing-related issues including, opposing Growth Taxes, monitoring zoning regulations, land use and environmental regulations and keeping abreast of a variety of other issues pertinent to the building industry.

The Housing Industry Political Action Committee (HIPAC)) is the political action arm of the Home Builders Association. Your contributions help back those candidates who support the home building industry’s agenda in the state of Tennessee.

Housing is a non-partisan issue. It affects everyone, and thus, goes beyond party lines and political considerations. No matter which party controls the White House or Congress, regardless of which party is in power at the state legislature or in the Governor’s office, HBAT’s members, staff and lobbyists will work closely with elected leaders to ensure that the home building industry’s interests are protected and its goals are met which make it of “special interest” to you. ♦



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931-206-6949  
jburkhart@cityofclarksville.com

### HBA of Dyer County

Kirby Ogden  
731-285-1161  
flannon@ecsic.net

### Jackson Area HBA

William A. "Sonny" Hardee  
731-988-5448  
shardeel@bellsouth.net

### Johnson City Area HBA

Danny Dyer  
423-928-8881  
mfg1231@excite.com

### HBA of Greater Kingsport

Sam Kassem  
423-349-4645  
samiam737@aol.com

### HBA of Greater Knoxville

Abe Draper  
865-579-4666  
fairfax@ics.net

### Maryville/Alcoa HBA

Will Jorgensen  
865-681-8181  
willjorg@jorgensenbuilders.com

### Memphis Area HBA

Mack Andrews  
901-301-2924  
mackann@aol.com

### HBA of Middle TN

Bruce Hancock  
615-373-8892  
bruce@hancockconst.com

### Ocoee Region BA

Phillip Daniel  
423-240-8625  
pwardaniel@earthlink.net

### Rutherford Co HBA

Kevin Marthaler  
615-896-8730  
kevinkay2@aol.com

### Sevier Co HBA

Neal Smith  
865-429-5822  
tnssvtm@aol.com

### HBA of Southern TN

Robert Hart  
423-842-3930  
hartconstructiongp@msn.com

### HBA of the Upper Cumberland

Tom Sergio  
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Keith Bouldin  
931-473-8718  
akbinc@blomand.net

### HBA of Wilson Co

John Adams  
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### Cumberland Co HBA

Harry McCulley  
931-484-6601  
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### South Central HBA

Shannon Cates  
931-389-7019



# Meeting the Tall Wall Challenge

Large windows and vaulted ceilings have grown in popularity as they provide homeowners with scenic views and lots of natural light in the spacious, open-floor plan of today's home. These common living spaces with walls taller than 10 feet, referred to as "tall walls," are most often found in the foyer, family, and great rooms.

Though popular with homeowners, the design and construction of tall walls provide unique challenges to builders and code officials because conventional framing practices do not apply and exceed code provisions. Some builders have continued to use standard construction practices on walls taller than 10 feet. Others use platform framing, stacking 8- to 10-foot-high walls on top of one another. This introduces a "hinge" effect, resulting in instability to wind pressures perpendicular to the wall. Builders and code officials need properly constructed engineered tall walls that are structurally sound and meet code requirements.

The solution to this challenge? Trus Joist's wall framing products, offering designers and builders the benefit of properly designed wood-framed walls 10 to 30 feet in height. The design methodology factors in both vertical loads and wind pressures perpendicular to the wall, which are outlined in the easy-to-use Trus Joist specifier's guide. Trus Joist tall walls provide the best wall to meet the demands of the structure, eliminating an under- or over-build. Using the patented TimberStrand® laminated strand lumber (LSL) and Parallam® parallel strand lumber (PSL) technologies, Trus Joist's engineered lumber is longer, straighter and stronger than conventional options.

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# PLAN NOW TO ATTEND

*the HBAT Annual Fall Meeting of the Membership, Nov. 3-5!*

## HOME BUILDERS ASSOCIATION OF TENNESSEE 2005 Annual Fall Meeting of the Membership *Tentative Schedule*

### Thursday, November 3

9:00 am – 11:00 am	Senior Officers Meeting
11:15 am – 5:00 pm	<b>HIPAC Golf Tournament</b> – Box lunch provided Shot Gun start 12:00 – Landmark Golf Club at Avalon

### Friday, November 4

7:30 am – 4:00 pm	Registration Open
7:30 am – 9:30 am	Continental Breakfast
8:00 am – 9:15 am	Budget & Finance
8:00 am – 9:30 am	Past TAC Leadership
9:30 am – 10:45 am	Educational Program(s)
9:30 am – 10:30 am	HBAT Committee Chairs
9:30 am – 11:15 am	Tennessee Associates Council
10:00 am – 3:00 pm	HBAT Self-Insured Trust*
10:30 am – 11:15 am	EOC
11:30 am – 1:30 pm	Lunch
1:30 pm – 2:45 pm	Past State Presidents*
1:30 pm – 2:45 pm	Local Leadership
3:00 pm – 4:30 pm	Government Affairs
6:30 pm – 10:00 pm	<b>Women's Basketball Hall of Fame Event</b> Silent Auction

### Saturday, November 5

7:30 am – 12:00 pm	Registration Open
7:30 am – 9:30 am	Continental Breakfast
8:00 am – 9:30 am	Membership/Membership Services
10:45 am – 12:15 pm	Education Committee
10:45 am – 12:15 pm	HIPAC Trustees
12:00 pm – 1:00 pm	Lunch provided to carry and go
1:00 pm – 2:30 pm	Executive Committee
1:00 pm – 2:30 pm	Educational Program(s)
3:00 pm – 5:00 pm	Board of Directors Meeting
6:00 pm – 7:00 pm	Cocktails
7:00 pm – 10:00 pm	<b>Installation Banquet – Black Tie Preferred</b> Awards Presentations Builder and Associate of the Year Hall of Fame Induction Ceremony

### Sunday, November 6 Depart

Attend the upcoming Home Builders Association of Tennessee (HBAT) Annual Fall Meeting of the Membership, scheduled Nov. 3-5, at the Knoxville Marriott, in Knoxville, Tenn.!

Starting with the 2005 Fall Housing Industry Political Action Committee (HIPAC) Golf Tournament shotgun start on Thursday noon, located at the beautiful Landmark Golf Club at Avalon, in Lenoir City, outside of Knoxville, meeting goers will have something special to do each day—like going to the Women's Basketball Hall of Fame or attending the Installation Gala.

Please call HBAT to make your reservations now. Golf fees are \$150 per person or \$600 for a foursome.

Golf tournament sponsorships are available for those who would like to sponsor a hole, lunch or any other part of this tournament. Check with Frank Harris at 615-777-1700, ext. 28, for details. Money raised from this event will go to support HIPAC, the political action committee arm of the Home Builders.

If golf is not "fore" you, perhaps you'll enjoy the other festivities planned.

Saturday night's Awards Presentation, Hall of Fame induction ceremony and installation banquet promises to be memory-making. This black-tie preferred event will be an exciting ending to the meeting as we celebrate the installation of HBAT Senior Officers and the induction of the Building Industry of Tennessee Hall of Fame winner.

Look for directions to the Knoxville Marriott, located at 500 Hill Ave., SE, in upcoming mailings.

*Hope to see you there!*

*Please call Joy Odjegba at the HBAT office at 615-777-1700 or 1-888-550-4228 by Oct. 12 with your room reservation preferences so that she can reserve a room for you if you are planning to attend this year's Fall Annual Meeting of the Membership. You can also go online at [www.hbat.org](http://www.hbat.org) to download, then fax, the registration form to HBAT.*



Home Builders Association of Tennessee (HBAT)

## 2005 Fall Golf Tournament Benefiting HIPAC

At the Landmark Golf Club at Avalon, in Lenoir City

**Thursday, November 3, 2005**

Lunch—11:15 a.m.  
Shotgun Start—Noon

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**\*HIPAC is the political action arm of the Home Builders Association. Your contribution/team fee helps provide support to those candidates who share the home building industry agenda in the state of Tennessee. Your support of this Tournament directly benefits HBAT members by keeping our industry strong and profitable. Your participation demonstrates that you agree and have taken a stand to help us do just that.**



# INDUSTRY NEWS

## *New Construction Storm Water General Permit in Effect for Tennessee*

Tennessee's new Construction Storm Water General Permit became effective on June 17, 2005, as the Tennessee Department of Environment and Conservation replaced the general permit that expired earlier this year. Operators of construction sites that involve clearing, grading or excavation that result in an area of land disturbance of one or more acres are required to seek coverage under the department's Construction Storm Water General Permit.

Significant public participation framed the development of the new general permit. Nine public hearings on the draft permit were held across the state, and the department even extended its public comment period by two weeks at the request of interested parties to allow additional input. The department also hosted a roundtable meeting in Nashville attended by representatives of environmental groups, homebuilders and municipal leaders that allowed various interest groups to share their unique perspectives.

"The input received reflected the diverse interests we routinely work with in Environment and Conservation," Deputy Commissioner Paul Sloan said. "Overall, the public comment period helped us issue a permit that protects the waters of the state while providing the flexibility the regulated community requires in the practical application of the permit."

The protections afforded to Tennessee's streams under the general permit are set to comply with the state's Water Quality Standards and also complement the state's Municipal Separate Storm Sewer System (MS4) General Permit. Many municipal governments have already established local ordinances that offer even greater protection than the state's new Construction Storm Water General Permit.

One component of the general permit creating some confusion is the inclusion of a 60-foot stream protection buffer requirement for new construction sites that discharge into sediment-impaired or high quality waters. The department

decided to afford Tennessee's most sensitive water resources this additional protection following a review of research that evaluated the effectiveness of different buffer widths. After evaluating available research, the department determined the evidence shows the 60-foot width provides optimum pollutant removal.

"We believe our state's most sensitive water resources require this level of protection," Sloan said. "However, there is a degree of flexibility to the 60-foot

The department has also fielded questions about the new general permit's potential impact on property values. It is important to note that the permit coverage is only required during the period of construction activity. It is not the intent of the department to regulate use of any property following the stabilization of a construction site. Prospective property owners will have no restrictions on buffer zones once the site is stabilized and permit coverage terminated.

***"We have designed the new general permit to be protective of receiving streams, but not to be overly burdensome to permittees."***

buffer requirement that is important to understand."

First, the 60-foot criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 25 feet at any measured location. Second, to address the concern that these new protections might pose an unnecessary burden for permittees—such as homebuilders or developers working near or across a stream—the general permit acknowledges unique scenarios.

In these situations equivalent Best Management Practice (BMP) measures are allowed as long as they provide equivalent pollutant removal capability. Applicants are required to justify the use and design of equivalent BMPs in lieu of a stream protection buffer as part of the overall Storm Water Pollution Prevention Plan (SWPPP) submitted to the department during the permit process.

"We have designed the new general permit to be protective of receiving streams, but not to be overly burdensome to permittees," Sloan said. "We will allow applicants to utilize BMPs when it is necessary and can be justified as long as it offers the same protection as a buffer zone."

"Tennessee is blessed to have more than 60,000 miles of streams that the majority of residents rely on for drinking water sources and recreation," Sloan noted. "We believe the new Construction Storm Water General Permit provides a legitimate measure of extra protection for the 27 percent of Tennessee's waters considered to be sediment-impaired or high quality waters. It is good for the state, its citizens and our waters."

The department is already coordinating with various associations across the state to communicate information to homebuilders and developers. The University of Tennessee and the Tennessee Chamber of Commerce and Industry are working with the department to develop additional training sessions for this fall on the new general permit.

You can read more about the new Construction Storm Water General Permit and supporting information at [www.tdec.net/permits/conststrm.php](http://www.tdec.net/permits/conststrm.php). ♦

*(Editor's Note: This article came from the Tennessee Department of Environment and Conservation.)*



# SEPTEMBER IS ASSOCIATE

by Barry Shaw,  
HBAT Associate Vice President



As an associate member of the Home Builders Association of Tennessee (HBAT), I can write this article only as an individual—that is, how I perceive the value that associates bring to our organization. I say “our” organization, because that is who the Home Builders Association of Tennessee belongs to...*all of us*.

I also look at our organization as a part of a bigger picture, the National Association of Home Builders.

Locally and nationally, builders and associates cooperate and work together for the benefit and betterment of the housing industry.

The complexity of our industry requires teamwork and coordination between builders and the many associated businesses. Associate members have much to offer the industry by way of quality products and services, knowledge, expertise and experience.

As an active member for more than 10

## APPRECIATION MONTH

years, I have witnessed the many benefits that associates bring to the organization, i.e., event planning and implementation, revenue generation and the contribution of time to build a strong association.

However, I believe the greatest benefit that associates bring is the contribution of numbers to membership.

There is strength in numbers and when our industry *talks*...policy makers *listen*.

At the national level, about one third of the members (73,300) are home builders and/or remodelers. The remaining members (146,600) are associates.

At the state level, our builder-to-associate ratio is about the same. With our milestone membership now at 5,032\*, builders account for 2,038 memberships and the remaining 2,994 members are associates and affiliate members.

With strength in numbers, we can pack a punch in the political arena. Knowing that today's (government) solution is tomorrow's (public) problem, our association's membership must stay organized, combine our individual talents and resources, and stay focused

on promoting policies that will keep housing a national priority.

Local, state and national politicians are well aware of the number of businesses and the number of jobs that the housing industry supports.

In 2004-2005, the housing industry can boast to be one of the largest engines of economic growth in the country!

Yes, September is Associate Appreciation Month.

And if you can do only one thing to acknowledge the value that associates bring to the organization and to our industry...*buy from an associate!* And, let them know that you appreciate their contributions to the association!

(\*Editor's Note: State membership stats came from the July 31, 2005 NAHB Membership Summary.)

### National Housing Endowment

## HURRICANE

## RELIEF EFFORT



**T**he Home Building Industry Disaster Relief Fund (HBIDRF) was established to rebuild the residential construction industry in areas affected by natural disaster in order to facilitate the rebuilding of communities.

Individuals, businesses, members and friends of the industry are encouraged to make contributions to the HBIDRF to help defray the cost of recovery.

Please mail your donation to:

**National Housing Endowment Home Building Industry Disaster Relief Fund**  
1201 15th Street, NW  
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Checks should be made payable to the National Housing Endowment. Please add note in the memo section that your check is for the Home Building Industry Disaster Relief Fund.

For more information about this item, please contact Brett Diggs at 800-368-5242 x8453 or via e-mail at [bdiggs@nahb.com](mailto:bdiggs@nahb.com).

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# COLIN POWELL

## KEYNOTE SPEAKER AT IBS



General Colin Powell

Gen. Colin L. Powell, USA (Ret.) will be the keynote speaker at the grand opening ceremonies of the 2006 International Builders' Show (IBS) in Orlando, Fla.

Slated for Jan. 11-14, at the Orange County Convention Center, this year's show is expected to attract 100,000 attendees.

A noted statesman and highly respected soldier, Powell became the nation's 65th Secretary of State in January, 2001. Previously, he had served 35 years in the U.S. Army, rising to the rank of four-star general.

He also served as chairman of the Joint Chiefs of Staff from 1989 to 1993.

Before becoming Secretary of State, Powell served as a key aide to the Secretary of Defense and as National Security Advisor to President Reagan.

The recipient of numerous military and civilian honors including two presidential

Medals of Freedom, Gen. Powell also was the founding

chairman of America's Promise—The Alliance for Youth. Established at the Presidents' Summit for America's Future in 1997, and endorsed by every living U.S. President, America's Promise aims to ensure that all children in America have access to the fundamental resources needed to become responsible, productive adults.

In addition to hearing Gen. Powell, the IBS will offer about 200 educational sessions on a wide-range of housing issues. Almost 1,600 exhibitors showcasing their products and services will be on hand to show off their products and services.

For more information on the International Builders' Show or to register, go to <http://www.buildersshow.com/Home/> or contact NAHB at 1-800-368-5242. ♦

(Editor's Note: from the NAHB website.)

## Home Builders, Realtors, and Mortgage Bankers

### *Team Up for Habitat for Humanity Build*



Pictured top left: Former MAHBA President Bruce Upchurch led the 60 volunteers from the Memphis Area HBA at the Habitat House in the painting, siding & trim phase of the project.

The Memphis Area Home Builders Association (MAHBA) has partnered for the first time with the Memphis Area Association of Realtors® (MAAR®) and the Memphis Mortgage Bankers Association (MBA) to build one of six houses during the 2005 Habitat for Humanity Fall Building Blitz, scheduled for Sept. 16-Oct. 29.

Building materials worth more than \$15,000 were donated by member companies of the MAHBA, as well as labor.

"Through the donations of labor and financial resources by gracious community partners like MAAR®, MBA and MAHBA, Habitat is able to impact neighborhoods and transform lives. We are so thankful for the incredible support we re-


ceived," Jeff Capps, director of community relations for the Habitat for Humanity of Greater Memphis, said.

"The fact that these groups would donate their time and expertise to help make dreams come true for a deserving family is a real gift," Capps added.

The associations involved will build a home to house a family of four who now lives in a one-bedroom, one-bath home in desperate need of repairs.

For more information contact the MAHBA at 901-756-4500.

Habitat for Humanity of Greater Memphis is a nonprofit ecumenical Christian housing ministry dedicated to eliminating substandard housing in the city of Memphis and surrounding areas. ♦



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# MEMBERSHIP PAYS

*Tommy Davis of the Jackson Area HBA*



*Tommy Davis (left) of Tommy Davis Construction Co. works on a project with son Bruce Davis (right) and Barry Hutcherson.*



*One of the custom homes built by the Tommy Davis Construction Co. This one belongs to his son Bruce.*

**T**ommy Davis of Tommy Davis Construction and the Jackson Area HBA (JAHBA) is a living success story and proof that with the right amount of determination and skill, anyone interested in making a career in the home building industry can do it—even if their original career choice was in an unrelated field.

Learning and the willingness to receive guidance and advice from other builders are keys to success, according to Tommy. That's one reason why he belongs to the local HBA.

## ***"Membership Pays"***

The son of a dairy farmer, Tommy spent time as a sharecropper and dairy farmer in his earlier days. A hard worker, Tommy brings to mind the image of the American Dream that is offered to anyone willing to persevere.

Raised in western Tennessee and Mississippi, Tommy has lived in mostly rural settings where integrity is highly regarded. Rural life and the people who live there were big influences.

Some of the highlights of his distinguished career include retiring from the Tennessee National Guard after 43 years

of service, dairy farming and building his own construction company from absolutely nothing.

## ***"Membership Pays"***

Other milestones in his life include marriage to the love of his life, Brenda Sue Garner, who, along with Tommy, was a permanent fixture at the JAHBA gatherings until her recent passing.

It was in 1973, after years in dairy farming, that Tommy and Brenda made a bold decision.

"Brenda and I wanted to try something different ... so we contracted to build a house. While they were digging the footings, I talked to the contractor and went to work for him—*helping him build my house!*"

Tommy worked for several builders, "five or six," he said, "and doing small remodeling jobs and roof work on the side to make ends meet." In time, he learned all there was to building a home.

Then, in 1978, The Tommy Davis Construction Co. was founded. After being involved in the home building business these past 32 years, he's done everything from cement work and metal roofing to remodeling to building custom homes.

## ***"Membership Pays"***

One of the most important business decisions he made was to become involved

in the local home builders association. A member since 1988, Tommy is a Life Director for both the state and local association.

He served as president of the Gibson/Crockett Co. HBA five times before it moved to Jackson and was re-named the Jackson Area HBA, where he served as president in 1999.

Since becoming a member of the local association, Tommy says he's gotten additional business and some solid advice.

"I've made some good friends across the state by talking to them about a problem I ran into. They helped a lot," he said.

## ***"Membership Pays"***

Friendships are an important reason for being involved, besides the valued advice.

"When I lost Brenda," he said, "People came by, called and sent cards. All of my local board came over. This helped me through this sad time," Tommy said.

As far as how he recruits new members, Tommy says it's pretty simple. "I talk to them one-on-one and eye-to-eye," he said. "To me, it's the best way. I have just recruited two new members by talking to them. It took more than one time, but I got them," he added.

"It's good business to be a member," Tommy said.

## ***"Membership Pays" ♦***



## MARSHA BLACKBURN

—Continued from page 13



U.S. Trade Representative working to address these cases.

**THB:** *With concern growing over the availability of low-income housing and the need for affordable housing for many hardworking Tennesseans, what are your thoughts on the Homeownership Tax Credit legislation currently awaiting action in Congress?*

We have to remove as many obstacles to achieving the American dream as possible. Taxes consume more than half a year of wages for the average American. That is a huge impediment to home ownership. Anytime we can help more people purchase their own home, we should. Right now we've got record homeownership rates, but there's still room to improve.

**THB:** *Thank you, Congressman Blackburn!*

### PROFILE: MARSHA BLACKBURN

—Continued from page 13

this advice: "You shouldn't run for office if you're not passionate about your community and this country."

When she's not in Washington, or traveling to and from D.C., she loves being back home in the Seventh District. "It's like being on vacation to me."

"Having the chance to get out of Washington and attend community events and visit with our local leaders is fantastic," the Congressman added, giving you the sense that she likes being just a regular person every now and then.

When asked what one thing she would change for the American people if she could, Rep. Blackburn shared: "I'd give everyone a flatter, fairer and simpler tax code. The system we've got is overly complicated, time consuming and compliance is too expensive."

Because she sponsored bills that were beneficial to the taxpaying public, Congressman Blackburn was named in 2003 a "taxpayer hero." ♦

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# BUILDERS URGE ADMINISTRATION

## to End Lumber Tariffs Following Latest NAFTA Verdict

Calling it a victory for free trade and housing affordability, the nation's home builders applauded a unanimous decision by a North American Free Trade Agreement (NAFTA) panel finding that Canadian lumber exports into the U.S. are not subsidized.

"This verdict, the latest in a series of unanimous NAFTA rulings, shows once again that there is absolutely no justification for the Administration to continue imposing punitive tariffs on Canadian lumber shipments. It is time to eliminate this hidden tax that has cost American consumers billions of dollars," said David Wilson, president of the National Association of Home Builders (NAHB) and a custom home builder from Ketchum, Idaho.

U.S. law allows countervailing duties to be imposed only upon two conditions: that a foreign supplier is benefiting from subsidies, and U.S. producers are being injured, or threatened with injury, as a result. An earlier unanimous NAFTA ruling found that there was no injury or threat of injury. This decision found that there was no subsidy.

For the fifth time, the NAFTA panel found that the calculations used by the U.S. Commerce Department to determine if Canadian lumber is subsidized are flawed. The NAFTA panel had previously called on the Commerce Department to reduce its countervailing duty. On July 13, the Commerce Department responded with a finding that Canadian lumber received a 1.21 percent subsidy, down significantly from the 17.2 percent rate it had previously calculated. Nevertheless, it has continued to collect countervailing duties of 17.2 per-

cent, and anti-dumping duties averaging 4 percent on Canadian lumber.

This NAFTA ruling determined that the subsidy is below 1 percent, which under U.S. law is *de minimus* and not subject to duties. The NAFTA panel gave the U.S. until Oct. 28 to comply.

The U.S. government imposed countervailing and anti-dumping duties totaling 27 percent on softwood lumber in May of 2002, charging that Canadian imports represented a "threat" to domestic lumber producers. The percentage was subsequently reduced but remained above 20 percent.

On Aug. 10, a NAFTA Extraordinary Challenge Committee upheld a previous NAFTA verdict that found no threat of injury from Canadian imports. It also stipulated that the U.S. was required to refund the billions of dol-

lars of duties that Canada had paid to date.

Although a NAFTA ruling carries the weight of law in Canada, the U.S. and Mexico, the Administration has failed to comply with its legal obligations to rescind the duties and return all duties paid out by Canadian firms.

"Several unanimous NAFTA verdicts by American and Canadian panelists have all come to the same conclusion—that Ottawa does not subsidize its timber industry and that domestic producers face no threat of injury from their northern counterparts. The rulings are crystal clear. There is nothing to negotiate and no reason not to have free trade. Therefore, the Administration should stop dragging its feet and allow these costly tariffs to disappear," said Wilson.

*(Reprinted from NAHB)*



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# LOCAL HAPPENINGS & MORE

The **Rutherford Co. HBA** has scheduled its 2005 Cavalry Banking "Homes Today" Parade on weekends for Nov. 4 & 11 from 1:00-5:00 p.m.; Nov. 5 & 12 from 10:00 a.m.-5:00 p.m.; and Nov. 6 & 13 from 1:00-5:00 p.m. Parade Judging will be Nov. 2 from 8:00 a.m.-5:00 p.m. and the Preview Tailgate Party will be Nov. 3 from 5:00-8:00 p.m. For more information, call RCHBA at 615-890-8224.



**Matt Ballard of Sevier Co. HBA** and general manager of Sevier Co. Utility District was elected President of the Tennessee Gas Association

at its 42<sup>nd</sup> annual convention, held in Williamsburg, Va. Congratulations, Matt!



**EO Dick Breedlove of the HBA of Dyer Co.** is stepping down after serving the home builders in the Northwest Tennessee area for several years.

Thank you, Dick, for everything you've done! We wish you well!



**Rep. David Davis** attended the Legislative Luau hosted by the Johnson City Area HBA.

The **HBA of Greater Knoxville (HBAGK)** has scheduled its 2005 Parade of Homes for the weekends of Oct. 7-9, 14-16 and 21-22. The Presenting Sponsor is Regions Bank and the Corporate Sponsor is General Shale Brick. Locations will be updated in October. For more information, contact the HBAGK at 865-546-4665.

The **2006 HBAT leadership** gathered in Franklin, Tenn. recently to prepare for the year ahead.



**Terry West of Pella Windows** presents a \$1,000 BUILD-PAC donation to HBAT EVP Susan Ritter



**Tonya Jones of HBAMT** was named the 2005 Small Business Champion by the National Federation of Independent Business, a lobbying arm for small business in Washington and at state levels.



*Sandy Smith  
15 years*



*Dick Breedlove  
15 years*



*Mark Billingsley  
5 years*



*Kathryn Lewis  
5 years*



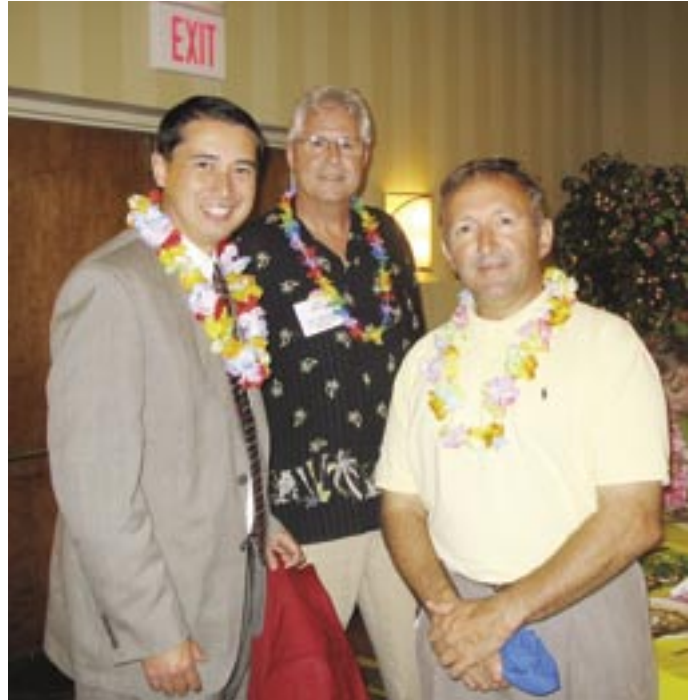
*Susan Ritter  
5 years*

At the August **Executive Officers' Conference in Big Sky, Montana**, Sevier Co. HBA EO Sandy Smith and HBA of Dyer Co. EO Dick Breedlove were recognized for their 15 years of service. Memphis Area HBA EO Mark Billingsley, HBA of Greater Knoxville EO Kathryn Lewis and HBAT EVP Susan Ritter were also recognized for their five years of service."

# LOCAL HAPPENINGS & MORE



From left to right: HBA Lobbyist Jay West, Builder Director Larry Sangid, HBA EVP Susan Ritter, HBA Past President Keith Whittington and Associate Director Bob Scott gathered at the Johnson City Area HBA's legislative Luau.



Rep. Jerome Cochran, Larry Bolinger and Larry Sangid at Johnson City Area HBA's Legislative Luau.



NAHB Immediate Past President Bobby Rayburn and EOC President Marty Milstead present HBA EVP Susan Ritter a plaque for HBA's winning entry for the "2004 Best State Website" at the 2004 The Association Excellence Awards (AEA) ceremony held during the EO Conference, in Big Sky, Montana. The AEA Awards recognize the accomplishments by associations of varying size in areas of association management and member service. Go to [www.hbat.org](http://www.hbat.org) to view the award-winning website.



From left to right: HBA President James Carbine, HBA EVP Susan Ritter, HBA Vice President/Treasurer and Area 7 National Vice President Tim Neal, NAHB State Reps Keith Whittington (TN) and Tommy Doyal (AL) are the Area 7 Team at the NAHB Directors Reception Rodeo. Ask any one of them about the burro races!

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## Future HBAAT Meetings

### 2005 Fall Meeting

November 3-5, 2005  
Marriott Knoxville  
Knoxville, TN

### 2006—

#### Spring Meeting

March 5 – 8, 2006  
Hilton Suites Downtown  
Nashville, TN

#### Summer Meeting

July 16 – 19, 2006  
Hilton Sandestin Beach Golf Resort & Spa  
Destin, FL

#### President's Planning Meeting

September 29 – 30, 2006  
Hilton Memphis  
Memphis, TN

#### Fall Meeting

October 27 - 29, 2006  
Peabody Hotel  
Memphis, TN



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