

TENNESSEE HomeBuilder

May/June 2009

Official Magazine of the Home Builders Association of Tennessee

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Bill Ketron

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May/June
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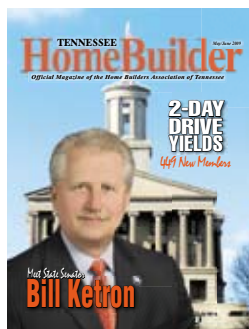
WHO WE ARE

The Home Builders 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.

MISSION STATEMENT

The Home Builders Association of Tennessee represents over 5,000 member firms as the Voice of the Housing Industry. We advocate housing affordability and availability through:

- Legislation
- Communication
- Education



In this edition of the Tennessee Home Builder, meet Senator Bill Ketron, and learn more about important builder news and legislative issues.

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HBAT

213 Fifth Avenue North, St. 200
Nashville, TN 37219
(615) 777-1700 Local
(888) 550-4228 Toll Free
(615) 777-1703 Fax
www.hbat.org



POSTMASTER

Send address changes to:

HBAT

213 Fifth Avenue North, St. 200
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PUBLISHER

Woods & Associates

EDITOR

Susan Ritter

ASSOCIATE EDITOR

Brad Cartner

ADVERTISING SALES

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DESIGN DIRECTOR

Donna Heninger

- InDesign
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AD SUBMISSIONS

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EXECUTIVE COMMITTEE

2009



SENIOR OFFICERS



President

Ed Zarb
(National Director)
865-671-1744
edzarb@zarbproperties.com



Vice President/Treasurer

Phil Chamberlain
(Budget/Finance Chair)
901-794-2156
pccham@cmhomes.com



Vice President/Secretary

Steve Cates
(NAHB BUILD/PAC Chair)
615-377-9106
stevecates@ckdevelopments.com



Immediate Past President

James Carbine
(Alt. National Director)
(Nominating/Past Presidents)
615-661-9995
jcarbine@carbinecompany.com



Associate Vice President

Ludly Callaway
(National Associate Director)
901-494-4400
ludly.callaway@suntrust.com

EXECUTIVE COMMITTEE CHAIRS

VOTING MEMBERS

NAHB State Representative
David Parsons 901-388-2651
parsonsd@bellsouth.net

Government Affairs

Davis Lamb 615-370-3330
dlamb@archwaydevelopment.com

Membership/Membership Services

Al Bintz 865-385-6891
abintz1@searshc.com

HBAT AREA VICE PRESIDENTS

Northeast Region Area V.P.

David Stauffer 423-323-2454
dhstaufferjr@wmconnect.com

West Region Area V.P.

Mack Andrews 901-754-8100
mackann@aol.com

Middle Tennessee Area V.P.

Anne McKnight 615-312-7185
anne@westviewhomesllc.com

Southeast Region Area V.P.

Dennis Epperson 423-479-9042
cbepperson@aol.com

NON-VOTING MEMBERS

NAHB Area 7 Vice President

Tim Neal 865-579-4666
timfneal@bellsouth.net

Education/Programs

Larry Sangid 423-773-4040
lsangid@aol.com

HIPAC Trustees

John Floyd 615-896-0019
jfloyd@olesouth.com

Local Leadership

Chris Spores 423-650-7167
sporescustomhomes@aol.com

Executive Officers Council

Teresa Groves 423-624-9992
tgroves@hbast.org

Past Associate Leadership

Billy Allred 931-260-0205
billy.allred@jameshardie.com

COMMITTEE VICE CHAIRS

Tennessee Associates Council

Nina Boss 423-894-1890
nboss@centurytitleinc.com

HIPAC Trustees

Doyle Webb 865-945-3232
doylewebb@hotmail.com

Government Affairs

Mack Andrews 901-754-8100
mackann@aol.com

Executive Officers Council

Jan Shrewsbury 423-282-2561
jcahba@charterinternet.com

Education/Programs

Doyle Webb 865-945-3232
doylewebb@hotmail.com

Membership/Membership Services

David Clark 901-753-1550
david@davidclarkconstruction.com

Local Leadership

TBA

HBAT STAFF

Executive Vice President

Susan Ritter
sritter@hbat.org

Director of Government Affairs

Frank M. Harris
fmharris@hbat.org

Director of Communications & Education

Brad Cartner
bcartner@hbat.org

Director of Operations

Joy Odjegba
jodjegba@hbat.org

HBAT Office is Located at:
213 Fifth Ave., North, St. 200
Nashville, TN 37219
(615) 777-1700 Local
(888) 550-4228 Toll Free
(615) 777-1703 Fax



BETTER EXPECTATIONS

for Tennessee Home Builders

A reporter once told Jack Nicklaus, "You are spectacular, your name is synonymous with the game of golf. You really know your way around the course. What's your secret?" Nicklaus replied, "The holes are numbered."

I'll be honest with you—I'm an avid golfer, and let me confess that I've had some really great games and some really bad ones. Of course, we all like to leave the competitive arena with a great game under our belt, but many times those tough games are the ones that refine our skills and teach us how to be better players. Truly great sportsmen and business people take the hard times and turn them into valuable lessons for the future, and some times it just takes getting back to the basics. As we approach the mid-year point of 2009, we are now seeing the first signs that buyers are returning to the marketplace. Nationwide, housing affordability is at the highest level in at least five years. In fact, the National Association of Home Builders (NAHB) estimates that 55 million American households (half of all U.S. households) can afford today's \$200,000 median-priced new home. I believe this is evidence that we are approaching some easier fairways and better game days.

Based on data from the U.S. Census Bureau comparing home prices, mortgage rates and minimum income needed to purchase a median-priced home in February 2007 and February 2009, a typical family today can purchase a house with \$20,000 less in household income and save nearly \$500 per month on their principal, interest, taxes and insurance.

Economic reports show builder confidence in the market for newly built, single-family homes rose five points in April to the highest level since October 2008, according to the latest National

Association of Home Builders/Wells Fargo Housing Market Index (HMI). This gain was the largest one-month increase recorded since May of 2003, and brings the HMI out of single-digit territory for the first time in six months—to 14. Every component of the HMI reflected the boost, with the biggest gain recorded for sales expectations in the next six months.

"This is a very encouraging sign that we are at or near the bottom of the current housing depression," said NAHB Chief Economist David Crowe. "With the prime home buying season now underway, builders report that more buyers are responding to the pull of much-improved affordability measures, including low home prices, extremely favorable mortgage rates and the introduction of the \$8,000 first-time home buyer tax credit."

However, Crowe cautioned that a key issue that still must be addressed is the ongoing lockdown on builder acquisition, development and construction (AD&C) financing. "Restoring health to our nation's economy will require a substantial housing recovery, and that recovery is contingent on breaking the logjam in AD&C lending that presents an ever-increasing obstacle for home builders," he said.

During February and March, 1.5 million visitors logged on to NAHB's website, www.federalhousingtaxcredit.com, to learn more about the tax credit. Further, a new survey commissioned by Move, Inc. found that nearly 20 percent of those who plan to purchase a home this year are

doing so to take advantage of the tax credit, which expires at the end of November. As of March 6, nearly 568,000 had claimed a first-time home buyer credit, according to the Treasury Inspector General for Tax Administration, which audits the Internal Revenue Service.

Personally, I believe this is the perfect storm of benefits for anyone who is still trying to decide whether or not to buy or remodel a home. Consumers will definitely look back with regret if they do not take advantage of this great opportunity. As builders, we must promote these advantages and make sure we are well educated on issues such as the **\$8,000 first-time home buyer tax credit** and the new energy efficiency tax credits that have been significantly improved.

I heard someone recently say that everyone is talking about a return to our previous economy, but the fact is that is never going to happen. This is a "new economy," and it is up to us to learn how to operate in this changing environment. Much like in the natural environment, those who learn to adapt will survive. Those who are not able to adapt will become extinct. I want us ALL TO SURVIVE!

From our association's standpoint, we must continue to grow our membership levels and retain the members once they are part of our family. We need to take steps to continue to ensure the success of our industry in the Tennessee legislature. Every member should have a sense of urgency about membership and the need to educate and inform our elected officials at every level of government. With a growing, healthy and united association, we can work to create a better future for the home builders, associates and home buyers throughout our state. ♦

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Affordable Housing

is a High Priority for Americans

Executive Officer Outlook

Susan Ritter
HBAT Executive
Vice President



JUNE is National Home Ownership month, and I thought it would be appropriate to talk about the importance of affordable housing. The Home Builders Association of Tennessee has a mission statement that speaks of the importance of providing “housing affordability and availability through legislation, communication and education.” According to a recent poll, 90 percent of Americans believe providing affordable housing is a high priority and more than half believe that the nation’s housing policy is on the wrong track to achieving “a decent home and suitable living environment for every American family.”

The poll of 1,200 adults surveyed by telephone was commissioned by a co-

alition of public, private and non-profit advocacy groups, including the National Association of Home Builders (NAHB), in conjunction with “Housing America 2007,” a nationwide affordable housing awareness campaign.

The housing affordability crisis has a dramatic effect on the quality of life of millions of families. We need a broad coalition of groups representing the housing industry, business, non-profits and government to make affordable housing a priority in every community.

There is often a tendency to equate “affordable housing” with “low-income housing.” But the problem is much broader than that. It affects middle-income individuals such as teachers, police officers, firefighters and other public servants, as well as millions of Americans in the service and retail industries. Many of these hardworking families are forced to commute long distances, live in housing that does not meet their needs, or pay far too great a share of their incomes for housing.

There are various factors that serve as barriers to affordability. In many communities, the problem is made worse by a shortage of buildable land and unreasonable restrictions on zoning, urban growth boundaries, and multifamily housing development.

Policies that encourage builder investment, such as streamlined development approvals for multifamily developments and public investment in infrastructure for affordable housing, can improve affordability. Community stakeholders that collaboratively develop plans and solutions have a better chance of achieving the historical goal of a decent home and suitable living environment for every American family.

On a very positive note, in the April 25, 2009 edition of the Tennessean newspaper, a report on consumer confidence stated that “...recent gains in the stock market, plus the perception of bargain prices and lower interest rates may help spark more major purchases.” The article went on to say, “Consumer confidence for Davidson, Rutherford and Williamson counties rose to a positive rating for the first time this year.” (*Source: Associated Press and the Tennessean, Randy McClain*)

Even in a new era of financial challenges, we need to remember that the home building industry still provides the basis for the American dream. Building houses is an important part of our economy, but even more importantly, once an American family purchases that structure of bricks, mortar and lumber, it becomes a place of memories, safety and security that we all call HOME. ♦

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by registering today for the 2009 Annual Summer Board Meeting in beautiful Destin, Florida. It's a great time for members to get together and talk about the important issues that affect our industry. We will be taking care of business with our committees and education programs, but there will also be plenty of time for sun and fun!!!

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THE ABCs of the AD&C CHALLENGE



Legislative Review

*Davis Lamb III,
Chair—
Government Affairs
Committee*

We are all aware that severe and widespread problems in the mortgage and housing markets have cast a pall over the housing production market, prompting an aggressive response from lenders and regulators. Our home builders and developers report dramatic deterioration in credit availability and intensifying pressure on borrowers with outstanding loans. Our members are reporting excessive credit restriction, where lenders are cutting off loans for viable new housing projects and producing unnecessary foreclosures and losses on **acquisition, development and construction (AD&C) loans**.

Credit for AD&C loans has tightened significantly over the past year and does not show signs of abating, at least in the short term, according to NAHB's builder survey of AD&C financing conditions. In the latest survey, 72 percent of respondents stated that the availability of credit for single family construction loans worsened in the latest quarter compared to the previous period. By comparison, only 54 percent of respondents made such

an assessment a year earlier. In addition, there were increasing reports of tightening terms or conditions on outstanding loans as 38 percent reported tighter loan terms for outstanding land development loans; while 39 percent stated stricter terms on outstanding single family construction loans. Of those reporting tighter terms, 62 percent stated that lenders were requiring partial pay-downs based on re-appraisals, 58 percent cited demands for increased collateral and 42 percent said lenders had terminated lender-funded interest reserves and were refusing to allow additional draws. Twenty-five percent reported that their loans had been called. The federal banking regulators continue to maintain that they are not instructing institutions to stop making loans or to indiscriminately liquidate outstanding loans. Nevertheless, the bank regulators have raised concerns about real estate lending and are encouraging institutions to increase capital and loan loss allowances and to take other strong measures to manage problem loans. Regulators also have expressed grave concerns over the high concentration of commercial real estate loans (the category that includes residential AD&C loans) in institution's portfolios.

Reports from NAHB members in a number of different geographic areas, however, suggest that bank examiners in the field are adopting a significantly more aggressive posture and some institutions

appear to be overhauling and downsizing portfolios independent of regulator/examiner pressure. We understand that examiners are conducting more frequent bank examinations, and requiring institutions to get updated appraisals on AD&C projects and to increase loan loss reserves. Overly conservative appraisals are presenting further challenges by limiting sales and refinance opportunities and exacerbating pressure on outstanding mortgage and housing production loans. The heightened regulatory scrutiny is having an impact on borrowers and many builders are rapidly drawing down interest reserves and have had to put up additional equity as appraised values have declined.

The latest setback for home builder borrowers is the rising number of bank and thrift failures. We have seen builders with outstanding loans that are placed under FDIC control are frequently unable to contact a decision maker to deal with routine, but time-sensitive, matters related to loan draws or extensions.

We all realize that in the vast majority of cases, the institution would be better off working with the borrower to modify or extend the loan, rather than requiring additional equity or shutting off credit. This is a lesson that has been demonstrated by holders and servicers of home mortgages who now increasingly attempt to work out a mutually beneficial solution with struggling borrowers. The



alternative is to incur foreclosure and property disposition expenses, only to sell the property for cents on the dollar. The same economic principles apply to banks that hold AD&C loans. Rather than calling loans or taking other damaging actions, banks would be acting in their own best interest by modifying or extending loans for borrowers who are not in default and have projects worthy of completion. This would allow borrowers to develop alternative repayment plans, adjust their finances or find other funding sources until they are able to complete and sell the homes. In more difficult housing markets, resources from the Treasury Department's Troubled Asset Relief Program (TARP) could be employed to provide banks with additional capacity to accommodate loan modifications and workouts.

What Would Help?

- Regulators and lenders should provide leeway to residential construction borrowers who have loans in good standing by providing flexibility on re-appraisals, loan modifications and perhaps forbearance on loans to give builders time to complete and sell their inventory.
- Banks should account for how they are using TARP funds in lending on viable new projects and in working out more flexible terms to facilitate continued funding and eventual repayment of performing AD&C loans.
- Earmark up to \$20 billion of future TARP requests to allow banks to avoid excessive equity calls and other adverse actions on performing loans.

In Tennessee, and throughout the entire nation, home builder associations are working to revive our industry and provide support to members who must now work under the challenges of our new economy. While we are engulfed in this endeavor, we must have an attitude of cooperation from government leaders and the institutions that benefit from the fruits of our labor. It is more important than ever for HBA members to keep our state and national legislators informed and educated on issues such as the AD&C crisis. We must arm ourselves and our leaders with the information and tools it will take to put our industry back on its feet in the months ahead. ❖

**Information gathered from the "Addressing the AD&C Lending Crisis" provided by NAHB Government Affairs*

AREA PRESIDENTS 2009

Clarksville/Montgomery Co HBA

Jimmy Miller..... (931) 624-1842

Cumberland County HBA

Sarah Derrick (931) 456-6654

Greene County HBA

Ralph Dingus (423) 639-6781

HBA of Dyer County

Barry Frazier (731) 285-6114

HBA of Greater Kingsport

Larry Kearns (423) 378-4333

HBA of Greater Knoxville

Timothy Neal (865) 579-5879

HBA of Middle TN

Peggy Krebs 96150 776-5262

HBA of Southern TN

Tim McClure..... (423) 595-4166

Jackson Area HBA

Bruce Davis..... (731) 694-9504

Johnson City Area HBA

Bob Garrett..... (423) 929-8656

Maryville/Alcoa HBA

Mary Forrester (865) 984-2917

Memphis Area HBA

Stephen Hodgkins (901) 758-2177

Ocoee Region HBA

Dennis Epperson (423) 284-7296

Rutherford Co HBA

Mark Wood (615) 895-1319

Sevier Co HBA

Charles Johnson (865) 300-2655

South Central HBA

Keith Bailey (931) 233-0434

Warren Co HBA

Trent Gribble..... (615) 668-8812

Upper Cumberland HBA

Darrell Jennings (931) 265-8989

Meet the Senator

13th District
Bill Ketron



Senator Bill Ketron, Jr. is the elected state senator from Tennessee's 13th Senate District, covering western Rutherford County and all of Maury, Marshall and Lincoln counties in middle Tennessee. He was first elected in November 2002 and won re-election in 2006. The Senator serves as the Chairman of the Senate State and Local Government Committee. He also serves on the Senate Education Committee and the Senate Commerce, Labor and Agriculture Committee. Senator Ketron was recently elected by his bi-partisan colleagues as Chairman of the Fiscal Review Committee. He serves on the following Oversight Committees as well: Corrections, Long-Term Healthcare, Ethics, Lottery, and Workers' Compensation.

Bill is a lifelong Tennessean, born in 1953 in Kingsport, Tennessee. His father, Bill Sr., moved the family to Murfreesboro eight years later, and they have lived there since. Bill is a 1971 graduate of Murfreesboro's old Central High School and a 1976 graduate of Middle Tennessee State University with a B.S. degree in political science and history. He is a 1989 graduate of Leadership Rutherford, the year-long government and community education program of the Rutherford County Chamber of Commerce. MTSU honored Bill in 1991 by naming him a distinguished alumnus of

the university. Bill's parents raised him to believe in public service. He started in the Boy Scouts as a child and earned the prestigious designation of Eagle Scout at 12 years old. He has spent most of the last 30 years engaged in public service in the Rutherford County community.

Here are just a few areas of his service oriented involvement:

- Founding member of the Blue Raider Athletic Association, the fundraising and booster organization for MTSU Athletics. He served as BRAA's first president in 1987 and is an active member today.
- Elected to the Rutherford County Commission in 1990, and was re-elected in 1994. He chaired the Health and Education Committee for eight years and served on the commission's Budget, Public Safety and Public Works committees.
- Served as president of the Rutherford County Volunteer Fire Department since 1998.
- Currently a board member of the Rutherford County Convention and Visitors Bureau and the Bradley Academy Museum.

In addition to his local community service, the Senator served as state president of the Professional Insurance Agents of

Tennessee in 1992-93. He was a 1979 charter member of the Murfreesboro chapter of the National Exchange Club, a national community service development organization, and served as the organization's national president in 1995-96. He served as national president of the organization's Foundation for the Prevention of Child Abuse from 2001-2004. He is also a member of the National Rifle Association and National Right-To-Life.

Senator Ketron received Legislator of the Year awards from the Tennessee Fire Fighters Association and the Tennessee Development District Association in 2005 and 2009. Bill is the president of Universal International Insurance, an independent insurance agency on Church Street in Murfreesboro started by his father in 1969. He is a York Rite and a 32nd Degree Mason as well as a Shriner. He has been married to the former Theresa Fallaw for 26 years. They have one daughter, 18-year-old Kelsey, who one day wants to follow in her father's political footsteps. Bill's hobbies include boating, hunting, skiing and gardening. The Ketrons are members of First United Methodist Church in Murfreesboro.

We asked Senator Bill Ketron the following questions:

Q: *Most homebuilders in Tennessee are small business owners and are struggling financially in these difficult economic times. What do you think the legislature can do to help this important part of our state's economy?*

A: The Tennessee General Assembly is prepared to pull out all stops in dealing with the looming decision about the automobile industry. "All stops" means working with the entire Tennessee congressional delegation as well as the Governor's administration and the Department of Economic and Community Development. Over the last two decades Tennessee has quickly become the center for auto manufacturing; and we currently have over 700 auto suppliers to that industry which, if the auto industry goes away, then so will new home construction. Therefore, you have my commitment of working towards this most important endeavor.

Q: *With your background in insurance, what are your concerns regarding the requirements that all employees on a construction site be required to carry workers compensation insurance?*

A: Since the creation of workers compensation insurance, the purpose has been to provide compensation for all workers with work-related injuries. I feel it is vitally important that every person involved in the construction industry be covered by this most important line of insurance. Workers compensation is not an inexpensive item in a construction business budget, but it is one that is mandatory. The law was changed just a few years ago to require workers compensation on construction businesses for all employees. Whereas

before the law changed, it was mandatory for employers with five or more employees. When death or disability occurs from a work-related injury, the workers compensation laws are in place to protect the injured worker or to help the surviving spouse and family.

Q: *Governor Bredesen has set forth an initiative for state government's increased efforts to lead by example in energy efficiency and conservation. How important are environmental issues as they relate to the building industry in Tennessee?*

A: I think environmental issues are very important in the bigger picture of saving our renewable resources. However, I do question the additional cost under this new energy bill which will add another \$500-\$800 to the cost of a new home in those counties that have not adopted residential construction codes. This will be in the form of an inspection fee just like the fee for the electrical permit. The amount of money added to the cost of a new home by this legislation for the increased cost of energy efficient building products is yet to be determined.

Q: *Since you represent one of the fastest growing areas in Tennessee, what have you seen as the positive side of this residential growth in your counties?*

A: Several positive effects and they include: an improvement in the quality of life overall, newer and better schools, new businesses and industries, and expansion of services provided to its citizens. This growth has increased the average value of homes as well as increased the availability of job opportunities.

—Continued on page 19

Senator Bill Ketron's Home Town— Murfreesboro



In 1811, the Tennessee State Legislature established a county seat for Rutherford County. The town was first named "Cannonsburgh" in honor of Tennessee politician Newton Cannon, but was soon renamed "Murfreesboro" for Revolutionary War hero Colonel Hardy Murfree, later the great-grandfather of author Mary Noailles Murfree. As Tennessee grew westward, it became clear that having the state capital in Knoxville would be a burden to those who had to travel from the western end of the state. In 1818, Murfreesboro became the capital of Tennessee until 1826, when Nashville became the state capital.

On December 31, 1862, the Battle of Stones River, also called the Battle of Murfreesboro, was fought near Murfreesboro. This was a major engagement of the War Between the States. After the battle, Murfreesboro was used as a supply depot for the Union Army. Stones River National Battlefield is now an historical site.

In 2006, Murfreesboro was ranked by Money Magazine as the 84th best place to live in the United States, out of 745 cities with a population over 50,000.

Down in the Trenches

National Membership Day on May 19 reminds us why we ever banded together to form home builders associations across America in the first place. Together, we promote the best interests of our great industry. Fundamentally, we look out for one another.

Sure, this industry promotion and policy making takes place at the legislature, but looking out for one another starts in the trenches, literally.

It's no coincidence that you hear people using the war analogy of being "down in the trenches" when they talk about tough, dangerous work. Developers, excavation contractors, utility contractors, masons, and even plumbers know the dangers of working in the trenches.

Contractors stay busy dodging "bullets" on a daily basis in the trenches. A sudden cave-in can trap or even crush a worker. Asphyxiation from the lack of oxygen or the inhalation of toxic fumes threatens workers, too. The danger of an explosion or electrocution looms because of the underground utilities. Surprisingly, even drowning poses a risk. Water rushing into a trench can quickly overtake a worker.

Working down in the trenches means putting your life on the line. According to OSHA, the fatality rate for excavation work is 112 percent higher than general construction. Luckily, sloping, benching, and shoring systems help mitigate the risks, but only when employed properly.

Top Trenching & Excavation "Pitfalls"

1 No independent soil test

Developers commission soil tests and make them available to other subs, but seasoned excavation contractors conduct soil tests of their own. Often, contractors in the early years of their businesses cut this corner to save some money, which may prove very costly in the long run.

2 No daily inspections

Before work begins, every trench must be inspected by a competent person *daily*. What qualifies this competent person, often the superintendent, to conduct—and document—an inspection? Training. The best superintendents have soil analysis and protective systems training. Not only do they have the training to identify the hazards, they have the authority to eliminate them.

3 Inadequate benching or sloping

OSHA requires proper benching or sloping, based on soil class, for trenches five feet and deeper. How often have

you witnessed trenches of that depth with vertical walls and no benching or sloping?

4 Improperly placed spoil piles

Placing spoil piles a minimum of two feet from the excavation site causes a minor inconvenience. So, why go to the trouble? Spoil piles add height and weight to a trench wall. Consider a three foot trench with a two foot spoil pile, placed directly on top of the trench wall. Not only have you compromised the integrity of the soil, but OSHA will measure your trench at five feet, instead of your original three, and you have now failed to meet its standards for a five foot trench.

The combination of the vibration from your excavation equipment and the added weight of the soil from the spoil pile may exploit a small fissure in the soil, causing a cave-in. While these seemingly shallow trench depths may seem trivial, they deserve attention. A cave-in may not crush a worker entirely, but they have trapped many workers who have needed post-accident knee and hip reconstruction.

5 Improper trench box use

Read the manufacturer's instructions for all types of shoring equipment, including depth, capacity, and pressure thresholds. The top of the trench box must be at least 18 inches above the start of the slope; otherwise, the trench box that was designed to save a life becomes the coffin in which a worker gets buried.

6 Improper trench box access

Workers often make the critical mistake of using a trench box to protect themselves, but they pass through an unprotected area of the trench to access it. Don't make the same mistake!

7 No ladders, stairways, ramps

Ladders, stairways, and ramps aid trench access and egress. Does your excavation site use them properly? Use one for every 25 feet of lateral travel, for trenches four feet and deeper.

8 Water in the trench

Water in a trench spells danger. It can silently undercut the trench wall, weakening it and leaving it prone to a cave-in. Use a pump to remove any water in the trench before continuing work.

9 Misinformed GC

Many general contractors indirectly involved in the excavation misunderstand and underestimate both their liability as the GC and their ability to demand the safety measures their subs must employ.

—Continued on page 19



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Governor Unveils

NEW ENERGY POLICY

for Tennessee



NASHVILLE—Governor Phil Bredesen and a bipartisan group of legislators, joined by members of the Governor's Task Force on Energy Policy, recently unveiled sweeping new legislation designed to make the Volunteer State a national leader in energy efficiency and clean energy technology.

The Tennessee Clean Energy Future Act of 2009—sponsored by Senators Jim Kyle, Randy McNally, Andy Berke and Ken Yager, and Representatives Les Winningham, Joe McCord, Jim Hackworth and Phillip Johnson—is a wide-ranging bill tackling several major recommendations by the Governor's energy task force, created in March 2008. Last summer and fall, Bredesen traveled the state with the 16-member panel to craft a comprehensive new energy policy for Tennessee. The group's extensive work can be viewed at www.tn.gov/energy.

One of the members of the Task Force, Phil Chamberlain, Vice President/Treasurer of the Home Builders Association of Tennessee, was on hand for the unveiling of the new policy. Also in attendance were HBAT President, Ed Zarb and Executive Vice-President, Susan Ritter.

During the event, Governor Bredesen specifically addressed residential

home quality and energy usage in those homes:

"We're going to make a real commitment to promoting improved energy efficiency at the residential level in Tennessee.

The fact is: the cleanest energy of all is energy that you never use. And experts will tell you that the most basic investments ... more efficient doors and windows, insulation in the home ... provide the single best return-on-investment, dollar for dollar, than anything else you can do.

As you know, Tennessee is poised to receive \$99 million from the federal government under the President's recovery program for use in weatherizing low-income homes. As that money flows, we want to make sure that we're handling it in a rapid and responsible way. With this bill, we're raising eligibility for those funds to 200 percent of poverty...which means a family of four with income of \$44,000 or less can qualify for weatherization services. And we're going to make sure that there are qualified contractors who can do the work...and do it well.

Finally: We're going to address a longstanding concern in Tennessee... the sometimes inefficient and in some

cases poor quality construction of new homes. By way of background: Tennessee has the dubious distinction of being the number No. 1 or...depending on how you measure it...No. 2 state in the country when it comes to per-capita residential electricity use.

As I told the task force, there are lots of lists that I'd like to be No. 1 or No. 2 on...but residential electricity use isn't one of them. Part of that ranking has to do with the fact that we've enjoyed historically low electricity rates thanks to TVA and their distributors. So we use more. But part of it has to do with the fact that there's been less of an emphasis on energy efficient construction.

During the task force process, we heard over and over again that our lack of a residential code has put us at a disadvantage in this area. We'd like to begin changing that this year by implementing a limited residential building code in Tennessee.

Many local areas already are doing residential codes, and we certainly don't want to interfere with what they're doing. Instead, what we're proposing is this: In local areas where no code exists, the state would take on that responsibility. The state already handles electrical inspections in those areas...adding other items

to the list of minimum standards for new construction only makes sense.

Thirty eight states already have adopted the most common residential code. We would join them on this limited basis. I look at this as the right thing to do for energy efficiency. Homeowners and renters will ultimately save on their energy bills as a result. But it also will make for safer homes and better quality new construction at the end of the day. Which is good for all Tennesseans.

I especially appreciate the efforts by the Home Builders Association and other industry groups to get behind this measure ...Phil Chamberlain ably represented the home builders on the task force, and we look forward to picking up more support going forward.

In addition to the Clean Energy Future Act, Bredeesen in February proposed a new solar research institute at the University of Tennessee and Oak Ridge National Laboratory to complement major solar-industry investments in the state.

"Together, these legislative and budget measures represent a comprehensive series of clean energy improvements and investments," Bredeesen said. "As a state known for its energy innovation and blessed with an abundance of natural resources, Tennessee can and should be a leader in setting the national clean energy agenda." ❖

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Continued from page 16—

10 Unguarded trenches overnight

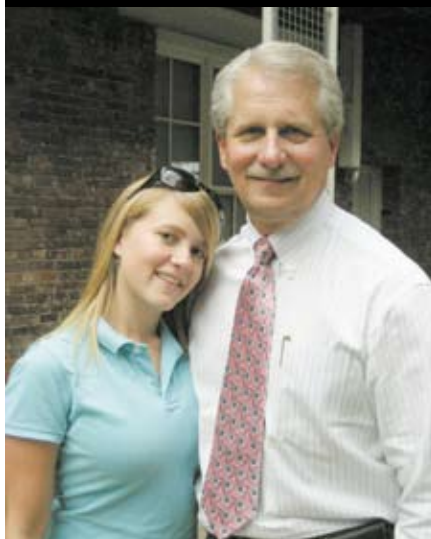
If trenching and excavation work poses a significant risk to well-trained construction workers, then imagine the increased risk for unwanted jobsite visitors during the night. Whether the trench work continues or you only await the inspection, put a structural barrier like orange safety fencing or guardrails around any trenches even if the entire site is restricted by chain-link fence as another layer of deterrent.

So, remember to look out for one another while trenching or doing excavation work. Your knowledge of the pitfalls just might help someone dodge a bullet.

Look for "Knowledge Builder," compliments of Builders Mutual Insurance Company, in each issue of Tennessee HomeBuilder. More risk management resources are available on www.buildersmutual.com.

Meet Bill Ketron

Continued from page 15—



Senator Ketron with daughter Kelsey



Q: *What do you see as the most important factors for keeping Tennessee's economy strong in 2009?*

A: Less government regulation, decreasing the size of government, and economic development support from government. 2009 will be challenging not only for Tennessee but for the entire country, but once the economy starts to turn, I do feel that Tennessee will be one of the first states to come out of this deep recession.

Q: *How involved should the government be in keeping individuals from losing their homes to foreclosure?*

A: THDA has an excellent program of working and consulting with current homeowners about foreclosure, and I recommend that any of our citizens who may be facing this trying time in their life to consult with THDA, which is a state government organization. Many of our citizens have never faced such dilemmas, and I do think that state government should take a role in helping these families retain home ownership.

Q: *Is there anything else you would like to say to the members of the Home Builders Association of Tennessee?*

A: I can personally say that I am very proud of the quality of the Home Builders Association's membership and the professionalism exemplified by its members.

The Home Builders Association of Tennessee, for the last two decades, has played an integral part in providing good quality homes for Tennesseans while working inside each community to make those communities a better place to live. The untold hours of volunteerism and personal contributions to many of our not-for-profit organizations have not gone unnoticed. I personally thank you for being one of our premier industries in the great state of Tennessee.

The Home Builders Association of Tennessee would like to thank Senator Bill Ketron and his staff for their assistance in producing this article.



Federal Recovery Act Credit Jump Starts Mortgage



The first-time homebuyer tax credit from the federal Recovery Act can be used to buy a home now with a Stimulus Loan.

First-time homebuyers are able to borrow funds from Tennessee Housing Development Agency at no interest for a short period until they receive the First-Time Homebuyer Credit authorized in Section 3011 of the Housing and Economic Recovery Act of 2008, as amended by Section 1006 of the American Recovery and Reinvestment Act of 2009.

Tennessee Housing Development Agency has designed a second mortgage program available through participating lenders effective April 1 through November 30.

"The Stimulus Loan provides funds for the homebuyer at the time of purchase," said Laura Sinclair, director of Single Family Programs division of THDA. "The federal government knows the benefits of homebuying for the individual consumer, and the industry members—homebuilders, lenders, and real estate professionals. The Stimulus Loan helps the household that is ready to buy, but needs downpayment and closing cost assistance."

The federal tax credit is available to all first-time homebuyers. The Stimulus Loan is available to persons using THDA's mortgage products. THDA offers affordable mortgage financing to first-time buyers of low to moderate income who purchase modest homes. The limits are posted on THDA's website, www.thda.org. The mortgages are originated by local lenders that have been authorized by THDA. The lenders are posted at www.thda.org.

"Housing finance agency mortgages

were not able to be used with last year's \$7,500 tax credit," said Sinclair. "We are pleased with the new legislation that allows the new \$8,000 credit to be used in conjunction with THDA's products, and the credit does not have to be repaid. March 19, THDA's Board of Directors approved our program to allow buyers to borrow up to three and a half percent of the purchase price to assist with downpayment and closing costs. Now is a great time to buy a home in Tennessee."

The federal definition of a first-time homebuyer is a person who has not lived in or had ownership of their primary residence for the last three years.

THDA's lenders are listed by county on its website—www.thda.org. The regular limits for acquisition and income limits apply for the stimulus loan program.

Both existing homes and homes under construction are eligible.

"THDA borrowers can be approved and lock in their interest rate for up to six months while their home is being built," said Sinclair. "That's a real positive for first-time homebuyers and the homebuilding industry."

THDA is a political subdivision of the State of Tennessee. THDA is the state's housing finance agency, responsible for selling tax exempt mortgage revenue bonds to offer affordable mortgage funds to homebuyers of low and moderate incomes through local lenders, and to administer various housing programs targeted to very low-, low- and moderate-income households.

THDA was established in 1973, making its first mortgage in 1974. It has provided affordable fixed rate mortgages to over 100,000 households without using state tax dollars. THDA issues between \$250 and \$300 million in mortgage revenue bonds annually for its first-time homebuyer program.

In the year 2006, THDA created the Tennessee Housing Trust Fund using state, THDA and locally-generated match to support programs for the very-low income, elderly and special needs populations.

More information about THDA is available on-line at www.thda.org. More information about the Recovery Act is available at www.Recovery.gov. ☺

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2009 HBAT Membership Drive Produces 449 New Members

A special thanks goes out to everyone who participated in the 2009 Membership Drive on May 13-14, 2009. Your efforts produced 449 new members, an outstanding accomplishment for our entire association! Below you will find the top five produces for the Two-Day Drive:

Memphis Area HBA	191
HBA of Southern Tennessee	78
HBA of Greater Knoxville	40
HBA of Middle Tennessee	30
HBA of Greater Kingsport	29

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IN THEIR OWN WORDS

Throughout the year, the legislative staff of the Home Builders Association of Tennessee tries to provide legislative perspectives that are of significant interest to the more than 5,000 members of the association. In this issue, we asked Senator Andy Berke and Representative Debra Maggart to address the following question:

Bipartisan Bill Promotes Energy Efficiency: What is your analysis of the Governor's proposed Energy Efficiency legislation (SB2300/HB2318) and the impact it will have on the homebuilding industry in our state?

SENATOR ANDY BERKE

(D - Chattanooga)



Tennessee has the dubious distinction of leading the nation in per capita residential electricity use. As Gov. Phil Bredesen says, "There are plenty of lists where we'd like to be Number One, but that's not one of them." It's not helpful to the environment—not to mention the homeowner's energy bill.

One reason for Tennessee's high residential electricity consumption is our historically low rates—a consumer asset—but which doesn't necessarily encourage energy conservation. Another reason, which the Governor's Task Force on Energy Policy heard repeatedly last year, is Tennessee's lack of a statewide residential building codes. While the vast majority of home builders in the Volunteer State are doing high-quality work, operators in some areas may need more encouragement to focus on energy efficiency and safety.

The Tennessee Clean Energy Future Act of 2009, SB2300/HB2318, will provide that motivation. Supported by the Home Builders Association of Tennessee, this landmark bill is the product of year-long studies by the Governor and his energy task force. It makes energy efficiency a priority by taking several important steps, including establishing a limited statewide residential building code. I'm proud to join a bipartisan group of legislators—including Senators Jim Kyle, Randy McNally and Ken Yager, and Representatives Les Winningham, Joe McCord and Phillip Johnson—in co-sponsoring this important measure.

A limited residential building code must be implemented in a thoughtful manner. Perhaps most notably, the State will not interfere with local codes currently in place. Rather, only in areas where no oversight exists, the State will step in and establish minimum standards under the commonly accepted International Residential Code (IRC). This will apply to new construction only. Remodels will be exempt. Sprinklers will not be required. Overall, this should be a smooth transition. Additional inspections will piggyback on existing electrical inspections, which the State already administers in many areas.

Common sense tells us this is the right thing to do. Thirty-eight states already have adopted the IRC on a statewide basis. Meanwhile, the U.S. Department of Energy reports that building codes are a proven strategy for promoting energy savings. In fact, homes built to codes are approximately 30 percent more energy

REPRESENTATIVE DEBRA MAGGART

(R - Nashville)



Everywhere we turn these days, there are "green" initiatives. We all want to "go green" and ensure that we practice environmentally safe practices, companies have begun to cater to those willing to "go green," and now, even governments are jumping on board. In Tennessee, we have "going green" on the brain, too, and I think that is critical to preparing our state for the future and ushering in excellence.

The Governor has proposed, through the work his Energy Task Force has done, legislation that will tweak incentives to attract and retain green companies, revamp our state buildings and cars, and taper new building codes to green initiatives. Through the task force of businessmen and women, environmental experts, and other community leaders, the Governor identified several key components to making Tennessee more energy efficient.

Any time the legislature "tweaks" building regulations, it will impact almost every kind of business. Your industry, however, will definitely be impacted in a unique way. Although it's made clear that the legislation does not tinker with any type of LEED certification, the bill does strive to provide solutions for soaring energy costs and promote residential energy efficiency.

On that last point: the most important part of the legislation as it pertains to your industry is that it sets in place parameters by which homes built in 2009 or 2010 are properly insulated and have an efficient HVAC system in the home. Tennesseans, traditionally, consume huge amounts of energy in their homes, so these are the first two steps that can begin to reduce some of those energy costs.

We want to do this the right way, and the right way is not to burden your industry with ambitious regulations that you cannot meet, such as required LEED certification. I view this proposal as a starting point where the legislature can discuss the possible ways to encourage Tennesseans to consume less, save more, and put a little green in their pockets, too, perhaps.

Senator Andy Berke continued—

efficient. And, of course, remember: The cleanest energy of all is the energy that we don't use.

For more information on the Tennessee Clean Energy Future Act, check out www.tn.gov/energy.

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Local, State, and National HAPPENINGS

News from Cumberland County



The Cumberland County HBA donated \$2,302 to the local rescue squad at their April membership meeting. The donation consisted of gate receipts from their 2009 Home Show.

The Cumberland County Rescue Squad, which is funded by grants and donations, worked at the Home Show, collecting gate admissions, (\$1.00 each person, over age 12). They also served as the only food vendor at the show. "We are proud to provide support to a worthy organization, even during the difficult economic times for the home building industry," said Executive Officer K. Gay Reeves-Stewart. "Building our community is more than building homes."

Chris Spors, of the Ocoee Region Builders Association, Opens New Design Center



In March, Chris Spors Custom Homes Design Center opened at the Bradley Square Mall in Cleveland, Tennessee. The concept is unusual for

Southeast Tennessee, but Chris believes that it is a great time to expand when the economy is slow. The new facility offers clients the convenience of actually looking at and choosing the amenities they want in their home. Chris is a very active member on both the Local and State levels of the Association.

HBA of Southern Tennessee Regional Carpentry Contest Winner

Jake Green, a student at Sequoyah High School, won first place in the Regional Carpentry USA Competition.



Pictured from left to right are Chris Grizzle, teacher at Sequoyah High School, Jake Green, Mayor Claude Ramsey, and Tim McClure, Home Builders Association of Southern Tennessee President.

Johnson City Area HBA Community Involvement



On Monday, March 23, 2009 the Home Ownership Assistance Program celebrated completion of a house with a Ribbon Cutting and Key Ceremony. The ceremony was attended by members of the Dawn of Hope Foundation, with a special surprise appearance by the residents that will be living in the newly built home. Many of the Johnson City Area Home Builders Association members that donated labor and materials to this home were also present.

Tornadoes Damage Rutherford County



In April, a series of tornadoes ripped through north Murfreesboro causing massive damage to residential and industrial areas while injuring dozens and killing two. Karyn Beaty, Executive Officer of the Rutherford County Home Builders Association, has been monitoring the status of members in the area and will be working to coordinate support for these members.

If you would like to help, it has been requested that you send an email to Karyn with your name, company name, contact information and the services that you can offer. The email address is kbeaty@rchba.com.

ASK THE ACCOUNTANT

Maintaining the State Licensing Limit?



Bob Bellenfant

One of the more important tasks of any Tennessee homebuilder is maintaining a proper monetary licensing limit. Obtaining a Tennessee contractor's license is essential to starting your business. Maintaining your monetary license amount has been reasonably achievable for most homebuilders in recent years. Most homebuilders were raising their monetary limits to accommodate the demand for higher priced homes. To raise the limit of your license, the process is very similar to qualifying for your original monetary limit.

An *Accountants' Review Report* is required for all licenses up to \$1,500,000. For any licenses over \$1,500,000, an audited financial statement is required. The renewals require an *Accountants' Review Report* for all licenses over \$1,500,000 and financial statements for licenses with less than \$1,500,000 limit, a compiled or even a self-prepared financial statement is accepted by the State of Tennessee.

A problem exists when home sales have dropped and your company's financial statements no longer support the monetary limit of your license. You have two choices. One, you may accept the lower limit or two, you may supplement the company's financial statements with personal financial statements of the owners with their personal guarantees. You may also submit a line of credit agreement from your bank to supplement the working capital requirement. As with every financial situation, advance planning generally reaps optimal results.

The planning details are as follows:

1. The monetary limit is calculated at the lesser of a multiple of 10 times working capital or net worth.
2. An accrual basis financial statement with assets, liabilities and net worth

is required to be less than one year old. Here is an opportunity to look your best financially: most homebuilder's financials are better soon after a larger volume of sales since that is when the profit from the homebuilding activity is recognized.

3. A personal financial statement will supplement the business financial statement. The personal financial statement is not required to be audited or reviewed but it is essential that the personal financial statement reflect both current assets and current liabilities.
4. A bank line of credit will supplement working capital of the business.

In challenging times such as now, it can become quite a puzzle to match all of the variables together so you can maintain

your monetary limit. If you allow your monetary limit to drop to a lower level, then raising it in the future becomes a much more expensive and time consuming task. The continued viability of every homebuilder is at least partially dependent on maintaining proper licensure. Be sure to carefully analyze your financial information submitted for your contractor's license. Any significant missteps along the way, will often times delay the processing of your renewal.

Bob Bellenfant is a certified public accountant with Bellenfant & Miles, P.C., CPA's in Brentwood, Tenn. He has served homebuilders and other construction related businesses in Tennessee for over thirty years. You can reach him at (615) 370-8700, x12 or by e-mail at bob@bellenfantmiles.com.



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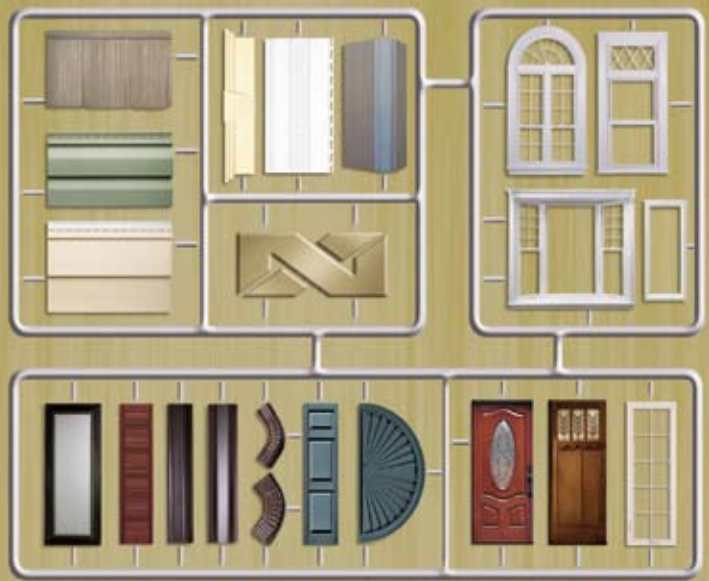
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