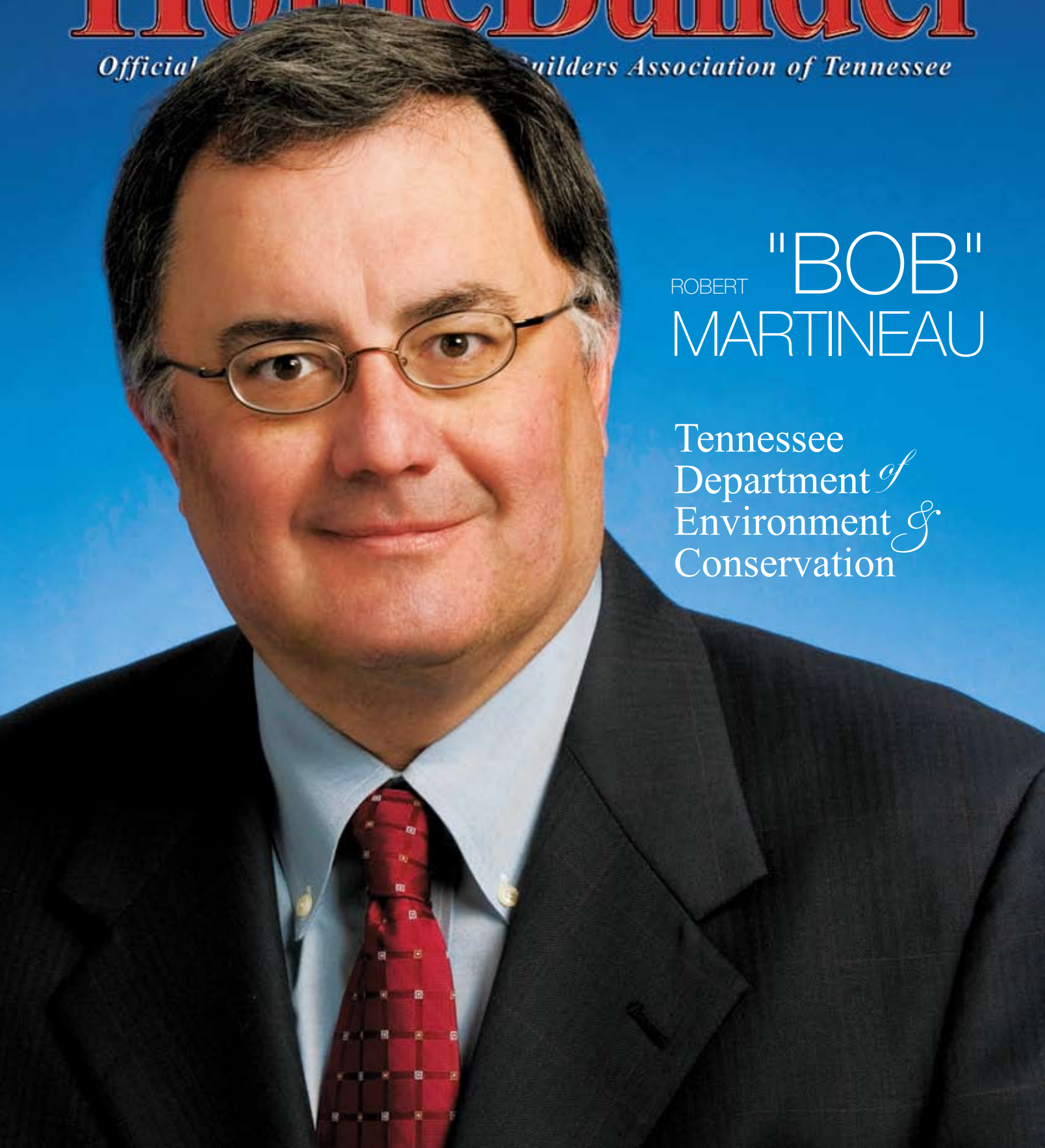


TENNESSEE HomeBuilder

Vol. 13, No.1

Official Publication of the Tennessee Builders Association of Tennessee



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TENNESSEE HomeBuilder



Vol. 13, No. 1



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 4,000 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 HomeBuilder magazine, learn more about important builder news, economic trends and legislative issues.

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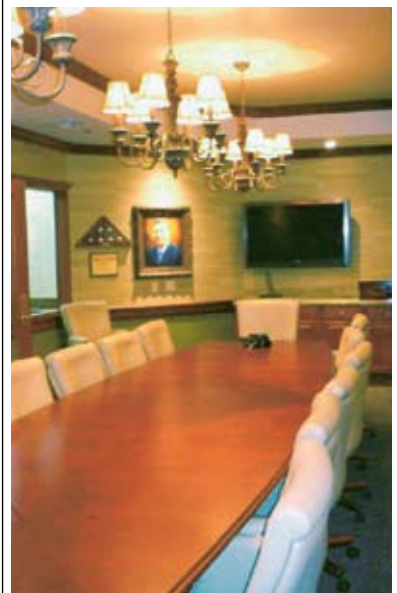
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Getting to know a little about Mitzi

President's Perspective

Mitzi Spann
HBAT President



As your President, I wanted to tell you all a little more about myself in between my visits to your locals. I am a third-generation contractor concentrating on custom residential in the small town of Burns in Dickson County, Tenn., which boasts a population of 44,000. I was born and raised in Dickson County and because I love it so much I have never left, just moved from city to city a bit. I have been married to my high school sweetheart, who I met in masonry class my senior year, for 26 years and we have a wonderful 19-year-old daughter who is now attending Austin Peay State University.

I've been building all over middle Tennessee from the Tennessee River to Percy Priest Lake area and everywhere in between. We've built numerous custom homes, developed two subdivisions, done lots of remodeling and additions and a little small commercial work. I love what I do and residential is my favorite. However, recently I have also been working with my Dad again at his company, Mid-South Acoustics, Inc., in WhiteBluff, Tenn. His primary business is subcontracting framing, sheetrock and acoustical ceilings for some of Nashville's largest general contractors.

I joined the association in 1999 and made it a point to become as actively involved as possible. I was our local Dickson County chapter President for several years, served as chair of many of the Home Builders Association of Middle Tennessee committees and five years ago I served as HBAMT President. I've also served on the HBAT executive committee and have been a board member of HBAT since 2004. After this year I will also be a National Life Director for NAHB after having served as director for 10 years.

It's important to note that I also have 636 Spike credits because I know how important membership is to our association and I would encourage all of you to keep on recruiting and doing business with members!

David Crane, 2010 HBAMT President, and John Sheley HBAMT Executive Vice President, graciously nominated me to serve as President of the state association. I am

overjoyed and honored to serve as your state President this year.

My goals have been simple this year, and I hope will continue to improve our association for the long term. Legislation, Communication and Appreciation are the areas we are continuing to improve this year.

As always, legislation is the most important responsibility to our members and always will be. We have come a long way the last few years with our Communication efforts throughout the state and hopefully we are improving on that even more. And lastly, Appreciation is an area we are working very hard on to show our sincere gratitude to our committed loyal sponsors and volunteers/members who continue to support this association.

I look forward to visiting our local associations this year and getting your ideas to help improve upon any or all of these three areas. I have thoroughly enjoyed my visits so far and been made to feel like family at every local. I continue to be impressed by the commitment our members have to our association and their communities in every local. I also challenge all of you, whether you are a state director or not, to attend and participate in our board meetings.

We had another challenging year at the legislature and your participation at the Spring Board meeting in Nashville helped us tremendously. The more voices carrying our message to our legislators, the stronger our position always will be. There truly is strength in numbers!

We still have much work to do toward our legislative efforts this year and will be calling on many of you for assistance and support. We have some exciting education at our Summer board in Cancun as our State Representative Curry Todd has agreed to join us and give us more insight into the process.

We are also making some changes to our Summer Board Meetings by rotating the location every year. I really hope many of you will take the opportunity to join us in Cancun for the 2013 Summer Meeting. It will be a very exciting and fun filled trip for all.

Thank you for taking the time to get to know me and I really look forward to meeting each of you.

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Executive Officer Outlook

*Susan Ritter
HBAT Executive
Vice President*



Have an opinion?

Send me a note to and we will publish a letter to the editor—your voice will be heard.

As a member of a local association, you have three memberships in one—the Local, the State and National.

Need to know what the National Association of Home Builders National does for you?

We will keep you informed of the activities going on with the NAHB, including benefits and services your membership entitles you to.

Just like your local association, your state association is here to be your voice in the housing industry. We are over almost 3,000 members strong and we would like this magazine to be that voice. To help us accomplish that, your input is invaluable. We want this magazine to be **YOUR** magazine and provide everything you may need to help keep your business strong and profitable.

Please take a few moments to browse through Tennessee Home Builder. Get to know the HBAT Staff, the Senior Officers, issues affecting our industry, our efforts on your behalf, the benefits your membership entitles you to, fellow industry members and most importantly, enjoy!

This magazine is for you and about you—take advantage of everything it has to offer.

If you think there is something missing just let me know...I am but a phone call or email away.

Welcome once again to the State Association publication! As you know, we strive to be the best communication tool this association has to offer. There are countless ways you can benefit by it—how you choose to use the magazine, is entirely up to you!

For instance, this magazine is a great way to let the rest of the state know what is going on in your area.

Did you have an incredibly successful home show?

Let us know.

Would you like to brag about your unbeatable membership drive?

Send us pictures!

Are local property rights issues leaning the wrong way?

Let's publicize it and maybe another association has faced the same issue and successfully straightened it out.

Do you provide a product or service to more areas than your own?

Advertising in this publication is a perfect way to promote yourselves to the entire state of Tennessee! If Tennessee is too big, then we can regionalize your ad.

Do you have an issue you would like to see addressed?

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Is there something you would like to learn more about?

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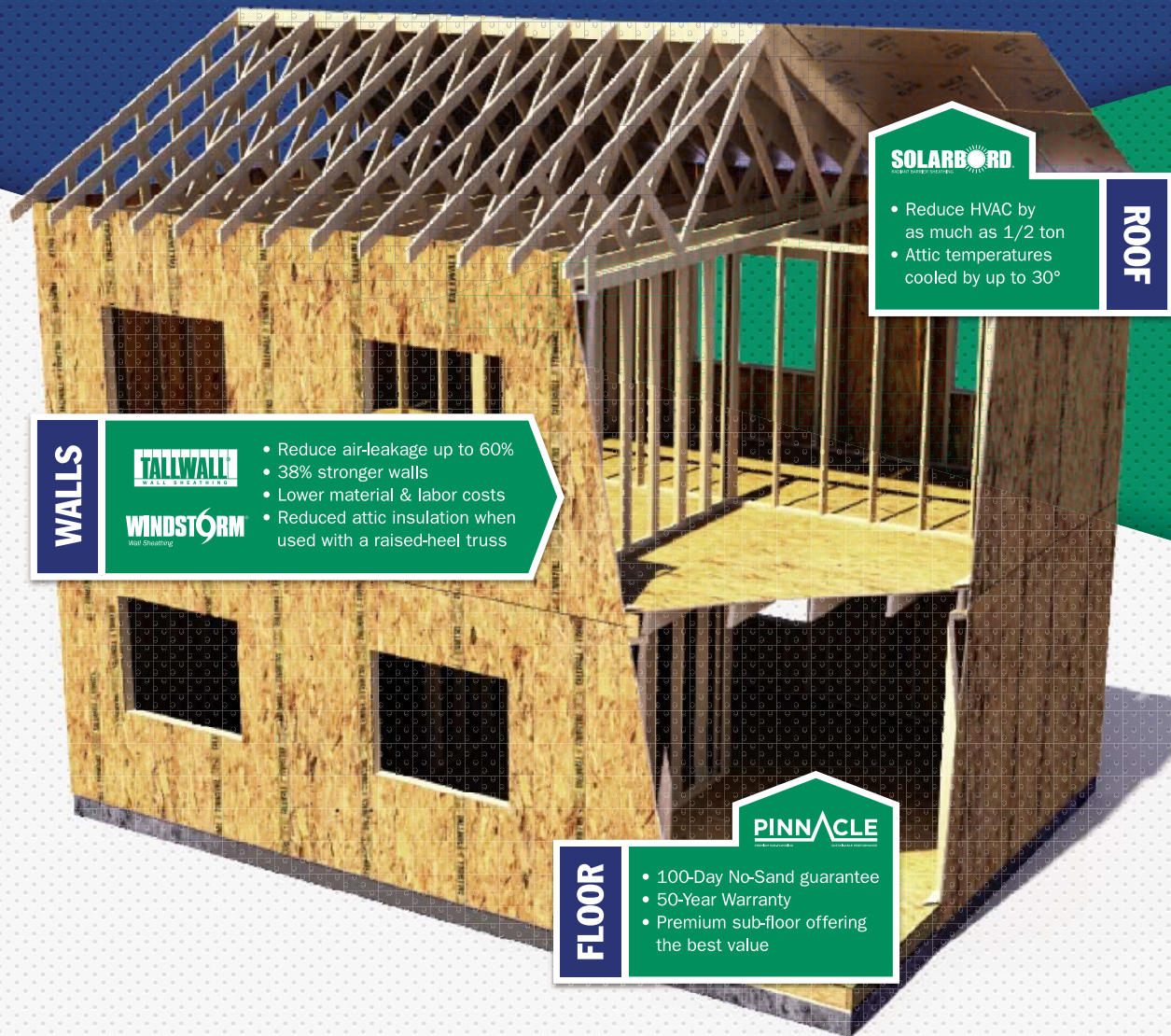
Would you like a better understanding about what the state association does for you?

In each issue we will provide a thorough review of our activities including Board Meetings, Legislative Issues, Regulatory Issues, Membership/Membership Services and Benefits, just to name a few.

A WELL-FRAMED APPROACH TO PROFITABLE ENERGY EFFICIENCY



Changing codes, growth in the economy and housing starts – how's a builder to profit from it all? Well, a bottom-up switch to Norbord is a sound first move.



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ROBERT

"BOB"
MARTINEAU



Robert "Bob" Martineau was appointed commissioner of the Tennessee Department of Environment and Conservation by Governor Bill Haslam in January 2011, at the beginning of the Haslam administration.

While he doesn't have much free time these days, he enjoys an occasional round of golf at one of the Tennessee State Parks' golf courses and traveling on the weekends with his wife, Pam, to support his teenage daughter's softball team.

Commissioner Martineau has spent more than 25 years as an attorney in environmental law, giving him a deep background in the environmental regulatory field.

Before becoming TDEC commissioner, he spent 16 years as a partner in Nashville law firm Waller Lansden Dortch & Davis. Prior to Waller Lansden, he had served in the U.S. Environmental Protection Agency's Office of General Counsel from 1988 to 1994. He earned his undergraduate degree from St. John's University in Minnesota and his law degree from the University of Cincinnati.

Since becoming TDEC commissioner, he has reorganized the department to streamline it and make the organization more customer friendly and efficient. This was part of a comprehensive top-to-bottom review at Governor Haslam's direction, which revealed opportunities for increased efficiency by streamlining processes and systems, and improved communications with stakeholders. For example, early last year, he merged three divisions that deal with water. And he cut out a layer of management in TDEC's field offices to increase direct reporting between field staff and division directors.

The changes followed a statewide tour to hear what businesses, local governments and other stakeholders had to say about the department. One of the biggest issues was the time and expense it took to get necessary permits.

Last fall, the department unveiled a pilot program for construction storm water permitting. The program's goal is to eliminate duplication between state and local governments. Cookeville, Knoxville, Bristol, Knox County and Washington County were selected as the initial participants after legislation sponsored by State Rep. Ryan Williams (R-Cookeville) and State Sen. Mike Bell (R-Riceville) passed and signed into law last year. The new program officially becomes effective July 1 and will be open to other communities.

Commissioner Martineau recently sat down with the Home Builders Association of Tennessee to give an update on that program as well as discuss other issues that could affect the home building industry in Tennessee.

How's the pilot program going so far?

It's just kicking in. One of the first things some of the communities had to do was adopt local ordinances giving them the authority to do it and getting their local program in place. I think two or three of those communities have actually adopted it. So they are ready to move forward. The permits are just starting to be issued, if at all. But we've put the template in place and have gotten those counties up and running. Going forward, what we hope is starting July, the legislation that passed will allow any county or city to come in and apply as a local program. Our hope is they will get the ordinances in place before they submit the application so they are ready to roll and start implementing it.

So with the pilot communities, it was initially about setting up the local ordinances and processes?

Yes. So they have the authority to go through the permitting process. Then we'll do monitoring and oversight to make sure they are meeting federal requirements. EPA is supportive of the approach. We think what we'll find is, it will expedite the permitting process. Right now, you have to get your local permit approvals and then come to the state for state permit approvals. That will essentially be made into a one-step process. That should save some money for home builders because instead of paying us a fee and the local communities a fee, they'll pay one permit fee.

How will the revenue from the one fee be split up?

I don't know exactly how we will split it up because we'll have some oversight but most of the money will stay at the local level. That may be part of the agreement when we negotiate it.

How did the pilot program come to be?

It was something that Rep. Ryan Williams in Cookeville was a proponent of. It was something we were willing to look at in streamlining the permitting processes and expediting the ability to move through the system. We found certain communities that if they had certain programs, MS4 (Municipal Separate Storm Sewer Systems) programs, they were doing essentially the same analysis, or with a little bit more analysis they could make sure they were meeting state requirements. We saw that as an opportunity to streamline a permitting process and move the process along faster. Rep. Williams introduced the legislation. We decided to do a pilot project to make sure we've gone through this and make sure it works. We talked to EPA to make sure they are on board with it. It's not unlike on the air pollution control side of it. The four major metropolitan areas—Knox, Hamilton, Davidson and Shelby counties—run their own permitting program for air purposes. We are delegated by the EPA to run it at the state level and we delegate it to those who want to run their own programs. We do the oversight and we make sure their regulations and their permitting requirements are consistent with state and federal law. And we audit that. So that model has been used in other environmental mediums in the past.

What's the feedback so far on the pilot program?

What we've heard generally in the feedback from the consultants is that we expect it to work well. They are estimating 30- to 60-days of speeding up a construction project going forward, assuming they meet all of the requirements. Depending on the fee structure, local jurisdictions charge different fees—so it could be thousands in cost savings to the project.

Beyond stormwater, what other environmental regulations do we have for home builders?

How they handle their sewage. We permit individual septic systems. More broadly it's not so much directly involved with our environmental regulations but it's communities that are looking at zoning, growth plans and density. If you are going to do a significant development, that would add X number of homes, the local zoning and planning requirements include looking at traffic patterns and things like that. So that's an indirect air quality issue but more typically at the local zoning level. On the actual home construction itself on the environmental front, we are promoting energy efficiency conservation measures. They want to know they are buying



TDEC Commissioner Bob Martineau, Knoxville Mayor Madeline Rogero, State Rep. Ryan Williams (Dist. 42-Cookeville), and Knoxville Public Works Director Christi Branscom on Oct. 9, 2012, at Volunteer Landing to announce five pilot local programs in TDEC's Stormwater Qualifying Local Program, including Bristol, Cookeville, Knoxville, Knox County, and Washington County.



House Finance Committee Chairman Charles Sargent, TDEC Commissioner Bob Martineau, Nashville Mayor Karl Dean, EPA Region 4 Regional Administrator Gwen Keyes Fleming and Franklin Mayor Ken Moore salute achievements of Metro Water Services and City of Franklin at the TN Water and Wastewater Energy Efficiency Partnership on Oct. 11, 2012, at Bicentennial Capitol Mall State Park in Nashville.

Energy Star appliances. They are looking at insulation and all of those kinds of things that make operating their home more green, more cost efficient. But we do not have specific regulatory requirements for these areas.

What resources does TDEC have for educating consumers and builders on energy efficiency?

We have a sustainable practices group that can work with the industry folks, home builders or others, in identifying those Energy Star appliances and looking at trade offs. We can help get information that shows maybe you'll spend a little bit more to buy this upgraded system but here's how much energy savings the home and consumer will have. That's a discussion

—next page

between the home builder and the customer as to the balance they want to invest in. As things move along and stuff becomes more cost effective and more widespread in the market, obviously the costs tend to go down.

You've been here two years. How's it different from being on the other side representing clients?

It's been a really good experience. I spent seven years at the EPA so at the federal level I was a regulator and worked in the General Counsel's office there. I spent 16 years here in Nashville in private practice. But really in some ways it's different in my day-to-day role in terms of working with legal issues versus the broader role of managing the department. We've got 2,500 people. We've got the state parks.

With clients, I looked at problem solving and the most cost efficient ways they could comply with regulations. Or something bad happened and they were in a non-compliance situation and I worked with regulators to get them back into compliance. Clients want to comply. There are negative PR impacts if you are seen as not complying with environmental laws in the community. But they want to understand the regulations and comply. There may be issues around the margins of what's safe, what's clean and when you are doing a clean up, what level of controls do I need on this particular facility. But the overall concept of complying wasn't usually in dispute. It's just the best way to get there. Big companies, particularly the Nissans and the Bridgestones of the world, they are all doing sustainability reports. They're trying to reduce their energy. One of the things I saw in practice and one of the things we've tried to spread as a message here, whether that's with home builders, with local governments, with waste water utilities, with manufacturing facilities, is there's not this debate of do you protect the environment or jobs or promote the economy. A perfect example is if you can do something that saves you on energy costs, that makes you more competitive if you can make a tire or build a house with less energy cost. And it's also good for the environment. If you are a manufacturing facility and you can find ways to reduce the



TDEC Commissioner Bob Martineau at David Crockett

waste water you generate, that's a cost savings to you as well as a benefit to the environment. There are lots of those win-win opportunities.

To take it beyond the home builder, we are doing a project with the Tennessee Tower where we are going to invest about \$650,000 to literally just put a film on the windows, those floor to ceiling over there. Pretty low tech in the grand scheme of things. It's not LEED

certified. It's not solar or geothermal. It's a film that will make the working environment more comfortable because you won't have the temperature fluctuations. But it's projected to save \$350,000 a year in energy. So that's a year and a half payback. That's a good capital investment, which then benefits the taxpayers from then on, that energy costs go down on the state's largest office building. But those kind of projects, smaller scale even down to the schools and homes, we are working on. We've been working with six or eight local water utilities. Rates going up are always a big challenge for those water utility districts as they expand. They're trying to repair old infrastructure. We went in with EPA and looked at their wastewater operations. Their biggest cost of operating those utilities is their energy demand. We saved them—sometimes with projects that didn't even take capital, just how they were managing it—between 10 and 20 percent of their energy savings. And for small towns, that can mean \$50,000 to \$75,000.

At the federal level what are you tracking?

We are tracking the federal budget and EPA's budget. About 20 percent of our budget is federal dollars issued by EPA to help us implement those federal programs as their delegated agent. More specifically to home builders, storm water measures that look at more sustainable methods—rain gardens for collections systems, things that help promote clean water, drinking water supplies. There are various activities at the federal level on that non point source kind of pollution. The big industrial discharges have been regulated. The big POTW (publicly owned treatment works) discharges have

been regulated. So it's down to non point source pollution. Non point source pollution is probably the largest piece of the pie.

Remind us what non-point source means.

It's storm water runoff, parking lot runoff, something that you can't regulate at the end of a pipe and measure easily. The EPA is constantly looking at ways that they can address storm water runoff. (A) It's an issue and (B) it's a huge cost to manage it. The EPA is looking at best practices such as pervious concrete that allows the water to seep into the ground instead of runoff.

What about potential new legislative action at the state level here in Tennessee?

We haven't seen many bills on the environmental front this year. We didn't have a big legislative package. The only thing we have is a bill to streamline how permits are challenged. If someone wants to contest a permit or an enforcement action, it goes, say, before the water board, and that board meets once a month and it may take a year to get a hearing. If it's a multi-day hearing, they meet for a day of testimony then come back a month later and everyone has to remember everything they heard a month ago. We've proposed a process to have an administrative law judge hear the case. If it's a three-day case, the judge can hear it in three days or all within a week. Then, if either party is unhappy with the decision, they could go to the board, more of an appellate scenario with maybe a two-hour presentation. We have support from the environmental community and the business community. Both came to us and said this process is too cumbersome. We were thinking about how to make it better, too. Most board members, who are private citizens and aren't getting paid, don't like these multi-day, all day hearings that are spread out either.



TDEC Commissioner Bob Martineau with Gov. Bill Haslam and Sen. Lamar Alexander

So when you aren't doing the state's business, what do you like to do for fun?

Part of my job is the fun stuff with the state. We've got 54 state parks. I think I've been out to 30 of the 54 parks in the first two years, some of them several times. I have a 16-year-old daughter who is a big softball player and golfer.

So I do travel softball during the summer. That takes up a lot of my weekends during the summer.

When you go to the parks do you just tour them or do you actually use the parks?

Both. We use them for conferences, whether it's our staff or I'm speaking at a conference that someone else is having. I actually use the parks a lot. We've gone up to Cummins Falls and hiked. I took my family to Fall Creek Falls for Easter weekend my first year here. I'm a golfer so I've used several of the golf courses. I recently did the eagle tour at Reelfoot (Lake State Park). From late January through the first of March, the eagles are out and visible. We went there and one of the park interpreters took us out and we saw 22 Bald Eagles. It was a great experience. I also regularly visit the Bicentennial Mall and Radnor Lake state parks right here in Nashville. ❖





Busy as Ever

Continuing to Lay Groundwork

This legislative session may have seemed tame compared to last year's win on the fire sprinkler issue—following the hard work of Home Builders of Tennessee members—but we were as busy as ever working on legislation to make doing business easier for home builders or, in some cases, ensure it's not made more difficult. Workers' compensation reform was the biggest piece of legislation to pass to help all Tennessee businesses. The law makes the system more efficient and potentially less costly for home builders as well as all businesses. We continued to lay the groundwork on other legislation we hope will get approved in the next legislative session.

ANNEXATION

A number of bills were introduced regarding annexations. We strongly supported this effort, which would require a referendum vote versus ordinance for any annexation to take place. When cities got wind of the bill's potential passage, there seemed to be a "land grab" in certain areas across the state. The cities initiated a number of annexations and believed once they were in process, if the bill passed, the annexations in process would be "grandfathered" and the annexation could occur without a referendum vote.

When we heard of the potential fast track annexations, we immediately sent a letter to the Senate and House

leadership, as well as the key Senate and House committees to let them know of the accelerated annexations. Several amendments were placed on the bill. We strongly supported one that called for an immediate two-year annexation moratorium that basically said that any annexation not completed by April 1 of 2013 was placed on hold until 2015. Also included in that amendment was the assignment of this bill and all of the other annexation bills to Tennessee Advisory Commission on Intergovernmental Relations for a recommendation to be made back to the House and Senate next year. A number of legislators also attempted to opt their counties out of the moratorium.

After major debate on the Senate and House floors, the two houses could not agree on the same language so the bill was sent to a conference committee consisting of members from both houses to sit down and work out language. The long and short of the conference report that was ultimately adopted is this:

The issue has been sent to TACIR (Tennessee Advisory Commission on Intergovernmental Relations) for a comprehensive review and evaluation of the efficacy of state policies set forth and shall submit a written report of findings and recommendations, including any proposed legislation, to the speaker

Legislative Review

Currently
No Photo

*Jeff Burkhardt
Chair, Government
Affairs Committee*

of the Senate and House on or before January 14, 2014.

There is a moratorium on municipality initiated annexations for residential or agricultural purposes from April 15, 2013 through May 15, 2014 and does not include metropolitan forms of government (because their definition of annexation is different from the intended definition of annexation in this bill).

If prior to April 15, 2013 a municipality formally initiated an annexation ordinance and the municipality would suffer a hardship and financial injury by delaying any annexation, then upon petition by the municipality the county legislative body may, by a majority vote of its membership, waive the restrictions imposed by the moratorium.

After much discussion, again, no counties were removed from the legislation and the amendment (conference committee) was passed.

CODES

A bill to allow local government to adopt building codes less stringent than the State-adopted building code was shelved in the legislature. We have begun an effort to work out this issue with the Department of Commerce and Insurance—specifically the Fire

—Continued on page 20

Home Builder's Association of Tennessee

PAST PRESIDENTS

2013 LOCAL HBA PRESIDENTS

1960	Carl Grant (Deceased)	Memphis
1961	Albert Morris (Deceased)	Nashville
1962	Bill Close (Deceased)	Chattanooga
1963	Jack Renshaw (Deceased)	Memphis
1964	Howard Cockrum (Deceased)	Knoxville
1965	A.H. Johnson, Sr. (Deceased)	Nashville
1966	Morris Mills	Memphis
1967	Jerry Wood (Deceased)	Knoxville
1968	Louis Close	Chattanooga
1969	Frank Stratton	Nashville
1970	Snowden Boyle, Jr.	Memphis
1971	Rufus Smith, Jr. (Deceased)	Knoxville
1972	Calvin Payne (Deceased)	Chattanooga
1973	A.B. Ivey	Nashville
1974	Richard Bauman	Memphis
1975	J.R. Keys (Deceased)	Knoxville
1976	Coolidge Johnson	Johnson City
1977	Jack Ralston	Chattanooga
1978	Jim Fischer	Nashville
1979	H.B. McAdams (Deceased)	Memphis
1980	Fred Osborne (Deceased)	Chattanooga
1981	David Burleson (Deceased)	Knoxville
1982	Auston Stevison	Cleveland
1983	Gary Skidmore	Johnson City
1984	Jim Ford	Nashville
1985	Curtis Pinegar	Chattanooga
1986	Earl Sharp	Knoxville
1987	Jim Eldredge	Cleveland
1988	McNeill Ayres (Deceased)	Memphis
1989	Jackson Downey	Nashville
1990	Bobby Hicks (Deceased)	Johnson City
1991	Gary Cobble	Knoxville
1992	Gary Taylor	Jackson
1993	Freddie Snell	Murfreesboro
1994	Richard Graf	Knoxville
1995	Brad Rainey	Memphis
1996	Jim Fischer	Nashville
1997	Bill Monaghan	Cleveland
1998	Ricky Williams	Humboldt
1999	Michael Apple	Nashville
2000	Mike Carlton	Knoxville
2001	Ronnie Tickle	Memphis
2002	Dino Roberts	Nashville
2003	Keith Whittington	Johnson City
2004	Charles Morgan	Memphis
2005	James Carbine	Nashville
2006	Tim Neal	Knoxville
2007	David Parsons	Memphis
2008	Denzel Carbine (Deceased)	Nashville
2009	Edward Zarb	Knoxville
2010	Phil Chamberlain	Memphis
2011	Mike Stevens	Knoxville
2012	Keith Grant	Memphis

Clarksville/Montgomery Co HBA

John Crabbe (931) 249-0196

Cumberland County HBA

Frank Miller (931) 707-7322

Greene County Chapter of NAHB

Ralph Dingus (423) 639-5429

HBA of Dyer County

Drew Binkley

HBA of Greater Kingsport

Dan Rosenbalm (423) 968-5611

HBA of Greater Chattanooga

Karl Sodergren (423) 238-7062

HBA of Greater Knoxville

Randall Heiden (865) 688-3232

HBA of Middle Tennessee

Dan Strebel (615) 332-8414

HBA of Upper Cumberland

Josh Jackson (931) 265-4391

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Craig Taylor (731) 686-2851

Johnson City Area HBA

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Jimmy Moore (901) 388-0750

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Greg Calfee (423) 284-7359

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Steve Jensen (615) 525-1846

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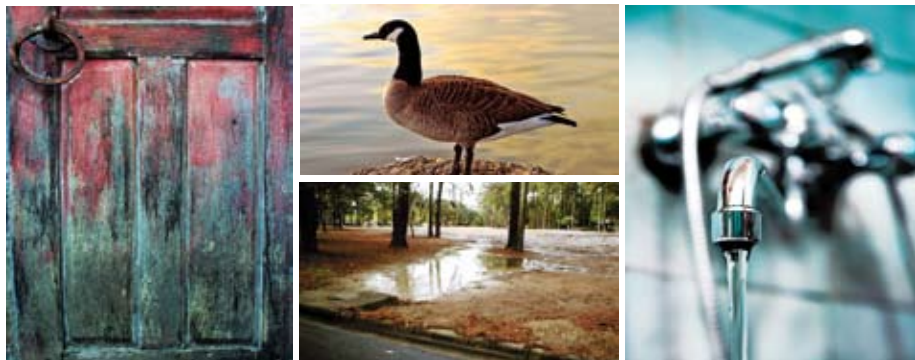
Lynn White (931) 581-3764

Warren Co HBA

Keith Bouldin (931) 473-8718

NAHB Presses Its Environmental Agenda in D.C.

Files Legislation to Fight Lead-based Paint Rule



Two years ago, an EPA rule took effect that governs how lead-based paint must be handled in homes older than 1978.

Less than two months later, the EPA removed a provision that would have allowed homeowners to opt out under certain conditions. Homes can be exempted if no lead-based paint is found. But the EPA hasn't approved more accurate test kits.

With both, the EPA effectively has added hundreds of millions in compliance costs, according to the National Association of Home Builders.

The association now is fighting that rule in Congress with legislation filed in March by Sen. Jim Inhofe (R-Okla.) and cosponsored by Sens. David Vitter (R-La.), Chuck Grassley (R-Iowa), Roy Blunt (R-Mo.), Deb Fischer (R-Neb.), Mike Enzi (R-Wyo.), and Tom Coburn (R-Okla.)

It is among several regulatory issues the NAHB is dealing with this year. It is fighting an EPA effort to expand its jurisdiction under the Clean Water Act, monitoring an expected EPA rule on stormwater runoff and continuing to wrestle with regulators over parts of the Endangered Species Act.

On each issue, the NAHB is trying to hold the line on regulations that burden home builders with higher costs of doing business.

LEAD-BASED PAINT

Inhofe's legislation would restore an opt-out provision to the "Lead Renovation, Repair and Painting" rule, which would allow homeowners to allow their contractor to forego the use of lead-safe work practices if children under six or pregnant women weren't living in the home.

It also would suspend the rule for homes without small children or pregnant women residing in them if EPA cannot approve one or more commercially available test kits that meet the regulation's requirements.

This marks the second run at the legislation.

The rule became effective in 2010 and requires contractors to follow rigorous and costly work practices supervised by an EPA-certified renovator if renovation work covers more than six square feet of a pre-1978 home's interior and replaces all windows and doors. It also requires that an EPA-certified renovation firm perform the work. Homes can be exempted if no lead-based paint is found.

"By removing the opt-out provision, EPA more than doubled the number of homes subject to the LRRP rule, and EPA has estimated that this amendment will add more than \$336 million per year in compliance costs to the regulated community," according

to NAHB. "However, the costs are far greater because of EPA's flawed economic analysis which significantly underestimated the true compliance costs."

Additionally, the NAHB contends that the EPA has failed to follow its own rule by not approving a more accurate lead test kit. Current test kits can produce up to 60 percent false positives. In many cases, this means "consumers are needlessly paying additional costs for work practices that are not needed and provide no benefit, but must be employed because of false positive test results."

According to NAHB, the EPA has estimated that an improved test kit would reduce the rule's cost by \$400 million.

The EPA also is now trying to expand the rule to include commercial and public buildings, yet Congress didn't give EPA the authority unless it studies the renovation of such buildings and determines a need.

Sen. Inhofe would prohibit EPA from expanding the rule to commercial and public buildings until EPA conducts a study demonstrating the need for such an action.

CLEAN WATER ACT

EPA has a plan to expand its federal jurisdiction over "waters of the United States."

The effort stems from an EPA and U.S. Army Corps of Engineers "draft" guidance document issued in 2011 that would allow the federal government to regulate perennial, intermittent, and ephemeral waters. This would include ditches and other areas with non-aquatic features.

More than 230,000 comments were received regarding the impact such guidance would have. The EPA and Army Corps haven't responded to comments, however.

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NAHB's position has been that the guidance has clear regulatory consequences beyond simply advisory guidelines. By issuing the guidance instead of going through the rulemaking process, the EPA is bypassing necessary public outreach as required by law, according to NAHB.

Additionally, the measure may increase permit requirements, erecting bureaucratic barriers to economic growth, negatively impacting farms, small businesses, commercial development, road construction and energy production.

NAHB had held EPA off from finalizing the guidance but the association said signs indicate that the agency is moving toward a rulemaking process.

ENDANGERED SPECIES ACT

Last December, NAHB sued the U.S. Department of Interior and the U.S. Fish & Wildlife Service over its "mega-listing" of endangered species.

One of the allegations in the lawsuit is that in 2011 Fish & Wildlife abandoned its statutorily required

process for identifying and listing endangered species in favor of a process based solely on negotiations with advocacy groups.

In Spring 2011, the U.S. Fish & Wildlife Service entered into a voluntary settlement with two environmental organizations – the WildEarth Guardians and the Center for Biological Diversity (CBD).

In the settlement, Fish & Wildlife agreed to initiate listing reviews for over 600 previously petitioned species in addition to reviewing and make final decisions on 251 candidate species.

These petitions included petitions for listing protections for unlisted species and petitions for critical habitat designations for currently listed species. Since the settlement was announced, Fish & Wildlife has reviewed approximately 639 species. Of these reviewed species, approximately 435 species will be finalized by the end of 2013.

This has led to an unprecedented number of species reviewed over the past year and a half, according to NAHB.

With 73, Tennessee is third in the country for the number of petitioned species to be reviewed, behind Alabama and Florida, respectively.

Aside from the species review, Fish & Wildlife also has proposed several changes to existing policies that would significantly affect oversight and the ability of builders and developers to obtain and comply with federal permit requirements, according to NAHB.

STORMWATER

According to NAHB, the EPA plans to propose a rule by June 2013 that likely will include performance standards for discharges from new development and redevelopment.

In order to meet the standard builders and developers, will be required to use green infrastructure practices that mimic natural processes to infiltrate and recharge, evapotranspire, and/or harvest and use precipitation and stormwater.

The EPA's schedule is to take final action on the first-time national rule by December of next year. ♦

NAHB's Value for State and Local HBAs

by Jerry Howard, CEO, National Association of Home Builders



The NAHB Senior Officers and I are often asked to define the value that our national association brings to the table for our state and local home builders associations (HBAs). I'm grateful for the opportunity to address that subject today, because the support that NAHB provides to its local affiliates is really a key piece of the equation in terms of quantifying the total value proposition of every HBA membership. But where should I begin?

I could focus on the hundreds of top-notch educational programs and professional designation opportunities that NAHB provides to our locals so that they can make world-class instructors and courses both geographically and financially accessible to members. I could talk about NAHB's local economic forecasting, which we offer to HBAs at a steep discount along with the analysis of top PhD economists. Or, I could discuss the significant support that NAHB provides for local membership recruiting efforts to ensure that every HBA represents the widest possible network of housing professionals. Then again, I could focus on the regular assistance that our media relations team provides to local associations and their public spokespersons. But instead, for purposes of today's blog, I'm going to zero-in on two crucial areas of NAHB support in the advocacy arena that probably deserve greater recognition at the local level.

LOCAL CODE ADOPTION PROCESS

First is the local building code adoption process, which dictates the rules by which every builder must construct homes, every day of the week. Keeping building codes flexible, cost-effective and product-neutral is a top NAHB priority, which is why every year, NAHB analyzes thousands of proposed codes and prevents requirements that could add tens of thousands of dollars to the cost of building a new home without any appreciable benefit to buyers.

Undoubtedly, the complex and time-consuming work that our volunteer members and staff put into reviewing the multitude of proposed code changes and attending ICC hearings as part of each development cycle is something that tremendously benefits all of our members.

But where the rubber really meets the road for our local HBAs is when their individual jurisdiction sets out to update its building codes through adoption of all or part of the latest national building codes. That's where NAHB's assistance makes all the difference at the grassroots level. (And no, you don't have to be a builder for this to matter to you. Because local building code decisions affect the kind, quality and affordability of homes that are built in a given market, they impact everyone who provides services and products to builders.) NAHB's code experts provide our HBAs with detailed toolkits full of

resources for amending I-Codes as they are adopted at the state or local level. To see what I'm talking about, take a look at the 2012 I-Codes Adoption Kit on NAHB.org.

Mandated Fire Sprinklers One of the best examples of how NAHB supports local HBA efforts to adopt workable building codes pertains to mandated fire sprinklers. Since a requirement for residential fire sprinklers was adopted in the 2009 and 2012 International Residential Code, NAHB's Construction, Codes and Standards staff has worked with state and local associations to ensure that fire sprinklers remain voluntary elements in new homes (at the discretion of the home buyer) in states across the country. In those states where sprinkler mandates have been defeated, the savings amounts to an average of \$6,316 per home. Information and supporting documentation to amend residential sprinklers requirements in the latest code can be found at www.nahb.org/sprinklers.

2012 IECC Another current example of NAHB's support on local building codes pertains to the 2012 International Energy Conservation Code (IECC). Bringing the code up the 2012 version would be tremendously difficult and expensive in states that have not updated their codes in recent years. While states often amend codes to fit their specific needs, the 2012 version adds considerably to cost, is less flexible, favors certain products and produces questionable energy savings in several areas.

NAHB's successful effort to amend or prevent adoption of this code in several states has been a victory for sensible, flexible, cost-effective regulation, as recent research has shown that it costs \$7,034 more to build a home to the 2012 IECC than to the 2006 IECC. For states that may be contemplating a switch to the 2012 IECC, NAHB has proposed several amendments that HBAs can push in order to make the code more cost effective—all of which are available via our 2012 Energy Code Adoption Action Kit.

LEGAL SUPPORT/LOCAL ORDINANCE REVIEWS

A second area in which NAHB provides direct assistance to local and state HBAs is via our legal support programs, which include our Legal Action Fund, Amicus Brief Program and Legal Ordinance Review Program, the latter of which I'd like to tell you about here.

Our affiliated HBAs frequently find themselves battling unwelcome local land use ordinances that cost our members time, money and the ability to build new projects. NAHB helps in these situations by offering free reviews of local ordinances and state legislation pertaining to planning, zoning, growth controls, development exactions, property rights and more. Specifically, our legal experts examine these ordinances' legal sufficiency, including constitutional and statutory requirements, in order to help HBAs frame an appropriate response to their state and local governments.

Square Footage Caps One example of the kind of ordinance

that we've helped our locals combat is maximum square footage caps. While ordinances restricting large homes (in the 6,000-square-foot range) are not unusual, NAHB has received several inquiries from members who are facing much smaller caps, such as 3,000 square feet. NAHB data shows that this is not much larger than the average square footage of a typical new single-family home. While such caps on home sizes can be difficult to challenge, NAHB legal staff provides background information to help determine the source of a locality's authority to enact the ordinance, due process and other concerns.

Historic Overlay Districts Historic overlay districts are another example of zoning regulations that our locals may ask us to help combat. These are often used by a city council or county commission to incorporate restrictions on new development, with the stated goal of preserving the historic character of a neighborhood. In such cases, NAHB legal staff can examine the ordinance for valid enabling and inherent authority, due process and spot zoning issues.

NAHB ADVOCACY: LEVELING THE PLAYING FIELD FOR BUILDERS AND THEIR ASSOCIATES

I want to emphasize that the above examples are only the tip of the iceberg when it comes to advocacy resources and assistance that NAHB routinely provides to our state and local associations. Our integrated advocacy team including

lobbyists, economists, communications professionals, and legal, regulatory and housing policy experts is constantly working to level the playing field and improve the business environment on behalf of all our members.

In the current Congress, there is no shortage of landmark, housing-related legislation being debated that could essentially change the DNA of home building for generations to come—and I can't overstate the difference that our national association's engagement in these matters makes to home builders and their associates nationwide.

For example, in the ongoing debate over immigration reform, we are leading the charge to ensure workable and fair employer verification requirements and the creation of an appropriate guest worker program that meets the needs of our industry. In negotiations regarding the future of our nation's housing finance system, we are standing tall on the need to maintain an adequate and affordable flow of credit for home mortgages and the absolute necessity of ensuring a strong federal backstop for housing finance. And, as lawmakers float various proposals on tax reform, ours is one of the strongest voices defending the mortgage interest deduction and other housing-related incentives in the U.S. tax code.

The list goes on, but the bottom line is that NAHB's advocacy efforts—whether on the local or national front—greatly enhance the value of your association membership, and have a very positive impact on our members' businesses. ♦



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LEGISLATIVE CONTINUED

Continued from page 14—

Marshal's office, which is ultimately responsible for code adoption and compliance. We anticipate this will be accomplished through a rulemaking hearing sometime this summer. If we are unable to specifically provide relief to the West Tennessee region in regard to seismic code issues, we will pull it off of the shelf and go at it again legislatively next year.

ASSESSOR LEGISLATION

Legislation was withdrawn at the beginning of the legislative session that would have required a tax assessor's office to establish a new parcel identification number immediately upon recording a subdivision plat that occurs after January 1 in a given year. Currently, an Assessor establishes a parcel ID number for each parcel of real estate on January 1 of each year. No matter what happens to that property throughout the year, even if it is subdivided and homes are constructed there, it is billed under one number when the tax bill comes out. The proposed legislation required the Assessor to establish parcel identification numbers for subdivided lots effective at the time subdivision plat is recorded rather than waiting for the following January. This legislation was withdrawn because we could not get agreement from the assessors group on a solution to the problem. Additionally, it seemed that the problem was sporadic and not occurring everywhere in Tennessee. We decided we did not want to raise a red flag in those areas that did not have issues.

HOMESTEAD LEGISLATION

This was a capton bill introduced to hold a place as we worked on specific language. In Tennessee, the base amount in statute for a homestead is \$5,000. This number changes for different levels of homeownership, such as age of homeowner, homeowners with children, couples, etc. So a formula was created, where we used the current average price of a home in Tennessee (\$150,000—as reported by the Tennessee Housing & Development Agency) divided by what is currently the base amount in statute—\$5,000. That equals 30. So we then multiplied 30 times the existing levels in statute and put those numbers in our proposed legislation. In some cases, the amount totaled \$750,000, which is close to where we wanted the total to be. However, this bill was been put on hold for 2013 due to the significance the change in statute would cause.

VESTED RIGHTS LEGISLATION

This legislation basically defined a developers "rights" when it comes to changes made by a Planning or County Commission after approval of a plat. We defined vesting as five years to get started on the development after approval and 10 years from approval for a single-phase development and 15 years from approval for a multi phase development. We had gotten this passed out of the House Local Government committee and the House Finance sub-committee. It is currently in the House Finance Committee and the Senate State and Local Government committee, which is where it may stay until 2014. Sen. Ken Yager, chairman

of Senate State and Local Government committee, wanted this issue studied more by his committee. He is concerned that this is a big change in the law and it must be thoroughly vetted. We will be preparing for future testimony for the study—which will take place late summer or early fall. So the bill will stay in both committees right where they are until 2014.

THDA

We will begin working with Ralph Perry to explore optional lending programs through THDA. We are looking to strengthen the agency and the industry. We will look to advance raising the lending limits in 2014.

We talked with Ralph Perrey, THDA executive director, about THDA's disaster grant program and a potential partnership. He has assured us that we would meet after the session.

ROOFERS LEGISLATION

The National Roofers association brought this bill as they are trying to get roofers licensed in as many states as they can across the country. We agree with their efforts but will be working on how this additional category would fit in with our current licensing levels. The bill was amended to include only projects over \$25,000. This change means the licensing requirements will not effect residential construction for the most part. More discussions will take place prior to next year's session, and we plan to be very involved with assisting their efforts. A possible solution would be to work with the department to request all counties adopt the home improvement law which

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would require a home improvement license for projects valued between \$3,000 and \$25,000. Currently, nine counties in Tennessee have adopted this law.

WORKERS' COMPENSATION RELIGIOUS EXEMPTIONS

This bill's intent is to exclude the Amish and Mennonite communities from the requirement of carrying Workers' Compensation Insurance. The bill was ultimately amended to only include those contractors whose religion is recognized as exempt from social security by the Federal Government. There are only two—Amish and Mennonites. An individual company can exempt up to five workers from the same church that are employed by the contractor. This is an exemption for the employer as a company and cannot be

changed for every job. It follows the process that a family-owned business follows when it comes to exemptions. However, the sponsors of the bill faced a hurdle because a fiscal note was attached to the bill, which means it was going to cost the state money to implement the exclusion of these two religious communities from paying Workers' Compensation Insurance. To avoid the fiscal note, the bill was amended to also require the workers to file and pay for a Construction Services Provider registration (\$50) and a Workers' Compensation Exemption (\$50) just like everyone else.

POLE ATTACHMENTS

There were two pole attachment bills. This bill allowed broadband providers the right to attach to poles that do not belong to them, and

be charged rates that are fair and reasonable for all parties. The bill also included a dispute mechanism that doesn't really exist today. Although the HBAT did not actively assist with this legislation, we did allow our name to be used in support. As is the policy of this association, we are against any potential increased expense in the cost of providing infrastructure to a development or the cost of a home. The other bill placed a cap on the amount that can be charged for attaching to poles and there was a concern if an entity leapt from what they are currently charging to charging the cap, pole attachment charges could become astronomical. Both bills were sent to a Summer Study committee for further discussion so neither bill progressed in the legislature.



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1994	James M. Fischer	Nashville
1994	Carl J. Grant	Memphis
1994	Calvin M. Payne	Chattanooga
1994	Morris H. Mills	Memphis
1995	William McNeill Ayres	Memphis
1995	Martin L. Bartling, Jr.	Knoxville
1995	William B. Close	Chattanooga
1995	Jack Renshaw	Memphis
1996	John B. Downey	Nashville
1996	Lloyd B. Lovitt, Jr.	Memphis
1996	Henry B. McAdams	Memphis
1996	Curtis L. Pinegar	Chattanooga
1996	Rufus H. Smith	Knoxville
1997	W. Ralph Chumley	Chattanooga
1997	Jack Ralston	Chattanooga
1997	Kemmons Wilson	Memphis
1999	Bob Gillespie	Sevierville
1999	Jerry Strebel	Nashville
2000	James Ford, Sr.	Nashville
2000	Jerry Wood	Knoxville
2001	Don Moon	Chattanooga
2001	Earl Sharp	Knoxville
2002	R.W. "Dick" Graf	Knoxville
2002	Bobby Hicks	Johnson City
2003	Jerry Gillis	Memphis
2003	Brad Rainey	Memphis
2004	Terrence L. Cobb	Nashville
2005	Ronnie Tickle	Memphis
2005	Congressman Jimmy Duncan	Knoxville
2006	Reese Smith, III	Nashville
2007	Congressman Lincoln Davis	Pall Mall
2007	Tonya Jones	Nashville
2008	David Stauffer	Kingsport
2009	Monroe Pointer	Memphis
2009	Gary Taylor	Jackson
2010	James Carbine	Nashville
2010	Bill King	Brentwood
2010	Dan Stern, Sr.	Brentwood
2011	William Knight	Knoxville
2012	Denzel Carbine	Franklin

BUILDING PERMITS

Below are the current, total building permits, as reported by MarketGraphics Research Group, Inc., through April 2013:

Greater Nashville

The Greater Nashville Eleven County Building Permit Summary includes the counties of Davidson, Sumner, Williamson, Wilson, Rutherford, Cheatham, Robertson, Dickson, Maury, Marshall and Bedford. Year-to-date permits for these counties total 2,516; 2012 was 1,767.

The Memphis Metro Area

The Memphis Metro Area includes Crittenden, DeSoto, Fayette, Shelby and Tipton counties. Year-to-date permits for these counties total 765; 2012 was 637.

Knoxville Area

The Knoxville Area Building Permit Summary includes the counties of Loudon, Roane, Anderson, Knox, Sevier and Blount. Year-to-date permits for these counties total 712; 2012 was 607.

Montgomery County/Clarksville

The Montgomery County Permit Summary is listed separately. Year-to-date permits total 450; 2012 was 552.

Metro Chattanooga

The Metro Chattanooga Area Building Permit Summary includes the counties of Bledsoe, Bradley, Catoosa, Hamilton, Marion, Murray, Sequatchie, Walker and Whitfield. Year-to-date permits for these counties total 568; 2012 was 585.

Northeast Tennessee

The Northeast Tennessee Area includes the counties of Carter, Greene, Hawkins, Sullivan and Washington. Year-to-date permits for these counties total 157; 2012 was 136. (Y-T-D through Q1 data provided by Market Edge, Inc.)

The overall building permits reported through April 2013 total 5,168; 2012 was 4,284; an overall increase of 20.6% over 2012.



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