

The News of the Home Builders Association of West Florida

CORNERSTONE

November 2016

HBA Legal Action Wins Impact Fee Battle Against Farm Hill Utilities

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SHINING A SPOTLIGHT ON CAREERS IN CONSTRUCTION

Did you know that it takes an average of 22 different sub-contractors to build a home?

Indeed, a home builder relies on a number of highly trained workers to get the job done right. This includes dozens of skilled artisans and professionals, including carpenters, plan designers, engineers, plumbers, electricians, painters and landscapers. Analysis from the National Association of Home Builders (NAHB) shows that 70 percent of builders typically use somewhere between 11 and 30 subcontractors to build a single-family home.

As the housing market continues to strengthen, home builders across the country and here in Escambia and Santa Rosa Counties are seeking skilled workers – such as carpenters, framers and roofers – to help them build the American Dream. In fact, according to NAHB analysis of the federal government's latest Job Openings and Labor Turnover Survey, the number of open construction sector jobs (on a seasonally adjusted basis) rose to 214,000 in July.

This means there is ample opportunity for motivated students seeking a rewarding career path. Residential construction workers consistently express high job satisfaction. The building trades offer a great career path. And, the residential construction industry is one of the few sectors where demand for new workers is rising. Parents, teachers, counselors and students must once again recognize that a vocational education can offer satisfying career paths and financial gains.

The fundamental problem with the construction industry is one of image. Most young people want to work indoors on a computer than be hot or cold outside. They would rather sit at a desk than climb scaffolding. And while they may not relish wearing business suits, they see that as preferable to getting dirty in blue jeans.

Historically, new construction hires have been mostly men from 18 to 24 years old. But the number of available workers in this age group is declining, according to U.S. Census figures. While the need for skilled technicians throughout the nation continues to climb, young people don't see those types of jobs in their future. The latest numbers available indicate 51 percent of 12th graders expect to hold professional, business or managerial occupations when they enter the work force.

Yet, only 20 percent of jobs now and in the foreseeable future can be classified as "professional." As a result, more than half of high school seniors believe they're going to get the 20 percent of available jobs. By contrast, less than 4 percent of 12th-graders expect to work in technical jobs, despite this sector comprising 65 percent of available jobs.

What can be done about this? I think that altering expectations of today's youth is the key. This is not to say that we should not encourage ambition in our youth. It is to say, however, we should not mislead them into thinking the future paths they will pick will be paved with gold. Ironically, I believe that a career in construction could hold such promise.



President's Message



“The fundamental problem with the construction industry is one of image. Most young people want to work indoors on a computer than be hot or cold outside.”

HBA Legal Action Wins Impact Fee Battle Against Farm Hill Utilities

BY DUWAYNE ESCOBEDO

When Thomas Henry, of Thomas Home Corporation, started the process of building a small 16 lot subdivision on his property, he submitted his plans to the rural water utility, Farm Hill Utilities, Inc. Farm Hill then billed him for the water taps on all 16 lots, before he had approval from Escambia County Board of County Commissioners to develop the subdivision. Then, he got bullied and ignored when trying to seek a reasonable explanation from the Utility and its Board of Directors.

To say Henry was shocked would be an understatement. In 30 years of being in the construction industry, Henry said he had never been charged for a utility connection before a house was permitted, long before the impact to the system.

But Farm Hill demanded its money up front -- all \$2,000, per lot. It was a policy implemented in 2007 to presumably protect the utility from another housing bubble that occurred a few years before. That meant Henry had to cough up \$32,000 to the small utility before the first shovel of dirt was turned on his 16-home subdivision in northern Escambia County.

"It was akin to extortion," Henry said. "It was a very, very egregious move by them considering that I was paying for and giving them the water line improvements and there would be no impact to their utility whatsoever until the water is flowing from a home that is built."

Henry argued the charge to no avail. He finally paid the sum so he could get both preliminary and final approvals of his plat from Escambia County, so he could construct the subdivision.

But the angered Henry didn't stop his ire with Farm Hill. He turned to the Home Builders Association of West Florida (HBA), and its legal counsel Steve Moorhead of McDonald Fleming Moorhead for help.

David Peaden, the longtime executive director of the HBA, was eager to defend Henry through the HBA's Industry Issues Fund. Peaden surveyed Florida and discovered it was almost unprecedented for utilities to charge developers fees before their projects got underway.

Farm Hill, located in Cantonment north of Pensacola, is operating at 33 percent of capacity.

"There was no rational reason they needed money up-front," Peaden said.

When HBA and Moorhead joined Henry in filing a complaint in April with Escambia County, after they ran into a brick wall. Farm Hill, a nonprofit, insisted it was not subject to

Florida's strong public records law and refused three public records requests by Moorhead. The water company initially refused to provide the names of its board members and when the board met.

The State Attorney's Office later concluded the utility does fall under the state's so-called public records, making their records open to any citizen who requests information.

Finally, the two sides went before the five-member Escambia County Commission, which controls Farm Hill's franchise, to settle the dispute.

Farm Hill entered the Sept. 1 meeting demanding that Henry pay at least 25 percent of the water tap fee ahead of time. For 90 minutes, the commissioners grilled Farm Hill attorney Daniel Saba of Pace law firm Locklin, Jones & Saba, as they discussed the utility's fee policy and the county's franchise agreements in general.

Escambia County Commission Chairman Grover Robinson questioned Farm Hill's policy.

"If we were to ask somebody else all of a sudden to pay us money, and at a time before we gave a permit and not give any transparency or show what we would do, I assure you Mr. (Rick) Outzen (Independent News Publisher and Editor), sitting at that table, would be writing a story about us and extortion," Robinson said. "That would be the equivalent of what would be happening."

It was Steve Barry, the county commissioner for District 5, which covers the area where Farm Hill operates along with about 1,600 county residents there, who suggested Henry be refunded his money. In the end, Farm Hill did exactly that and rescinded its policy to charge tap fees upon the filing for building permits.

The commissioners also agreed to hold a meeting in November to discuss its franchise agreements. The county currently does not have a person who reviews the compliance of franchises. Commissioners questioned whether the county needed "mom and pop" franchises in this day and age.

"Commissioners sent a signal to other utilities that they need to comply with laws, like the public records laws," Moorhead said. "They also sent a signal about charging unlawful impact fees."

Henry said he was happy to be a test case that now allows other builders to avoid the Farm Hill fees and frustration that he endured.

"Henry concluded that, "This was a simple case of extreme overreach by a regulatory authority just because they thought they could get away with it with no justifiable explanation or desire to care about how it affected their users. The old saying of you treat people the way you want to be treated. The managers of Farm Hill Utilities would not want to be treated the way I was if they were in my situation. Now they seem contrite."



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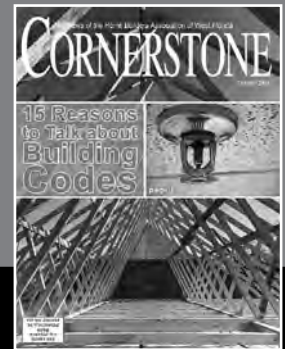
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COURT HEARS MARATHON ARGUMENT ON CLIMATE CHANGE RULE



The U.S. Court of Appeals for the District of Columbia Circuit on Tuesday considered an Environmental Protection Agency (EPA) rule that has wide-ranging ramifications for the economy and the potential to uniquely impact home builders.

In a rare move, the full D.C. Circuit – 10 judges in all – heard oral argument in West Virginia et al. v. U.S. Environmental Protection Agency, where more than 100 petitioners, including over half the states have challenged EPA's Clean Power Plan rule. The Clean Power Plan ostensibly regulates carbon dioxide from power plants by requiring each state to reduce carbon dioxide emissions from plants inside their borders. NAHB joined the petitioners challenging the rule because the rule creates incentives for states to explore complying with EPA-established targets through the use of aggressive, mandatory energy-efficient building codes.

Further, if a state fails to comply with the Clean Power Plan rule, EPA is required to step in and implement the rule in that state. This may lead to federal involvement in building codes, which the federal government lacks authority to adopt.

NAHB legal staff attended the oral arguments at the packed courthouse. Throughout the nearly seven-hour argument, the judges focused on EPA's authority under the Clean Air Act to issue the regulation it did, with an emphasis on the meaning of key statutory terms such as "source," "owner-operator" and "system."

Throughout the lively debate, the judges also considered a wide-ranging set of implementation problems that petitioners argued would ensue if the rule were enacted.

A decision in this case is expected in 2017.

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WESTERHEIM PROPERTIES TO BUILD AMERICAN DREAM HOME FOR THE 2017 PARADE OF HOMES

Since 1958, the Parade of Homes has been an exciting event for thousands of attendees throughout Northwest Florida. In preparing for the May 6 – 14, 2017 event, the HBA Board of Directors, at its September meeting, approved the gated community of Huntington Creek as site where the American Dream Home will be constructed. The Board tapped HBA President Thomas Westerheim, of Westerheim Properties, to build the American Dream Home.

Huntington Creek, located off Mobile Hwy., hosted the last two American Dream Homes in the upscale community in West Pensacola. It is a growing suburban area providing country living amenities



while affording residents the opportunity to be in close proximity to all of life's everyday conveniences.

"Thomas brings a wealth of experience of building the Dream Home," said Home Builders Association of West Florida Executive Director David Peaden. "He did a wonderful job a few years ago in Nature Trail and he gained a lot of insight during that process. I am confident he will do a great job for the HBA."

The people of Northwest Florida look forward to the Parade of Homes every year. It gives them the opportunity to see the latest in new home designs and amenities.

Attending the Parade of Homes can also afford individuals the chance to learn what to look for in home construction and know what mistakes to avoid.



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15 Reasons to Talk about Building Codes
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Wow! What a fantastic Home Builders Association of West Florida Fall Golf Classic at the beautiful Marcus Pointe Golf Club on October 20th.

“We had 148 players and everything was just perfect,” said HBA President Thomas Westerheim of Westerheim Properties. The Golf Committee did a great job putting everything together, and I appreciate the work of Vicki Pelletier who kept all these folks headed in the right direction.”

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HBA of West Florida

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Santa Rosa County Housing data

VACANT RESIDENTIAL LOT AND LAND SALES - NUMBER OF UNITS FOR SEP 2016

	--- SEP 2016 ---		--- SEP 2015 ---		--- AUG 2016 ---		--- 2016 to Date ---	
	Total	%	Total	%	Total	%	Total	%
Vac Res Lot/Land Sales in Subdivisions	173	82.78	161	86.56	187	82.38	1,226	82.45
Vac Res Lot/Land Sales in Metes & Bounds	36	17.22	25	13.44	40	17.62	261	17.55
Total	209	100.00	186	100.00	227	100.00	1,487	100.00

VACANT RESIDENTIAL LOT AND LAND SALES - SALES VOLUME FOR SEP 2016

	--- SEP 2016 ---		--- SEP 2015 ---		--- AUG 2016 ---		--- 2016 to Date ---	
	Dollar	%	Dollar	%	Dollar	%	Dollar	%
Vac Res Lot/Land Sales in Subdivisions	5,426,200	81.61	5,339,400	85.22	6,021,000	82.23	44,438,300	83.71
Vac Res Lot/Land Sales in Metes & Bounds	1,223,000	18.39	926,000	14.78	1,301,300	17.77	8,646,200	16.29
Total	6,649,200	100.00	6,265,400	100.00	7,322,300	100.00	53,084,500	100.00

VACANT RESIDENTIAL LOT AND LAND SALES - AVERAGE SALES PRICE SEP 2016

	SEP 2016	SEP 2015	AUG 2016	2016 to Date
Vac Res Lot/Land Sales in Subdivisions	31,365	33,164	32,198	36,247
Vac Res Lot/Land Sales in Metes & Bounds	33,972	37,040	32,532	33,127
Total	31,814	33,685	32,257	35,699

VACANT RESIDENTIAL LOT AND LAND SALES - MEDIAN SALES PRICE SEP 2016

	SEP 2016	SEP 2015	AUG 2016	2016 to Date
Vac Res Lot/Land Sales in Subdivisions	30,000	21,667	14,000	28,750
Vac Res Lot/Land Sales in Metes & Bounds	22,500	18,600	24,500	21,500
Total	30,000	21,667	16,900	27,000

VACANT RESIDENTIAL LOT AND LAND SALES - NUMBER OF UNITS FOR SEP 2016

	--- SEP 2016 ---		--- SEP 2015 ---		--- AUG 2016 ---		--- 2016 to Date ---	
	Total	%	Total	%	Total	%	Total	%
Vac Res Lot/Land Sales in Subdivisions	77	92.77	68	74.73	62	83.78	765	87.23
Vac Res Lot/Land Sales in Metes & Bounds	6	7.23	23	25.27	12	16.22	112	12.77
Total	83	100.00	91	100.00	74	100.00	877	100.00

VACANT RESIDENTIAL LOT AND LAND SALES - SALES VOLUME FOR SEP 2016

	--- SEP 2016 ---		--- SEP 2015 ---		--- AUG 2016 ---		--- 2016 to Date ---	
	Dollar	%	Dollar	%	Dollar	%	Dollar	%
Vac Res Lot/Land Sales in Subdivisions	3,180,400	94.83	4,647,500	93.02	4,114,900	93.89	34,075,800	88.38
Vac Res Lot/Land Sales in Metes & Bounds	173,500	5.17	348,600	6.98	267,800	6.11	4,478,700	11.62
Total	3,353,900	100.00	4,996,100	100.00	4,382,700	100.00	38,554,500	100.00

VACANT RESIDENTIAL LOT AND LAND SALES - AVERAGE SALES PRICE SEP 2016

	SEP 2016	SEP 2015	AUG 2016	2016 to Date
Vac Res Lot/Land Sales in Subdivisions	41,304	68,346	66,369	44,544
Vac Res Lot/Land Sales in Metes & Bounds	28,917	15,157	22,317	39,988
Total	40,408	54,902	59,226	43,962

VACANT RESIDENTIAL LOT AND LAND SALES - MEDIAN SALES PRICE SEP 2016

	SEP 2016	SEP 2015	AUG 2016	2016 to Date
Vac Res Lot/Land Sales in Subdivisions	35,257	21,750	20,750	30,000
Vac Res Lot/Land Sales in Metes & Bounds	20,500	16,000	9,500	14,500
Total	35,257	17,500	18,350	28,000

Escambia County Housing data

Clock is Ticking as Implementation of Overtime Rule Draws Closer

With the Department of Labor's (DOL) final rule to double the overtime salary limit from \$23,660 to \$47,476 set to take effect on Dec. 1, more than 400 business groups are seeking congressional action to postpone implementation of the rule.

The Partnership to Protect Workplace Opportunity (which includes NAHB as a coalition partner) on Oct. 14 sent a letter to Sen. Lamar Alexander (R-Tenn.), chairman of the Senate Committee on Health Education, Labor and Pensions, in support of his legislation to mitigate the impact of the rule on the nation's small business community. The Overtime Reform and Review Act (S. 3464) would provide a five-year phase-in of the \$47,476 salary threshold and eliminate a provision in the rule that requires automatic increases to the overtime salary threshold moving forward.

Working with House and Senate lawmakers and members of our business coalition, NAHB has been spearheading this effort to delay DOL's rule from taking effect on Dec. 1. Such a huge jump in the overtime threshold in such a short period of time could actually hurt a significant number of the workers the rule was meant to help. Many small business owners would be forced to scale back on pay and benefits, as well as cut workers' hours. Similar legislation is pending in the House. The Overtime Reform and Enhancement Act (H.R. 5813), would provide a four-



year phase-in of the \$47,476 salary threshold and it also eliminates the automatic three-year cost of living salary adjustment. There is little time left for Congress to act to reform the rule. As NAHB works toward permanent relief, the association will continue to provide its members with the tools they need to comply with the new overtime requirements.

For more information, contact Suzanne Beall at 800-368-5242 x8407.

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OSHA Extends Anti-Retaliation Enforcement Deadline

Enforcement of the U.S. Occupational Safety & Health Administration's anti-retaliation provisions in its injury and illness tracking rule has been delayed until Dec. 1.

According to a notice issued by the agency, the U.S. District Court for the Northern District of Texas requested the delay to allow for more time to consider a motion challenging the new provisions.

OSHA originally slated enforcement of the anti-retaliation provisions to begin Aug. 10, but pushed that mandate to Nov. 10 to give regulators additional time to provide educational outreach to those affected by the changes.

Under the final rule, employers are required to inform workers of their right to report work-related injuries and illnesses without fear of retaliation; implement procedures for reporting injuries and illnesses that are reasonable and do not deter workers from reporting; and incorporate the existing statutory prohibition on retaliating against workers for reporting injuries and illnesses.

Courtesy of NAHBNow.com.





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HOUSING STARTS DECLINE 9% IN SEPTEMBER ON MULTIFAMILY WEAKNESS

A sharp decline in multi-family production brought overall nationwide housing starts down 9% in September, according to newly released data from HUD and the Commerce Department. However, both single-family production and overall permit issuance posted solid gains.

“Single-family starts posted their highest level since February and are consistent with builder sentiment, which has remained firm in recent months,” said NAHB Chairman Ed Brady. “Low mortgage rates, along with solid permit and job growth should keep demand for single-family housing moving forward in the months ahead.”

“After strong readings during the summer, multifamily production pulled back in September,” said NAHB Chief Economist Robert Dietz. “Still, we expect the multifamily sector to post a good year in 2016,

though down a bit from last year, which was likely the peak year for this cycle.”

Single-family starts rose 8.1% in September to a seasonally adjusted annual rate of 783,000 units while multifamily production declined 38% to 264,000 units.

Combined single- and multifamily starts fell in three of the four regions in August. The Northeast, Midwest and South posted losses of 36%, 14.1% and 5.3%, respectively. Starts remained unchanged in the West.

Overall permit issuance, which is a harbinger of future building activity, rose 6.3% to a seasonally adjusted annual rate of 1.23 million.



Single-family permits edged up 0.4% in September to a rate of 739,000 while multifamily permits rose 16.8% to 486,000. Permit issuance increased 23.6% in the Northeast, 15.8% in the West and 2.6% in the South. Meanwhile, the Midwest posted a loss of 5.2%.

Courtesy of NAHBNow.com.



A Code Hearing on ICC

A code amendment that would have allowed home builders more flexibility in reaching important energy-efficiency goals was quashed Wednesday in a vote held at 10:23 p.m. CT — long after the vast majority of code officials attending the ICC Public Comment Hearings had left the room.

The result: an 11-8 vote against NAHB’s “energy-neutral trade-offs” proposal, RE58-16. The 20 voters in attendance — most from state energy efficiency offices — said no. So when the nearly 5,700 other eligible voters cast their ballots online, trade-offs will no longer be on the table.

“We had 19 people make a decision about a national model code change that affects how everyone who adopts that code in 2018 will build homes,” said NAHB Construction, Codes and Standards VP Neil Burning, who is in Kansas City, Mo., attending the hearings along with a number of

Construction, Codes and Standards Committee members who are testifying on important proposals.

“Even the Department of Energy spoke out several times about their support and the need for this energy-neutral code change,” said HBA of Michigan staffer Lee Schwartz, who is blogging about the hearings for his members back home.

“The way public comments are handled is a major flaw in the [voting] process and one we’ll be asking the ICC to remedy. It makes those governmental voters who were unable to attend the public comment hearings second-class citizens with only partial voting rights.”

NAHB had been pleased when ICC moved the energy code proposals to the beginning of the public hearings. Three years ago, the energy proposals were heard at the end of the days-long hearings, long after most building officials had gone back to work, leaving on the floor only those advocates and manufacturers who had a financial stake in the outcomes.

But after a long day of meetings and hearings on other proposals, most attendees were ready to call it a night.

Courtesy of NAHBNow.com.



In 2016, FHBA worked to save builders and remodelers **over \$7,000***

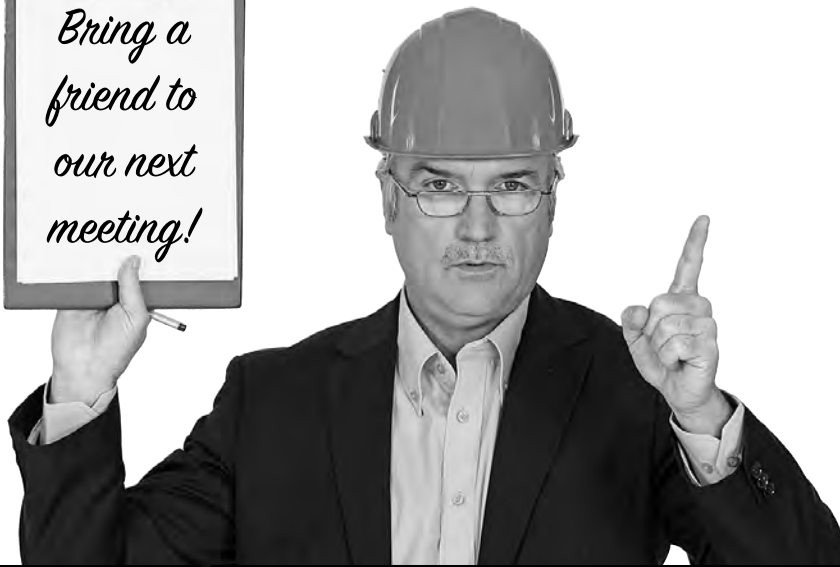
- | | | |
|---|--|---|
|  <p>1. Guard Measurement = \$1,500
Reduces horizontal distance from 36 to 24 inches</p> |  <p>4. Stucco = \$1,100
Reduced time between coats and curing from seven days per ASTM 926</p> |  <p>7. Custom Doors = \$500
Provides criteria for custom one-of-a-kind doors (FBC-B & R)</p> |
|  <p>2. Fire Separation = \$2,500
Reverts to three feet and adds options to fire rating soffits</p> |  <p>5. Air Leakage = \$175
Provides option for testing in multi-family as single and modified 5 ACH to 7 ACH</p> |  <p>8. Shower Liner = \$75
Reinstates exception to shower liner on SOG (FBC-R & P)</p> |
|  <p>3. Duct Penetration Garage = \$300
Retained provisions allowing use of duct board</p> |  <p>6. Mechanical Ventilation = \$75
Reduced from 5 ACH to less than 3 ACH</p> |  <p>9. Door Swing = \$750
Revisions permitting doors to outswing over egress, two risers, and an exception for landings</p> |

FHBA also stopped issues from passing, which resulted in additional builder savings: Flood Provisions = \$10,000, Irrigation = \$1,000, and Water Saving Fixtures = \$250.

*Approximate cost savings per house/lot impacted.

To learn more on how FHBA saved builders through legislative and regulatory advocacy, go to www.fhba.com or call 800.261.9447

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In construction, a spike is a steel object that is essential to making a building strong. As in construction, the HBA of West Florida sees a Spike as someone that works to keep our association strong. Spikes work on the recruitment and retention of members in addition to keeping members active with the association. Anyone is eligible for Spike status. On Spike credit is awarded for each new member recruited and an additional credit is awarded for that new member's renewal on or before their anniversary date. If you help to retain a member, you are eligible to receive a half point for each member.

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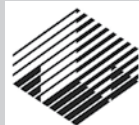
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