

The News of the Home Builders Association of West Florida

# CORNERSTONE

August 2018

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HOME BUILDERS ASSOCIATION  
OF WEST FLORIDA

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## Cornerstone

The official magazine of the  
Home Builders Association of West Florida



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# In This Issue

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# NAHB PLEDGES TO TRAIN 50,000 WORKERS OVER THE NEXT FIVE YEARS

Attending a White House event on workforce development, National Association of Home Builders (NAHB) Chairman Randy Noel pledged that NAHB will educate and train 50,000 new workers over the next five years for a career in the construction trades.

President Donald Trump signed an executive order that establishes the National Council for the American Worker, which will develop a national strategy for training and retraining workers for high-demand industries.

As part of this initiative, the administration is asking companies and associations to sign a pledge committing them to expanding apprenticeships, increasing on-the-job training and providing students and workers the training and opportunities they need to succeed in the American workforce.

“NAHB applauds President Trump’s leadership for signing an executive order that will develop a national strategy to expand job-training and apprenticeship opportunities for students and workers and give them the proper tools to succeed in the American workforce. This will develop a national strategy to expand job-training and apprenticeship opportunities for students and workers and give them the proper tools to succeed in the American workforce.

At our local level, this should be beneficial to our students at the Home Builders Association of West Florida’s Construction Academy at Pine Forest High School. Our academy focuses on broad, transferable skills, stresses the understanding of all aspects of the building construction industry, and demonstrates such elements of the industry as planning, management, finance, technical and production skills, underlying principles of technology, labor issues, community issues, and health, safety, and environmental issues. At the end of the program, students have earned a National Center for Construction Education and Research (NCCER) certification.

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. What can be done about this? Altering expectations of today’s youth is the key. They need to be educated about the future job market. The Construction Academy serves students in 9 - 12 grades. The academy gives students hands on experience through applying academic and technical knowledge in a challenging and rewarding career field that involves local businesses in developing local talent. It is a win-win for everyone.

With NAHB taking the lead, our members should do whatever is possible to help train our future workers. If you would like to learn more about the HBA’s Construction Academy, contact HBA Executive Director David Peaden at 850-501-3278.

## President’s Message



*“NAHB applauds President Trump’s leadership for signing an executive order that will develop a national strategy to expand job-training and apprenticeship opportunities ...”*



# Meet The Builder

Thursday, September 20, 2018  
New World Landing  
1:00 p.m. to 5:00 p.m.

Separate registration form to follow for attendee information.



## SPONSORSHIP OPPORTUNITIES

Don't Miss This Opportunity To Be Front Of The Builders And Your Competition!

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- ◆ Recognition on the HBA website.

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Signature: \_\_\_\_\_ Will mail or drop off check. \_\_\_\_\_

HBA of West Florida ~ 4400 Bayou Blvd., #45 ~ Pensacola, FL 32503

# New IRS Campaign Targets S-Corp Compliance

**The Internal Revenue Service on July 2 announced that it is launching five new compliance campaigns, including one that will seek to stop S corporations from abusing the rules governing pass-through entities.**

Several rules restrict which companies can be S corporations. Some are simple rules that define an S corporation, such as the fact that the business must be based in the U.S. and have no more than 100 shareholders.

Other rules are more complex: These include provisions in the law that dictate whether an S-corporation distribution to a shareholder is taxable, and if so, to what extent.

The campaign—which will be undertaken by the Large Business and International Division — takes aim at three types of noncompliance resulting in underpayment:

- when an S corporation fails to report gain on the distribution of appreciated property to a shareholder;
- when an S corporation fails to determine that a distribution, whether in cash or property, is properly taxable as a dividend; and
- when a shareholder fails to report non-dividend distributions—in excess of their stock basis—that are subject to taxation.



To achieve its goal of increasing compliance in this campaign, the IRS aims to use three “treatment streams” (i.e. fixes): issue-based examinations, tax form change suggestions, and stakeholder outreach. Thus, owners/shareholders of S corporations should be on the lookout for changes to Form 1120S and Schedule K-1, as well as for communications from the IRS asking for input regarding these matters. For additional information, contact David Logan.

*Courtesy of NAHBnow.com*

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## IN NEW HOME SALES, PROCESS EQUALS GROWTH

**If you want to freak out certain personality types, just start throwing around words like process, systems, tracking and accountability — words that might invoke a few “four-letter-word” responses.**

However, everyone can master these properties, but some of us require more support than others to get there.

My 19-year-old son recently got into the toughest sales business of all: Door-to-door sales. He has no preset appointments. However, his team leader is teaching him to measure key metrics and, in doing so, he has seen a 50% improvement in his conversions in just two short weeks.

My son knows exactly how many doors he must knock on and how many people he must speak with and sit down with to make a sale. He now understands his “critical path” and what happens when he varies from his consistent process. If a sale doesn't happen, he can tell you why it didn't.

If a 19-year-old on his first sales job can learn this, we all can. Yet I wonder how many of us truly understand the key metrics to measure and track them fully to improve and grow.

For instance, in the new-home sales process, conversion rate is not a straight-line formula between the amount of reported traffic

to the number of sales. Are you getting the right kind of traffic? Are they ready, willing and able to buy your homes, or anything at all, for that matter? Where are the qualified ones coming from?

Does your sales team understand that “drive by” doesn't really mean drive by? What made them pay attention to your sign and turn into your community?

Then, once your sales team does get in front of a qualified prospect, are they asking the right questions to build the rapport that builds trust? If they can't close the sale, are they scheduling specific follow-up appointments? Or are they simply waiting on the prospect to come back to them?

This is all about tracking the process of both the sale and the sales funnel. There is a process here, and when each of your sales team members are following it, the buyer is the one who wins because they will have a great and consistent customer experience right from the beginning.

All the items listed above — and many other key metrics — can be measured on a one-page planned encounter form or incorporated right into your CRM to give you the visual reporting tools you need to grow your business.

It's not about being complicated. It's about simplifying. Once you realize you can create a process, you can let go. Your team will have the tools they need to soar. You remove the guesswork and you remove the clogs in your funnel of only a few people being able to make decisions because the process will have already guided them in the direction of success.

This NAHBNow guest post is courtesy of NAHB Board Member, NSMC Trustee, and PWB member Kimberly Mackey, founder of New Homes Solutions.

*Courtesy of NAHBnow.com*



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It is important for us to be a member of the HBA of West Florida because we believe it is always important to belong to your community groups to support local business.

When Brendan is not working he enjoys fishing, boating, camping, traveling well basically anything outdoors.



**Brendan Wilken**

Coastal Elevator Inc  
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Pensacola, FL 32507

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**7 General Contracting Inc., provides services such as Granite Fabrication and Installation, storm protection – i.e. – hurricane fabric, Bahama Shutters, rolling metal shutters and accordion shutters. We have been in business since March of 2011.**

It's important for Hunter to be a member of the Home Builders Association to network with other builders, staying in tune with building trends and builder needs. Growing the business and gaining solid relationships with other trade partners and gaining their respect.

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For more details, please contact Richard Nicholson

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**NEXT CORNERSTONE ISSUE  
September 2018**



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# NEW IDEAS AND INNOVATION ON DISPLAY AT THE 2018 HOME & PRODUCT EXPO

A much anticipated event for area homeowners and homebuyers, the Home Builders Association of West Florida presents 2018 Home & Product, the Expo, set for August 17-19, at the Pensacola Bay Center.

Over 20,000 square-feet of building, remodeling, products and services are on display from over 95 local and regional businesses.

“If you are looking to remodel or if you’re thinking about building a new home, then this is the show for you,” said Expo Show Manager Vicki Pelletier. “In addition, attendees can learn a lot about new products and services from knowledgeable exhibitors that will enable them to make wise decisions when it comes to buying products for their home.”

The Home & Products Expo is a one-stop source for information from air conditioners, ICF construction and flooring materials to homes insulation, energy efficient windows and doors, pool and patio furniture, solar and green products and services, just to name a few.

“The Expo had built a solid reputation for providing the best in building products and services, said Expo Volunteer Chair Ron Castner of Castner Construction. “For people interested in reaching building professionals who treat you with courtesy, and will take time to answer questions, then the Expo is the place to be.”

The Expo is brought to you by Acme Brick, Navarre Area Board of Realtors, University Lending Group, Holiday Builders, Harvesters Federal Credit Union, Pensacola News Journal, Cumulus Radio, 94.1, NASH FM 102.7, WCOA 1370

*For more information, contact the Home Builders Association of West Florida at 476-0318 or go to [www.HomeExpoPensacola.com](http://www.HomeExpoPensacola.com).*



### BOOTH SIZE A 6'X8'

- Scentsy
- Better Business Bureau of NW FL
- DBPR Bureau of Investigation

### BOOTH SIZE B 6'X8'

- Advanced Space Concepts
- AVS Systems, Inc
- Blue Haven Pools - Mobile/Pensacola
- Builder Blinds of NW Florida
- Chief Purification, Inc
- Compass Solar Energy
- Economy Appliance Heating and Air
- EcoView Windows Doors & Siding
- Emerald Coast Utilities Authority
- Escambia County Housing Finance Authority
- Fireplace Concepts
- FL Dept of Agriculture and Consumer Services
- Florida Pest Control
- Graniteworx
- Gulf Coast Advantage Insurance
- Gulf Coast Pool and Spa
- Hometown Contractors, Inc
- Ira Verbois Photography
- Kitchen Craft of America
- Mebel Cabinets of the Gulf Coast LLC
- Majors Home Improvement LLC
- Merry Maids
- Peaden A/C - Plumbing - Electrical
- Pensacola News Journal
- Timberland Contractors
- Titan Sunrooms
- Total Connect
- Touch of Purple
- Vision Auto Glass of Florida
- Window World of Pensacola

### BOOTH SIZE C 8'X8'

- 1st Choice Home Improvements
- Alpha Foundation Specialists
- Ben Franklin Plumbing
- Border Magic/Boulder Design
- Central Credit Union of Florida
- Crystal Shores Remodeling
- CTG Improvements
- Cutco Cutlery
- Doodlebuggers
- EnSec Lawn and Pest
- Escarosa Cleaning and Restoration
- FoamSeal Insulation Systems, Inc.
- Force Five Walls
- Gulf Coast Air
- Kay's Prestige Kitchen & Bath
- Mister Sparkey
- One Hour Air Conditioning & Heating
- Panhandle Alarm
- Sleep Number Pensacola

### BOOTH SIZE D - 10'X10'

- Acorn Fine Homes
- Advanced Concrete Supply Inc
- ADT Security
- Alpha Closets & Murphy Beds
- Alyssa's Etc.
- American Mortgage Service/Flynn Built
- B & C Nursery
- Bath Fitter
- Coastal Insulation
- Defined Interiors, Inc.
- Doodlebuggers Service Network
- Ferguson Enterprise
- Floribunda Garage Solutions
- Flynn Built/American Mortgage Service

## EXPO EXHIBITORS AS OF 7/20/18

- Gulf Power
- Holiday Builders
- Home Depot
- Homeshow Mattress
- Horizon Home Remodeling Inc.
- Jones Flooring Center
- Klumb Lumber
- Lee Mechanical
- Lunsford AC and Heating
- Mosquito Authority
- Pensacola Energy
- Pro-Tech Concrete Coatings
- Relevant Energy Solutions
- Royalzbeauty
- Sears Home Services
- Selectricity LLC
- SunFarm Energy
- Swift Supply
- Tadlock Roofing
- Trident Home Loans
- Tuff Shed

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- Rainbow

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**Vicki Pelletier**  
Expo Show Manager



**Ron Casnter**  
Expo Chairman



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**EXPO AWARDS LUNCHEON & SILENT AUCTION**

*August General Membership Meeting*

**Friday, August 17th  
11:00 a.m. - 12:30 p.m.  
Pensacola Bay Center**

**\$20.00 PER ATTENDEE**

The first hour will be dedicated to the Silent Auction and lunch.

We will also present the Outstanding Exhibit Awards!!

Visit [www.westfloridabuilders.com](http://www.westfloridabuilders.com) for a printable RSVP form OR Email attendee & payment information to [vicki@hbawf.com](mailto:vicki@hbawf.com)



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**SHOW TIMES**

**FRIDAY, AUGUST 17**  
1:00 p.m. – 6:00 p.m.  
**SATURDAY, AUGUST 18**  
10:00 a.m. – 6:00 p.m.  
**SUNDAY, AUGUST 19**  
12:00 p.m. – 5:00 p.m.

**Free Parking**

*Entry fee: \$5.00. Kids Free.*

**Sunday only from 3-5 p.m.  
Free Admission**

# MAKE THE 2018 HOME & PRODUCT EXPO A LEARNING EXPERIENCE

BY RON CASTNER

Enter the exhibit area at the 2018 Home & Product Expo and look around. You'll see booth upon booth – over 95 of them. It's easy to spend your time meandering through an exhibit hall chatting with friends, and only occasionally interjecting some purposeful business with an exhibitor when you happen upon a booth of particular interest to you.

But there's another alternative. You can parlay your time in the Pensacola Bay Center (August 17-19) into a genuine learning and networking experience. With a little attention to planning, you can get a tremendous return on the time you spend there. Here's how:

- **Plan your stops.** Pick up a map of the exhibit area before you begin browsing. Then identify a selection of booths that might offer especially useful information.
- **Divvy up the work.** If you are attending the Expo with a colleague and you have a lot of booths to visit, split the booths up between the two of you, either by interest area or by section.
- **Know when to browse.** Take the tempo of the trade show. When exhibit traffic is light, make your high-priority business-oriented visits. You'll be able to spend more time with exhibitors this way. When traffic is heavier, you can browse through the lower-priority booths more casually.
- **Set goals.** Decide what you want out of each exhibit even before you start making the rounds. Do you want help with a thorny service problem? Want to learn about a new line of products? Want to save money? Keep these goals in mind as you visit each booth. You might even want to develop a list of stock questions to ask each exhibitor you visit.
- **Understand the goals of exhibitors.** They vary. Some exhibitors want to foster an image or impart positioning statements. Others want to build prospect lists. Others want to gather qualified leads. You can often discern an exhibitor's purpose with a quick glance or a brief conversation. Ask yourself: is the exhibitor's goal compatible with yours?
- **Stick to your agenda.** Approach each booth with your agenda in mind. Stop, look around, introduce yourself, and then move directly to the business at hand.
- **Look for the quick message.** When you approach a booth, look and listen for the "quick message" – the exhibitor's key points. The signs, posters or demonstrations often display this message at a glance.
- **Bring your specs.** Bring along specifications for products you'll need in the months and years ahead. Refer to them when talking to exhibitors and don't hesitate to pass copies along to exhibitors who may help to fill your product needs later on.
- **Ask for help.** Pose questions and problems – perhaps from a ready-made list to exhibitors. Specifically – ask for help with problems you're having on the job. They frequently know what's happening in your



industry, and can offer valuable solutions and recommendations.

- **Ask for high-value materials.** What relevant brochures, magazine reprints and case studies can exhibitors give you? If an exhibitor does not have what you are looking for, ask him to place your name on a follow-up call or mailing list.

- **Ask about free seminars.** Many exhibitors offer seminars or demonstrations during the convention, or throughout the year. Ask for a schedule of events, and note topics, dates and times that are right for you.

- **Learn about the competition.** Chat with exhibitors about the competition. You might discover clues about their recent successes and problems.

- **Let them sell you.** When you visit a busy trade show booth, you often have the opportunity to see the various representatives of various firms in action – giving information, answering questions, attempting sales, managing the booth – in short, juggling a myriad of details. It's a great time to test the capabilities of the exhibitors, the quality of their products, and their ability to serve you.

- **Kick the tires.** Participate in demonstrations. Try your hand at surveys, exercises or evaluations offered by exhibitors. Do you have a product or service suggestions for an exhibitor? Don't hesitate to throw in your two cents before you leave.

- **Offer advice.** Have you used an exhibitor's products in the past? If so, can you offer examples of effective and ineffective performance? Offer your insights. Exhibitors take these suggestions very seriously and often forward them to their home offices.

- **Become a customer.** If you're pretty sure you're going to be doing business with an exhibitor, give them whatever information they need to begin a successful sales relationship – right then and there. This information might include company background, credit references, products

used now, quantity information and purchasing resources available.

- **Evaluate.** Make a handwritten note after you leave each exhibit. Jot down the key points you've learned, product problems you've encountered, or issues you'd like to raise in a return conversation with the exhibitor.

- **Develop company contacts.** Exhibitors often know the companies they represent inside and out. They may be able and willing to furnish you with the names and telephone extensions of key training, accounting and technical people in the company. If you're conscientious in gathering this information, you can often leave the convention hall with a treasure trove of new contacts.

- **Organize information.** Carry a portfolio or bag with pockets so that you can sort and file printed materials as you receive it. If you indiscriminately dump everything handed to you in an oversized bag, chances are most of the material will be too heavy to carry and eventually end up in a junk pile.

- **Talk to other visitors.** You can often learn about their needs and problems, and pick up valuable tips from them. Better yet, you can build new professional acquaintances that make your job easier over time.

- **Look for benefits.** Yes you can get free promotional items and refreshments in the convention hall. But look for benefits of lasting value such as technical literature. Literature can influence your profitability and offer lasting value long after you return home.



Ron Casnter  
Expo Chairman

*Ron Castner, Chair of the 2018 Home & Product Expo, is a building and remodeling professional his company, Castner Construction Company.*

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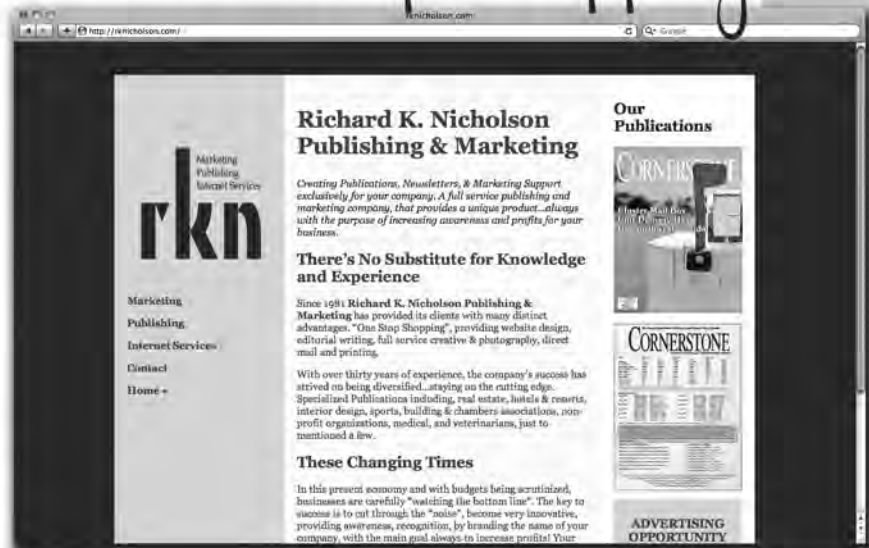
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FHBA also stopped issues from passing, which resulted in additional builder savings: Flood Provisions = \$10,000, Irrigation = \$1,000, and Water Saving Fixtures = \$250.

\*Approximate cost savings per house/lot impacted.



# Housing Starts Fall 12.3% As Tariffs Draw Increased Concern

**Total housing starts fell 12.3% in June to a seasonally adjusted annual rate of 1.17 million units, according to newly released data from HUD and the Commerce Department.**

The June reading is the number of housing units builders would begin if they kept this pace for the next 12 months.

Within this overall number, single-family starts fell 9.1% to 858,000 units. Meanwhile, the multifamily sector—which includes apartment buildings and condos—dropped 19.8% to 315,000.

Overall, permits—which are a sign of likely future housing production—dropped 2.2% to 1.27 million units in June, the lowest level of the year. Although single-family permits edged up 0.8% to 850,000, they remain at their second lowest reading

of 2018. Multifamily permits fell 7.6% to 423,000.

“We have been warning the administration for months that the ongoing increases in lumber prices stemming from both the tariffs and profiteering this year are having a strong impact on builders’ ability to meet growing consumer demand,” said NAHB chairman Randy Noel. “This is why we continue to urge senior officials to take leadership and resolve this issue.”

While overall production is 7.8% higher than the same period last year, the June report raises concerns about a softening in housing production over the near term.

“The concern over material costs, especially lumber, is making it more difficult to build homes at competitive price points, particularly for newcomers entering the housing market. Moreover, the soft permit report does not suggest a significant increase in housing production in the near



term,” said NAHB senior economist Michael Neal. “However, consumer demand for single-family housing continues to increase as the overall economy and labor market strengthen.”

Combined single- and multifamily housing starts fell in all regions of the country. Starts fell 3% in the West, 9.1% in the South, 35.8% in the Midwest and 40% in the Northeast.

Looking at regional permit data, permits rose 6.2% in the South. Permits fell 1.8% in the West, 16.4% in the Northeast and 18.7% in the Midwest.

*Courtesy of NAHBnow.com*





## KAVANAUGH AND HOME BUILDING: WHAT THE RECORD SHOWS

**As legal pundits and news outlets pour over Judge Brett Kavanaugh's extensive judicial record to learn more about President Trump's new Supreme Court nominee, members need only turn to the multiple NAHB court cases over which Kavanaugh has presided** at the U.S. Court of Appeals for the D.C. Circuit to get a fuller picture.

In his 12 years on the D.C. Circuit, Kavanaugh has been involved in eight cases in which NAHB was a petitioner, appellant

or amicus. While not always siding with NAHB's position, Kavanaugh has consistently viewed agency rulemakings with a healthy dose of skepticism.

For example, NAHB was a petitioner in *Coalition for Responsible Regulation et al v. EPA*, challenging EPA's attempt to apply an onerous Clean Air Act permitting program to millions of new sources, including some multifamily buildings.

A three-judge panel at the D.C. Circuit upheld EPA's regulation, and the full D.C. Circuit did as well – except for Judge Kavanaugh. Ultimately, NAHB and its industry coalition took this case to the

Supreme Court, which overturned EPA's regulation for exceeding its statutory authority, just as Kavanaugh had forecast when he declined to go along with the D.C. Circuit's full court ruling.

Kavanaugh also carefully examines Congress' actions to ensure they pass constitutional muster. NAHB participated as an amicus in *PHH v. Consumer Financial Protection Bureau*, a case in which Kavanaugh held that a provision of the Dodd-Frank Act was unconstitutional because it vested too much power in the sole director of the Consumer Financial Protection Bureau (CFPB).

NAHB's main concern in this case was the CFPB's re-interpretation of RESPA provisions that affected the use of marketing services agreements, commonly used by builders, real estate agents, lenders and others in the settlement process.

Kavanaugh held that the CFPB could not change its position on RESPA without going through the rulemaking process and making sure the public had a chance to make comments. While the full D.C. Circuit ultimately overturned Kavanaugh's constitutional holding, it upheld his RESPA holding, which benefits NAHB members significantly.

Judge Kavanaugh's record of curbing regulatory overreach, as evidenced by these two cases, is one of the key reasons NAHB supports his nomination to the Supreme Court.

*For additional information about NAHB legal affairs action, contact Amy Chai.*



# 2.4 Million Millennial-led Households are Missing

**Movin' ain't easy, especially for today's young adults trying to get into a place of their own.**

In fact, just 40% of those ages 25 to 34 led their own household in 2016, and that number has been dropping steadily since 2000 (46%). According to NAHB analysis by economist Natalia Siniavskaia, that missing 6% equates to roughly 2.4 million would-be households.

While all age groups recorded continuous declines of headship rates between 2000 and 2016, none saw a faster drop than the 25-to-34 year olds — once the primary driver behind the big housing boom of the post-World War II era.

Affordability is the big issue, with the high costs of living, escalating rental rates and rising home prices — factors that impact people of all ages, but might seem especially daunting to younger generations with typically fewer resources and lower salaries.



As a result, young adult house sharing has risen significantly: The portion of young adults who choose to live with their parents or other relatives rose from 15.3% in 2000 to 26.3% in 2016. Additionally, the percent of those who live with roommates (non-relatives) jumped from 5.1% in 2000 to 7.5% in 2016.

A clear trend emerges when comparing household formations — or lack thereof — across the country: States with the more expensive housing markets have the lowest headship rates among 25-to-34 year olds. California, New Jersey, Florida, New York and Hawaii are consistently among the least affordable places to live and have the lowest headship rates, some of which are well below 37%. Courtesy of NAHBnow.com

On the other end of the affordability scale, states such as North and South Dakota, Iowa and Nebraska register the highest headship rates, ranging between 48%-49%.

## Single-Family Production Will Continue to Gain Ground in 2019

**Speaking before the National Association of Counties Annual Conference & Exposition in Nashville on July 15, NAHB Chief Economist Robert Dietz said that the housing recovery will continue to move forward but that builders continue to face persistent supply-side headwinds.**

Single-family housing production is expected to post high single-digit percentage increases in 2018 and 2019, with starts nearing 1 million units by the end of 2019. While production continues to trend in the right direction, this is still far below normal production levels of about 1.3 million single-family starts per year.

On the multifamily side, NAHB is expecting multifamily starts to fall back in 2019 from 2018 levels to roughly 350,000 units. However, this does not indicate a weakness in this market segment. From 1995 through 2003, multifamily produc-

tion averaged 331,000 units annually, which is considered a normal level of production.

Even as single-family production remains a gradual, upward trajectory, Dietz said that builders continue to grapple with a number of supply side issues, including shortages of skilled workers and buildable lots and rising construction costs.

NAHB also continues to work with Washington policymakers to reduce regulatory costs, which are hampering housing affordability. On average, nearly 25% of the cost of building a typical new single-family home — almost \$85,000 — is attributable to government regulation. The average regulatory cost for multifamily production is even higher at more than 30%.

*Courtesy of NAHBnow.com*

# NAHB Files Amicus Brief in Supreme Court 'Takings' Case

NAHB recently submitted an amicus brief in a Supreme Court case that may have a profound effect on land use lawsuits.

This fall, the court will hear arguments in *Knick v. Township of Scott*, a case that has major implications for Fifth Amendment "takings" claims. The takings clause provides a guarantee that property owners be paid "just compensation" when the government takes property for a public use. The issue in *Knick* deals with access to federal courts for just compensation claims.

Due to the court's 1985 decision in *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, plaintiffs have to jump through a number of legal hoops before bringing a takings claim in federal court. These legal hoops, referred to as Williamson County's ripeness test, cost time and money, and



government defendants use Williamson County to wear down plaintiffs well before a federal court has the opportunity to hear a takings claim on the merits. The *Knick* case will reconsider Williamson County.

NAHB has long argued that Williamson County should be overturned. Since the 1985 decision, NAHB has pursued multiple avenues to overturn Williamson County, in the form of amicus briefs and efforts to find a Congressional fix. NAHB submitted one of just three briefs encouraging the Supreme Court to take the *Knick* case. On March 5, the court agreed to hear the case.

NAHB submitted another amicus brief on June 5, this time for the merits stage of the *Knick* case. In addition, other NAHB members participated in separate amicus efforts. NAHB LANDS member Tim Hollister submitted a brief on behalf of certain members of Congress, and longtime NAHB Frank Kottschade joined another amicus brief, which highlighted his years-long takings lawsuit. Oral argument will likely be in the fall.

*Courtesy of NAHBnow.com*

## DOL Officially Kills 'Persuader Rule'

In a victory for NAHB, the Department of Labor (DOL) today officially rescinded the Obama-era "persuader rule" that would have unfairly required lawyers and consultants to report to the DOL when counseling employers concerning union organizing.

The DOL's action today to issue a final rule comes one year after the agency issued a proposed rulemaking to withdraw it.

The regulation was issued in 2016. However, before it could be imple-

mented, NAHB scored a major legal victory that November when the U.S. District Court for the Northern District of Texas granted NAHB, the Texas Association of Builders, the National Federation of Independent Business and other Texas business groups a permanent stay of the persuader rule.

Unions were seeking to prevent employers from talking to their lawyers in response to union organizing. The court ruling essentially put an end to the union effort.

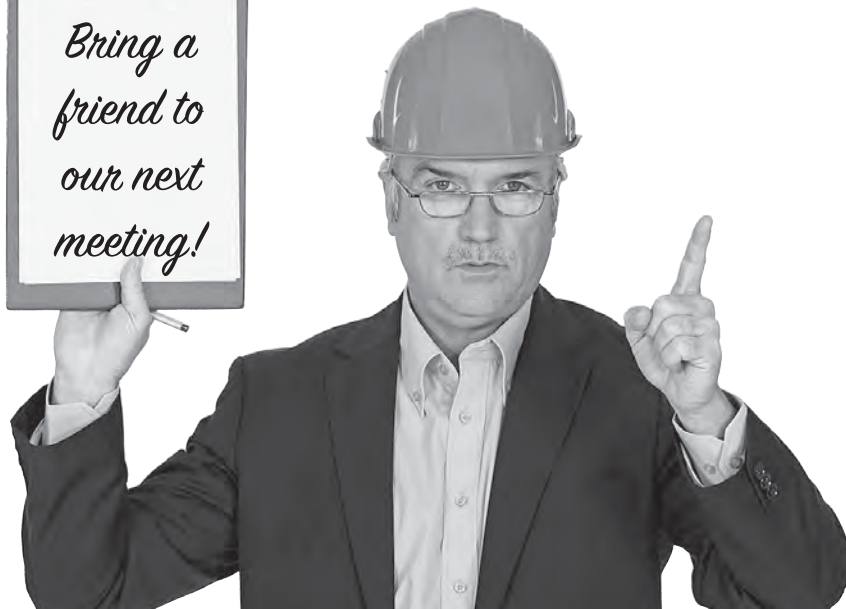
The DOL announced the rescission in a news release. "For decades, the department enforced an easy-to-understand regulation: Personal interactions with employees

done by employers' consultants triggered reporting obligations, but advice between a client and attorney did not," the Office of Policy's Deputy Assistant Secretary Nathan Mehrens said in the release. "By rescinding this rule, the department stands up for the rights of Americans to ask a question of their attorney without mandated disclosure to the government."

For more information, please contact Amy Chai at 800-368-5242 x8232 or Alexis Moch at x8407.

*Courtesy of NAHBNow.com*

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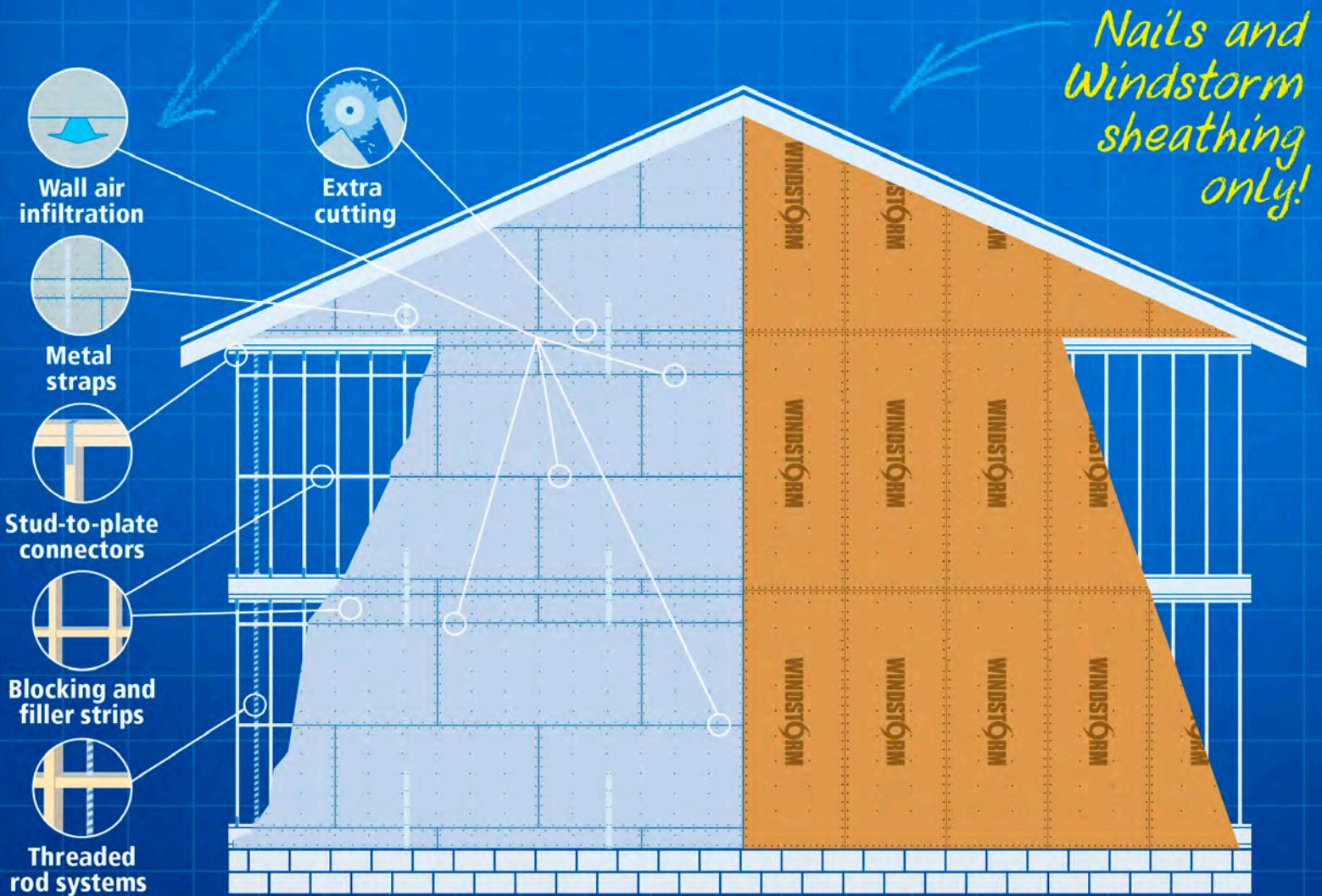
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