

The News of the Home Builders Association of West Florida

CORNERSTONE

November 2018

THE AMERICAN DREAM HOME
OFFERS DESIGN, INNOVATION,
LUXURY AND TECHNOLOGY

Parade of Homes

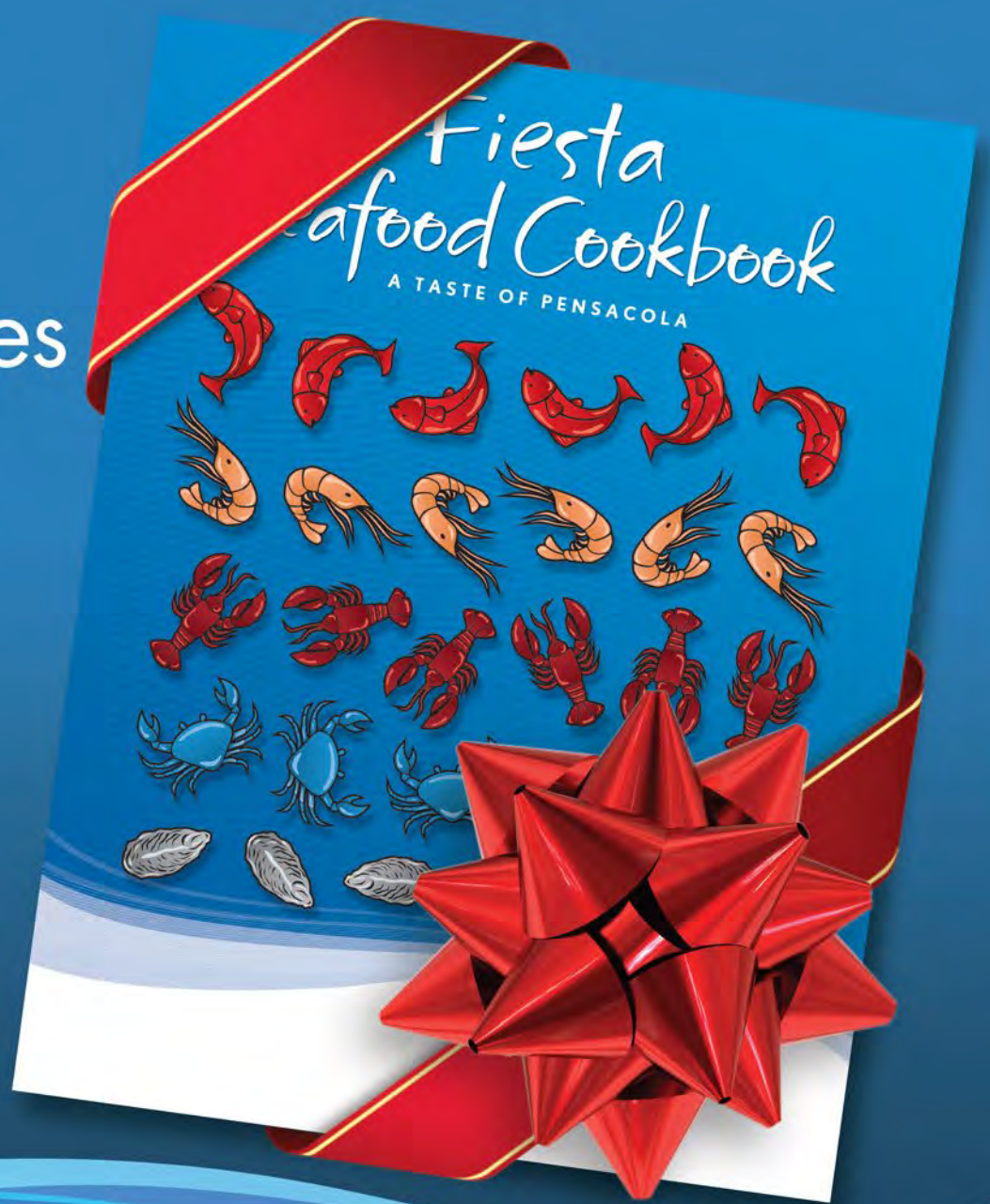
November 3 - 11

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PAGE 7

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Cornerstone

The official magazine of the Home Builders Association of West Florida

H·B·A

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In This Issue

Cornerstone



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Cover Story

The 2018 American Dream Home Offers Design, Innovation, and Technology 11-13

 Thanks to Our 2008 Fall Parade Sponsors 11

 2018 American Dream Home: Unique Elevation, Energy Efficient & Amenities 13

 2018 American Dream Home: We Appreciate Our Donors 15-17

CORNERSTONE COLUMNS

President’s Message: Lister’s Builders Hits the Mark with An Earth Cents American Dream Home To Showcase For The Fall Parade of Homes 10

FHBA NEWS

Member Benefits: Members receive significant savings for their business, bottom line 8

FEATURE STORIES

A Houseful of Savings 5

OSHA Clarifies Position On Workplace Safety Incentive Programs and Post-Incentive Drug Testing 7

NAHB NEWS: Supreme Court Hears Dusky Frog Case 9

New Trade Deal Could Open Door for Future Lumber Talks 18

Supreme Court Hears “Talkings” Arguments 20

ASSOCIATION NEWS

Discount Price for HBA Members 6

Like Us on Facebook 9

Top 10 Reasons to Do Business With HBA Members 9

HBA Membership News: New Members, Thanks for Renewing, & More 21

Members Doing Business with Members 21

Spike Club Update 22

DEPARTMENTS INDEX

Next Issue Deadlines 4, 18 & 22

Advertisers Index, Web, & Email Addresses 22

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5. Air Leakage = \$175
Provides option for testing in multi-family as single and modified 5 ACH to 7 ACH



8. Shower Liner = \$75
Reinstates exception to shower liner on SOG (FBC-R & P)



3. Duct Penetration Garage = \$300
Retained provisions allowing use of duct board



6. Mechanical Ventilation = \$75
Reduced from 5 ACH to less than 3 ACH



9. Door Swing = \$750
Revisions permitting doors to outswing over egress, two risers, and an exception for landings

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*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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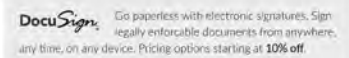
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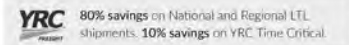
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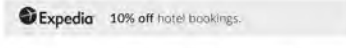
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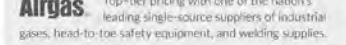
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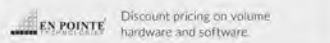
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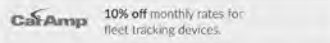
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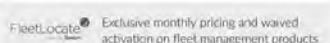
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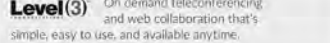
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OSHA CLARIFIES POSITION ON WORKPLACE SAFETY INCENTIVE PROGRAMS AND POST-INCIDENT DRUG TESTING

On Oct. 11, the Occupational Safety and Health Administration (OSHA) issued a memorandum clarifying how the prohibition against employee retaliation for reporting work-related injuries or illnesses applies to certain safety incentive programs and post-incident drug testing policies.

The prohibition was included in OSHA's final rule, "Improve Tracking of Workplace Injuries and Illnesses," issued on May 12, 2016. In the preamble to that final rule, OSHA suggested that certain safety incentive programs could discourage employees from reporting injuries and illnesses (e.g., rewarding a team of employees a bonus if no one from the team is injured over some period of time) and would be prohibited by the rule.

OSHA also suggested that certain post-incident drug testing programs might discourage employees from reporting injuries and illnesses and would be prohibited where the employer did not have a reasonable basis for concluding that drug or alcohol use was a likely contributor to the incident.

Stakeholders, including NAHB, objected to the prohibition in the rule and the preamble language. Many employers have successfully implemented safety incentive programs and post-incident drug testing programs and found them to improve workplace safety and health.

After issuing the rule, OSHA attempted to clarify the impact of it on safety incentive programs and post-incident drug testing programs in a series of guidance documents. These guidance documents, while providing some further clarity, did not address the underlying concerns of NAHB and other employers.



With respect to drug testing, OSHA states that most instances of drug testing are permissible, including the following:

- Random drug testing;
- Drug testing unrelated to the reporting of a work-related injury or illness;
- Drug testing under a state workers' compensation law;
- Drug testing under other federal law, such as a U.S. Department of Transportation rule; and
- Drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees.

In the memorandum, OSHA also states that any other OSHA interpretive documents that could be considered inconsistent with this most recent interpretation are superseded by the memorandum. It is not clear from the memorandum, however, if this includes the preamble language to the rule that initially suggested the programs were prohibited.

Brad Hammock, an attorney with the law firm of Littler Mendelson, P.C. in Washington, D.C., said, "While the memorandum does not address all of the concerns raised by employers with the initial rulemaking, it is certainly a step in the right direction to allow employers to continue to use certain programs that have been shown to be effective at improving safety."

NAHB encourages members to re-examine their safety incentive programs and post-incident drug testing programs in light of the memorandum. NAHB will continue to monitor developments in this area and will apprise members should OSHA's policy direction change.

For any questions on the memorandum or jobsite safety, contact Rob Matuga at 202-266-8507.

Courtesy of NAHBnow.com

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SUPREME COURT HEARS MEMBERS' DUSKY FROG CASE



The U.S. Supreme Court opened a new term Oct. 1 by hearing oral argument in *Weyerhaeuser v. United States Fish and Wildlife Service*, which involves a clash between two NAHB members and the dusky gopher frog. NAHB has been involved in the case from the start, most recently weighing in with an amicus brief on the merits of the case.

The case revolves around the Fish and Wildlife Service designation of 1,555 acres of Louisiana timberland as “unoccupied critical habitat” for the endangered frog, locking down an estimated \$34 million in lost development opportunities.

The service concedes that no frogs live on the land in question – nor have any been seen or smelled anywhere in the state for more than 50 years. In fact, the only way to make the property suitable for the frog is through intensive land management

practices, an imposition the FWS admits it may not force on private land owners.

At Monday’s oral argument, some justices seemed concerned that if the government can designate this land as critical habitat, then it could designate any land, no matter the amount of land alteration needed to support the frog.

Chief Justice Roberts questioned whether the government believed it could designate critical habitat in Alaska under the theory that one could develop ephemeral ponds and plant long-leaf pines and seal it all under a greenhouse to protect the frog. Likewise, other justices were looking for the government to provide a limiting principle to explain why it could not designate all areas as critical habitat.

NAHB expects the court to issue a decision by the end of the year.

Courtesy of NAHBNow.com

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4. They serve on committees and councils gaining valuable networking opportunity while helping to advance the association’s mission.
5. By doing so, you increase the value proposition for all membership in our HBA.
6. They are strong supporters of local and state PACs and BUILD-PAC.
7. They are a major source of non-dues revenue through sponsorships, advertising, etc.
8. As industry partners, they are a valuable resource for business and management tips.
9. They are heavily invested in your business success: You win, they win!
10. Why wouldn’t you do business with a member?



President's Message



“The spring Parade was truly a successful event and we hope that this Fall Parade will be well-attended with nice, crisp Fall weather.”



LISTER BUILDERS HITS THE MARK WITH AN EARTHCENTS AMERICAN DREAM HOME TO SHOWCASE FOR THE FALL PARADE OF HOMES

On behalf of the Board of Directors of the Home Builders Association (HBA), it's my pleasure to welcome you to the Fall Parade of Homes. Since this is our 60th year of hosting a Parade of Homes, our leadership decided to host two events this year to celebrate home building. The spring Parade was truly a successful event and we anticipate that this Fall Parade will be well-attended with nice, crisp Fall weather.

We are excited to offer the HBA's American Dream Home, built by longtime Northwest Florida builder Alton Lister of Lister Builders, LLC., who has over 28 years of custom home building experience. Alton is truly one of the nicest people you'd ever want to meet. He has an eye for details and we are thankful for the donation of his time and resources to build this all-important home for the HBA. I am also pleased that the Dream Home is a Gulf Power EarthCents home designed to save money and reduce energy consumption, and that helps preserve our natural resources. Even though the name of Gulf Power is changing soon, I am certain that their community support and mission to delivery low cost electricity to our region will not change. Gulf Power Residential Marketing Supervisor Jeff Hatch and his team of professionals have been absolutely fantastic to work with throughout this process. In addition, a special thank you to the many businesses who have donated their time and talents to the Dream Home. The Dream Home Donors are a major part of this project and the HBA is forever indebted to you for your assistance. If you see something you like in the Dream Home, please ask on-site people who donated a product or service. Or you can look it up in the Parade of Homes publication that list each business and their valuable donation.

The Dream Home is located in the gated community of the Highlands at the Moors just off Avalon Blvd. in Santa Rosa County. The Highlands includes sidewalks, underground utilities, sewer, and curbs. Residents also have access to the fitness center, pool, tennis courts, kids playground, park and more.

According to Northwest Florida's premier economist Dr. Rick Harper, the estimated annual economic impact of production of 1,048 new homes per year at the current median price per new home, is \$201 million in net new local income, along with \$23.8 million in taxes and other revenues to local governments. This creates 3,722 net new jobs in the local economy. The shelter industry is tremendous economic driver for our area. I encourage you to visit the 35 newly constructed homes scattered throughout Escambia and Santa Rosa counties. Special thanks the home builders who have entered homes into the Parade including aDoor Properties, Avant-Price Builders Group, Thomas Home Corporation, Flynn Built, D.R. Horton, Holiday Builders, Adams Homes, Paragon Custom Homes and Timberland Contractors. Take time to tour the wide selection of homes during the Parade and get a firsthand look at the latest innovations in home building including design, construction, insulation, security, sound systems, windows, landscaping and other key elements of new home construction.

The Parade of Homes is brought to you by the HBA, Lister Builders, Pensacola News Journal and sponsored by Alyssa's Etc., Digital Now Reprographics, Southern Brass, Truland Homes and University Lending Group.

The Fall Parade is set for November 3 – 11, with weekend hours from 12:00 p.m. – 6:00 p.m., and weekdays 3:00 p.m. – 6:00 p.m.

In closing, there's never been a better time to buy a home with historically low interest rates. Whether you are a potential home buyer or home builder, the Parade of Homes has something for everyone. For more information go to www.ParadeofHomesPensacola.com.

THE AMERICAN DREAM HOME OFFERS DESIGN, INNOVATION, LUXURY AND TECHNOLOGY

Celebrating the 60th year of the Annual Parade of Homes, the Home Builders Association of West Florida is pleased to bring you the Fall Parade of Homes, set for November 3 – 11, 2018. The Fall Parade of Homes is an exciting event for thousands of attendees who look forward to touring new homes throughout Escambia and Santa Rosa Counties. The Fall Parade of Homes boasts 35 homes in all shapes, sizes, colors and prices ranges.

continues on page 12

See the American Dream Home, which is a Gulf Power EarthCents home, built by Alton Lister of Lister Builders, LLC, in the gated community of the Highlands at the Moors.

WHAT: 2018 Fall Parade of Homes

WHEN: November 3 – 11

WHERE: 35 Homes throughout Escambia and Santa Rosa Counties.

CENTRAL SITE: Highlands at the Moors featuring the American Dream Home.

MORE INFO: www.ParadeofHomesPensacola.com



Thank You to our 2018 Fall Parade of Homes Sponsors!



Southern Brass, LLC



THE AMERICAN DREAM HOME OFFERS DESIGN, INNOVATION, LUXURY AND TECHNOLOGY

from page 11

“The people of Northwest Florida look forward to the Parade of Homes every year, said HBA President Taylor Longworth of East Hill Building & Design. “And we are thrilled to showcase two Parade of Homes this year. It’s a positive sign that our economy is strong, and our home building professionals are meeting the demands of consumers who need new homes.”

The ever-popular American Dream Home, which is a Gulf Power EarthCents home, is located in the gated community of the Highlands at the Moors, one of the hottest selling communities in Northwest Florida. The Highlands at the Moors, just off Avalon Blvd. in Santa Rosa County, features sidewalks, underground utilities, sewer, and curbs. Residents also have access to the fitness center, pool, tennis courts, kids playground, park and more.

Dream Home Builder, Alton Lister of Lister Builders, LLC, is pleased with the overall design and functionality of the floor plan. “I truly enjoy spending time with my family and friends at home,” said Lister. “I believe the Dream Home captures the essence of being with family and friends, and living comfortably whether you’re entertaining inside or outside. It has been an exciting project and I’m thankful for all the people who played key roles in making this home a reality.”

The Dream Home design is a collaboration between Alton Lister, John Hattaway of Hattaway Home Design and engineered by Dean Spencer of Dean A. Spencer Engineering. The home is 3480 square-feet of spacious living with four bedrooms and 3 1/2 bathrooms including an oversized master bath, one guest suite bath and one joint bedroom bath, and a conveniently located power room.

With a design of an 8/11 roof pitch, the Dream Home incorporates Atlas Pinnacle Pristine Architectural Shingles with Scotchguard protector. The semi-crafted designed exterior features a

flow of Hardie Board and Batten Siding, Cedar Shake Siding and warm brick accents. The decorative metal roof is a focal point of the bold front gables. The inviting, decorative exterior blends nicely with two side entry Wayne Dalton Carriage Style garage doors with a single Carriage Style garage door that is set back from the front of the home offers a welcoming focal point and view.

The home, designed for family needs and gracious entertaining, features 10 foot ceiling throughout with a majestic 14 foot cathedral ceiling in the foyer. In addition, specialty ceilings in the master bedroom and guest suite give an overall spacious feel.

Designer and recessed lighting accentuates multiple areas showcasing its beautiful wood floors, ceramic tile, carpet and decorative shower tiles by Act 1 Flooring and Shaw Industries. Adding to the warm atmosphere of the home are indoor hearthside SimpliFire Electric Fireplaces in the living room and master bath, providing a realistic flame and glow. A private porch off the master bedroom is complete with a wood burning fireplace and entertaining space.

The gourmet kitchen features Stile Cabinetry and is accentuated with elegant engineered granite countertops provided by Superior Granite that exude class and functionality. The kitchen is accented with under-the-counter lighting for a warm and elegant experience. The home is equipped with high-end KitchenAid appliances, induction cooktop, French door refrigerator, sound reduction dishwasher, convection microwave and built in wine cooler that add to the overall ambiance. A spacious pantry, complete with shelving from Alpha Closets, is convenient to a kitchen prep area.

For outdoor entertaining, custom 12 foot French door assembly lead from the family room to the rear covered Lanai that is designed with a tongue and groove cathedral ceiling complete with an outdoor kitchen with gas grill, TV outlet and separate sitting area with a welcoming fireplace.

The master bath is an oasis of tranquility with an inviting free standing tub. The two Delta faucets shower heads, body sprays, multiple controls and built-in bench in the walk-in shower enhance the feel of cascading hot water from the Rheem Heat Pump (Hybrid) water heater. The master bath has spacious, separate walk-in closets with wall-to-ceiling shelves.



Alton Lister readies for the Fall Parade of Homes

“The EarthCents features are designed to save money and reduce energy consumption, said Gulf Power Residential Marketing Supervisor Jeff Hatch. “This has been an exciting project for our team of professionals who were involved in the planning before construction began. We made significant recommendations to develop a customized energy-feature package that will benefit the homeowner for years to come.”

Included as part of the latest advancement in energy-efficient building are two Rheem Heat Pump (Hybrid) water heaters. Northwest Florida A/C installed a state-of-the-art Carrier 5 Ton/20 SEER Infinity Green Speed System with Zone Control. No other ducted, air source heat pump can beat its 13 HSPF rating for heating efficiency. It’s a winner too, when it comes to cooling. The home is also equipped with innovative, high efficiency VIWINCO Ocean View, Low-E impact resistant vinyl windows and Thermo-Tru fiberglass exterior doors that reduce energy costs, protect homes against weather and intruders, enhance beauty, and eliminate noise. Moreover, Coastal Insulation’s open cell foam and BIBS insulation add to the energy efficiency of the home.

Professionally installed by homeNetservice, LLC, the Dream Home incorporates surround sound and outdoor audio, structured wiring and a URC MX Home Pro Automation System that is the very latest in home automation that controls the entertainment and audio systems.

The Dream Home is located in the Highlands at the Moors off Avalon

Blvd in Santa Rosa County. It is just minutes from shopping malls, schools, I-10, and downtown Pensacola. The Parade of Homes™ has been a popular attraction since its start in 1958 and is brought to you by the Home Builders Association of West Florida Lister Builders, Gulf Power, Pensacola News Journal and sponsored by Alyssa's Etc., Digital Now Reprographics, Southern Brass, Truland Homes and University Lending Group.

Dates: November 3 - 11 with weekend hours from 12:00 p.m. – 6:00 p.m., and weekdays 3:00 p.m. – 6:00 p.m. Go to www.ParadeofHomesPensacola.com for more information of maps, homes, floor plans and amenities.

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New Trade Deal Could Open Door for Future Lumber Talks

The new trade deal between the U.S., Canada and Mexico that will replace the North American Free Trade Agreement (NAFTA) with the United States-Mexico-Canada Agreement, or USMCA, has the potential to yield positive developments regarding the ongoing U.S.-Canada lumber trade dispute.

All three nations must still ratify the new agreement.

While the accord does not specifically address the lumber trade conflict, it does leave in place the dispute resolution mechanism

from NAFTA's Chapter 19. Now moved to Chapter 31, it allows a panel with representatives from each country that is party to a dispute to challenge tariffs that may be imposed.

Under NAFTA, the Chapter 19 mechanism has been successfully used by Canada in the past to challenge the U.S. on its softwood lumber trade restrictions.

With the negotiations on the USMCA accord now completed by the three nations, this leaves open the possibility that the U.S. and Canada can now focus on resolving bilateral trade issues regarding softwood lumber.

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Supreme Court Hears ‘Takings’ Arguments

The U.S. Supreme Court on Oct. 3 heard arguments in *Knick v. Township of Scott*, an important land use case which could decide whether a plaintiff can bring a Fifth Amendment “takings” claim in federal court. NAHB filed a merits-level amicus brief in June.

It’s very difficult today for a property owner to bring a takings claim into federal court because of the 1985 Supreme Court decision, *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*. *Williamson County* requires, in part, that a property owner go through state proceedings prior to bringing a takings case in federal court.

There are a number of reasons why this is troublesome for property owners.

- First, forcing owners to first go through state court and then essentially relitigate the case in federal court greatly increases the time and cost of land use litigation.
- Second, *Williamson County* allows the government to

remove a takings case from state court to federal court but does not allow a plaintiff to do so. This creates an unfair advantage where governments can “forum shop” by picking the more favorable court, whereas property owners are not permitted to do the same.

- Third, once governments remove a takings case from state court to federal court, they often file a motion to dismiss the case to prevent the claimant from ever having her day in court.

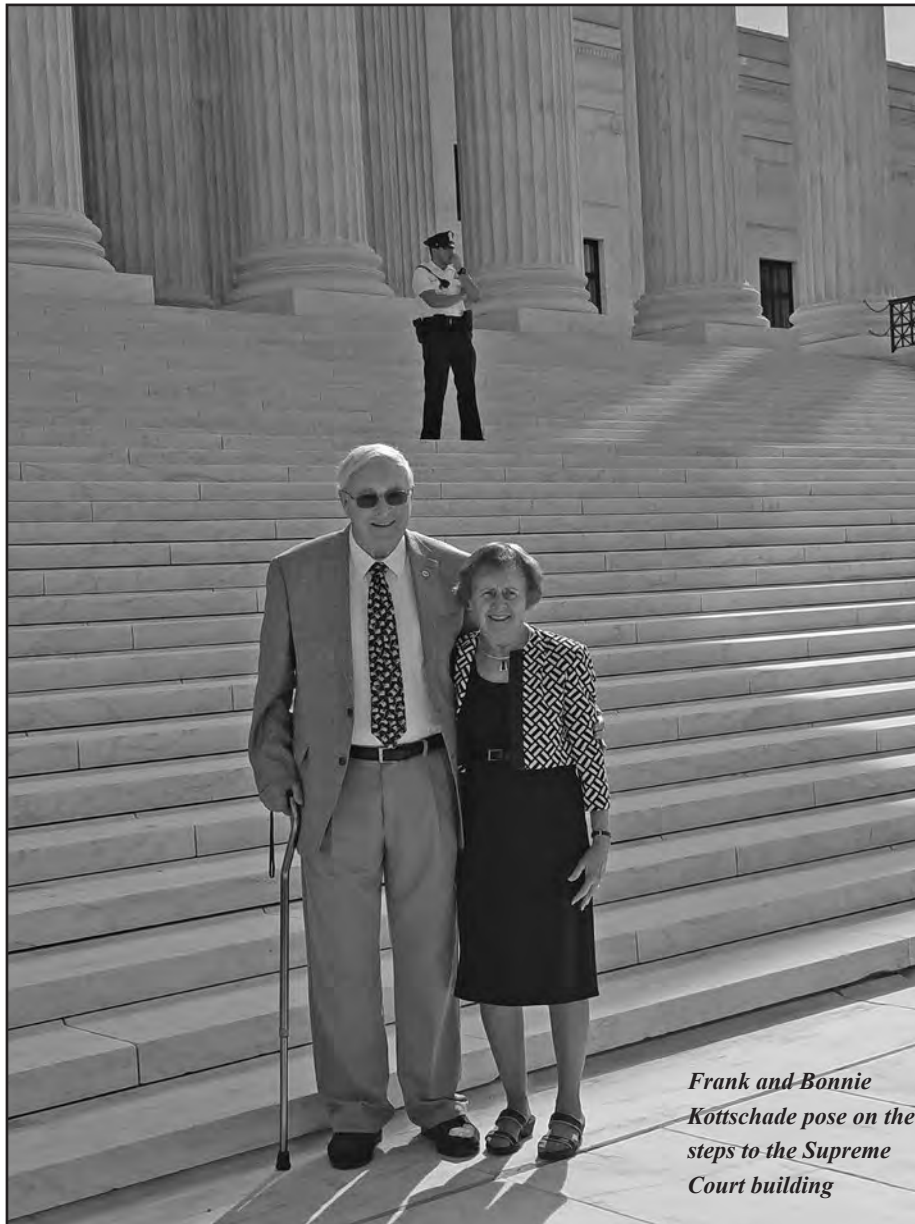
It is difficult to know how the Supreme

Court will rule on *Knick*. In oral arguments, justices seemed to agree that there is a problem with *Williamson County* at some level, particularly with successful efforts by governments to remove a case to federal court and then to have it dismissed under *Williamson County*. As Justice Breyer stated, a simple fix would be “to write a sentence saying that’s wrong, [governments] have waived it.”

However, it was much less clear as to whether the court is willing to overturn *Williamson County* in its entirety. Some justices were convinced that the principle of *stare decisis* would apply in this case: the judicial principle that courts should generally stand by and uphold earlier precedents.

NAHB ensured that longtime NAHB members and property rights advocates Frank and Bonnie Kottschade had seats in the courtroom. Frank, who has pursued multiple lawsuits on issues that benefit all NAHB members, filed a brief in this case and traveled from Minnesota to see the argument in person.

NAHB expects the court to issue a decision by the end of the year. For more information, contact Vice President for Legal Advocacy Tom Ward.



Frank and Bonnie Kottschade pose on the steps to the Supreme Court building

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