

The News of the Home Builders Association of West Florida

CORNERSTONE

January 2019

Alton Lister is
Poised to Lead
The Home Builders
Association

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Cornerstone

The official magazine of the Home Builders Association of West Florida



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WORKING TOGETHER WE CAN CONTINUE TO ENJOY THE BENEFITS OF A GREAT ASSOCIATION

It is truly an honor to be president of your Home Builders Association of West Florida (HBA). It was also meaningful to have my brother, David Lister, of Saltmarsh Cleaveland & Gund, swear me in as President of the HBA. David and I learned the value of hard work from watching our father, Johnnie, lead by example as a manager of Delchamps for many years.

The home building business is a tough business. It's a good business but sometimes events happen outside of our control and it makes it difficult to make a living. That's why I appreciate the work of our HBA. We are all busy and don't have the time to get into the weeds of every ordinance or regulation that negatively impacts our business. The HBA as well as the Florida Home Builders Association and National Association of Homes Builders collectively work to keep our industry strong.

The HBA has given me more in terms of relationships, good will and an overall can-do spirit of the membership. We have really good and dedicated people who care about the overall success of the HBA. This association has been around for a very long time and I am mindful of the people who have come before me who set the standard of excellence for the HBA. I've had the opportunity to watch others lead

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President's Message



"The HBA as well as the Florida Home Builders Association and National Association of Homes Builders collectively work to keep our industry strong."



Alton Lister is sworn in as HBA President by his brother David at the HBA Installation Banquet.

WORKING TOGETHER WE CAN CONTINUE TO ENJOY THE BENEFITS OF A GREAT ASSOCIATION

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this association as president as well as other people who I truly admire. I've tried to learn everything I can about all the aspects of this industry and our Association so that I can be more knowledgeable and effective as your president. I would like to thank Taylor Longworth for his leadership over the past year. He is a very knowledgeable and he truly cares about the HBA. He is also dedicated to helping the kids in our community with volunteering his time with SkillsUSA every year. I look forward to one more year with Taylor on the Senior Officer team.

Each year, over 1,600 families in Escambia and Santa Rosa Counties enjoy the benefit of owning a brand new home. Why is this possible? Because we, the building industry, took the risk to develop the land, create the products that go into

a house, and built today's new homes with care and quality. We are responsible for creating homes for families who build memories that will last a lifetime. Because of my belief that what we are doing is important and right, I believe our Association should do the following:

- Continue to fight for sensible growth policies and affordable housing in Northwest Florida.
- Oppose regulations that add to the cost of housing but do not contribute to the health, safety and welfare of homeowners (and)
- Support candidates who believe in affordable housing for all citizens.

Please continue to put membership first and be a part of our membership effort. Who do you know right now who is benefiting from the all-important work that we're doing and isn't supporting our Association? Ask that person to join. Tell them that their future and our future depend on it.

Everything we do at the Home Builders Association of West Florida depends on volunteers. We can't accomplish our tasks with a few people, but when we all come together with an ambitious and achievable set of goals, we can produce one of the best years this Association has ever enjoyed.

TOP 10 REASONS TO DO BUSINESS WITH AN ACTIVE ASSOCIATE MEMBER

1. They support the industry at the local, state and national levels.
2. They volunteer time, talent and treasure to help the association accomplish its goals.
3. They recruit their colleagues & business contacts to become members.
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?



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Trump Administration Announces New Proposed WOTUS Rule

The Trump administration today released its proposed new definition for “waters of the United States” (WOTUS) that will resolve years of uncertainty over where federal jurisdiction begins and ends. This represents an important victory for our members.

In an official statement responding to the new proposal, NAHB Chairman Randy Noel said:

“By bringing certainty and clarity to which waters fall under federal oversight, this proposal should help accelerate the permitting process so home builders can more easily provide safe and affordable housing.

“Finalizing this revised WOTUS definition will protect our nation’s waterways without adding needless regulatory burdens that will hurt housing and other industries that depend on a predictable permitting process.”

The revised rule would address many of the serious concerns that NAHB had over the Obama-era regulation that went so far as to regulate man-made ditches and isolated ponds on private property. Today’s proposal would exclude short-lived ponds, streams and tributaries that only flow in response to a rain event from federal regulation. It would also exclude wetlands that are not directly connected to federally-regulated bodies of water.

This new rule will help landowners to determine whether a project on their property will require a federal permit or not, without spending tens of thousands of dollars on engineering and legal professionals. This revised rule will protect our nation’s waterways and save home builders and other industries that rely on a predictable permitting process time and money.

Promises Kept

The proposal fulfills President Trump’s commitment to NAHB to end this federal overreach of the 2015 WOTUS rule. One of Trump’s earliest acts in office was to sign an executive order directing EPA and

the U.S. Army Corps of Engineers to begin the process of repealing and replacing the WOTUS rule. The action honored a campaign promise he made to the NAHB Board of Directors in 2016 when he was running for president.

The new rule announced today will be open to a public comment period for 60 days and it is expected to be finalized and instituted in all 50 states by the fall of 2019.

In the meantime, because of multiple legal challenges, the Obama-era WOTUS rule remains in effect in 22 states and the District of Columbia, and the previous regulations issued in 1986 are in effect in the remaining 28 states.

Further analysis will be available at nahb.org/wotus.

For more information, contact NAHB environmental policy analysts Michael Mittelholzer at 800-368-5242 x8660 or Evan Branosky at x8662.

Courtesy of NAHBNow.com





***Get Your First Look at Florida's Building Codes
Earn Seven (7) CEUs FREE***

February 26, 2019

Florida Home Builders Association (FHBA) and the **Home Builders Association of West Florida** are pleased to be conducting a free CEU training session at Home Builders Association of West Florida.

WHAT: 7 Hours of Continuing Education
WHEN: Tuesday, February 26, 2019
WHERE: HBA office, Cordova Square, 4400 Bayou Blvd., Suite 45,
Pensacola, FL 32503
PARKING: Parking in the rear of the Cordova Square office building
TIME: 8:00 a.m. Registration/Sign-In
8:30 a.m. – 4:30 p.m. Classes
REGISTRATION: Complete this form and return to Vicki@hbawf.com or FAX to 850-494-976

Registration Deadline: February 15, 2019:

***RETURN THIS COMPLETED FORM ALONG WITH A LETTER FROM EMPLOYER AUTHORIZING
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Oldsmobile Launches Lister Builders

By DUWAYNE ESCOBEDO

During a slow residential housing market, Alton Lister's company planned to move him to their commercial division.

But Lister had another idea. He decided to open his own home building company, Lister Builders LLC.

Only problem was he had one custom house sold but lacked the ability to start building it.

"I didn't have enough money," the 58-year-old Lister says now. "I wondered how to work it."

In the end, the bank loaned him the funds he needed with his classic Oldsmobile Omega as collateral. Oldsmobile assembled the vehicle a short time from 1973-1984.

"I paid the money back but didn't have enough money for my second house and had to borrow money again," Lister recalls. "The bank opened a line of credit for me. We've been blessed to be able to stay busy and have enough work to support a family and keep things going all these years."

After more than three decades of success in the home building industry, Lister now serves as Home Builders Association of West Florida Board of Directors President.

He knows the ins and outs and ups and downs of building after constructing four to six homes a year during his career and doing light commercial work. His work includes a \$2.5 million project.

"Right now, here and across the country we have a labor shortage," Lister says. "It's definitely affecting our area with Hurricane Michael drawing more of our workforce to the east. It's made it more challenging."

However, HBA has sponsors the HBA Construction Academy at Pine Forest High School to develop skilled carpenters and builders for the local industry. The HBA's Auxiliary Council, says Lister, is also raising funds to support scholarships for construction related trades.

"The old Pensacola we knew will never come back, ... We have to embrace that reality and prepare ourselves."



A recent growth spurt in Pensacola's downtown and north-west with the addition of Navy Federal has made the demand for professionals even greater.

"The old Pensacola we knew will never come back," says Lister, a native of the Gulf Coast town. "We have to embrace that reality and prepare ourselves."

Lister and his wife, Marya, have a grown daughter and son who also have grown up and still live here. Lister expects even more young people to be attracted to Pensacola and all it has to offer from beaches to a strong job market.

"We've just not prepared," Lister says. "Navy Federal showed us what we didn't do. We will have more inevitable growth come to the area."

Currently, county officials have begun expanding roads, creating a new exit off of Interstate 10 and other work to accommodate the 10,000 jobs Navy Federal plans to bring to its sprawling 308-acre campus in Beulah off of Nine Mile Road.

"We need to continue planning," Lister says.

That's where the HBA of West Florida helps its members in the building industry the most, according to Lister.

"It's more than networking with other builders," says Lister, who first joined HBA in the 1980s. "It's way, way more."

He points out it keeps workers' comp rates down that helps to keep the cost of buying homes affordable and lobbies local and state officials on other issues important to the building industry.

"They are a major help to our businesses," Lister says.

Thanks to our Installation Banquet Sponsors!

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June 8 – 16, 2019

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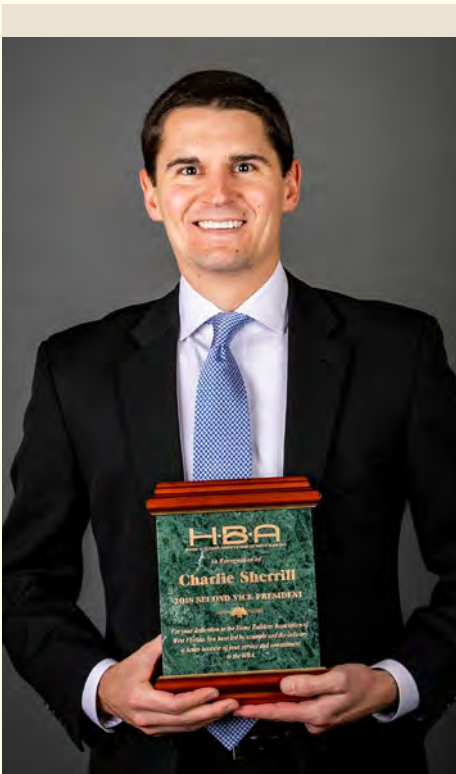


Installation Banquet Highlights

The HBA Installation Banquet was held on December 6, 2018 at the Hilton Garden Inn. HBA members ushered in a new year of leadership with Alton Lister of Lister Builders, who become the 64th President of the Home Builders Association of West Florida.



Taylor Longworth gives his "farewell address" to HBA members. Taylor is a true leader who is always enthusiastic about the HBA. Throughout the year Jon led the association through many meetings, and he's supported our councils and committees.



Charlie Sherrill of SunTrust Bank, received his 2nd Vice President Award for his service to the HBA. Charlie is a tremendous part of the HBA and continues to help in all facets of the HBA.



Alton Lister of Lister Builders received an Eagle Award for his work on building the American Dream Home in the Highlands at the Moors in Santa Rosa County. Alton spent countless hours building the home, free of charge, for the betterment of the HBA. Alton has "soared above the rest."



Social Media Champion of the Year

David Teague, Timberland Contractors, is the recipient of the HBA Social Media Champion of the Year for his promotion and sharing of all HBA events. David narrowly beat out Suzanne Pollard Spann of Gulf Coast Insurance for the first place prize.

The coveted Associate and Builder of the Year Awards are used for the purpose of honoring a person who has done a great job in the past year, and it's also used to honor a person who has consistently made a significant and lasting contribution to the Home Builders Association for over a period of time.

2018 Builder of the Year

Russ Parris

Parris Construction



From the moment Russ Parris of Parris Construction joined the HBA in year 2000 he got involved. Russ brought new energy and ideas to the HBA.... being a leader... and helping others. He is a longtime board member and he would later serve as HBA President in 2011. He was instrumental in bringing the HBA through lean times during the economic downturn. Russ has been active on the governmental affairs committee attending countless meetings over the years. He has made a significant and lasting contribution to the HBA. The HBA leadership recognized his commitment and involvement consistently for many years. Congratulations Russ!



2018 Associate of the Year

Bruce Carpenter

Home Mortgages of America



For many years, Bruce Carpenter, of Home Mortgages of America, has volunteered and worked on behalf of the Home Builders Association. Bruce has served on membership drives, governmental affairs committees, golf tournament committees, and always offering to give a hand. "Bruce is one of the nicest people who has continued to give back to his community and the housing industry," said HBA Executive Director David Peaden. Peaden said that after Hurricane Ivan hit the area, Bruce was one of the first people to call me and ask what he could do to help. He got involved with the Florida Home Builders Association's Operation Rebuild and helped set up sites in Escambia and Santa Rosa Counties where citizens could go to one place to get information. Bruce, over many years, continues to be active and involved with the HBA. Congratulations Bruce!

JB. Hopkins Distinguished Service Award

Rod Hurston



The JB. Hopkins Distinguished Service Award is one of the highest honors a HBA members can receive. JB. Hopkins served as the HBA's legal counsel for 47 years. J.B. was a leader in the Florida Legislature that pushed to have UWF opened in 1967 when others wanted to fund a study to see if it was viable. He served as president, chairman or member of over 65 community organizations. So this award is named after a man who gave his all for this community and the HBA.

"Over the years, I have had the privilege to work with really good people. Genuine people. There is no one more genuine than Rod Hurston," said HBA Executive Director David Peaden. "Rod has been an active member and board member of the HBA for over 26 years. During my time at the HBA, Rod Hurston has been there through thick and thin. He is a man of character, faith, integrity and he is a family man."

Rod has been on the forefront of insurance issues working for years on the Insurance Committee for the Florida Home Builders Association attending countless state conferences. Rod is retiring from Fisher Brown and he's looking forward to spending more time with family. Many admire Rod and the HBA will always be grateful for the time he has given to this organization. Best of luck, Rod. You deserve it!

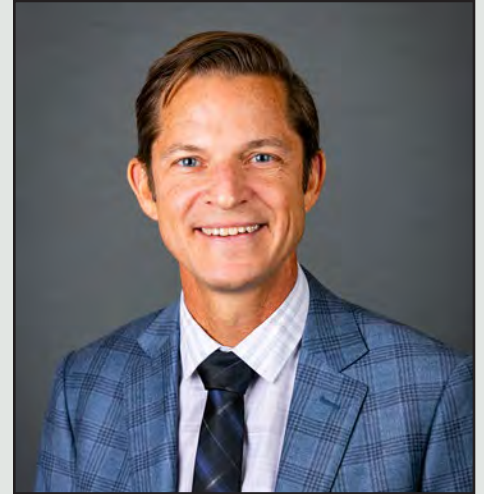
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Ronnie Johnson
J. Taylor Homes



Paul Stanley
The First



Fred Gunther
Gunther Properties



Christy Colabianchi
Sailwind Construction



Chris Thomas
Fisher Brown Insurance



Amir Fooladi
Encore Homes





Court Rules in Favor of OSHA's Multi-Employer Citation Policy

The Fifth Circuit Court of Appeals last week ruled that the Department of Labor can cite general contractors for workplace safety violations that put subcontractors' workers in danger. The case explored the legality of OSHA's multi-employer citation policy.

NAHB has been challenging the multi-employer worksite doctrine for years, and filed an amicus brief, along with the Texas Association of Builders and other construction groups, in the case decided

last week, *Acosta v. Hensel Phelps Construction Co.*

The three-judge panel for the Fifth Circuit, which covers Louisiana, Mississippi and Texas, wrote that "We conclude that the Secretary of Labor has the authority under the Occupational Safety and Health Act to issue citations to controlling employers at multi-employer worksites for violations of the act's standards."

Seven other circuits had previously upheld OSHA's multi-employer citation policy. The Fifth Circuit had been an outlier, holding, since 1981, that OSHA regulations protect only an employers' own

employees. But the trend of the courts has been in favor of the Department of Labor's position on the policy.

Hensel Phelps involved an OSHA citation against a general contractor for a violation of OSHA's excavation standard, based on alleged violations of a subcontractor on a Hensel-controlled worksite. The only employees exposed to the alleged hazards were employees of the subcontractor. OSHA applied the multi-employer citation policy to issue the citation to Hensel and initially proposed it as "Willful" with a \$70,000 proposed penalty.

An Administrative Law Judge narrowed the issue in the case to whether Hensel could be held liable for the violations of a subcontractor under the multi-employer citation policy. The ALJ then set forth general precedent upholding the legality of the multi-employer citation policy.

But the ALJ determined that because the location of the incident was in the Fifth Circuit, he was obliged to follow Fifth Circuit precedent and that precedent "clearly ruled that the Act, and regulations implemented thereunder, serve to protect an employer's own employees from workplace hazards." The ALJ thus vacated the citation and the Secretary of Labor then appealed to the Fifth Circuit.

Courtesy of NAHBNow.com





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



1. Guard Measurement = \$1,500
Reduces horizontal distance from
36 to 24 inches



4. Stucco = \$1,100
Reduced time between coats
and curing from seven days per
ASTM 926



7. Custom Doors = \$500
Provides criteria for custom
one-of-a-kind doors (FBC-B & R)



2. Fire Separation = \$2,500
Reverts to three feet and adds
options to fire rating soffits



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

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.

EPA Proposes Modifications to Stormwater Permits

The Environmental Protection Agency (EPA) on Dec. 12 proposed changes to the 2017 construction general permit (CGP) for stormwater — a direct response to an NAHB lawsuit challenging several issues in the permit.

The primary issue addressed in the proposed modification is NAHB's concern with "joint and several liability" language that was added to the 2017 CGP. This language made small builders legally liable for "shared" controls that are the

responsibility of another operator, exposing builders to fines of up to \$50,000 per day. EPA is proposing to modify this legal liability language, and NAHB's legal staff is reviewing it.

NAHB also identified other issues in its litigation that the new proposal addresses, including clarifying several requirements related to dust control, erosion of stormwater conveyance channels and handling of building materials. Additionally, EPA proposes to remove examples in the definition of "operator" (or the person who needs to comply with the permit) because they were confusing.

Although EPA's CGP is only applicable in New Mexico, Idaho, Massachusetts and New Hampshire, as well as Puerto Rico and the District of Columbia, it serves as a model for most other states when they develop their own stormwater permitting requirements. Developers and builders must seek CGPs from EPA or states for construction that disturbs more than one acre, or less than one acre when that site is within a larger common plan of development.

NAHB will be submitting comments on this draft modification to the CGP. Those comments are due by Jan. 28, 2019. For additional information, contact Environmental Policy Program Manager John Kosco or Vice President for Litigation Tom Ward.

Courtesy of NAHBNow.com

FHA Issues Final Rule Streamlining Home Warranty Requirements

The Federal Housing Administration (FHA) on Dec. 14 published in the Federal Register a final rule that would streamline the home warranty requirements for FHA single-family mortgage insurance.

The rule would eliminate the regulations that require borrowers to purchase 10-year protection plans in order to qualify for certain mortgages on newly-constructed single-family homes.

This action conforms with changes made by the Housing and Economic Recovery Act of 2008.

The final rule also allows consumers who opt to purchase warranties to be able to choose from the entire market of warranty providers, not just those approved by HUD.

HUD, however, is retaining the requirement that the Warranty of Completion of Construction be executed by the builder and the buyer of a new construction home, as a condition for FHA mortgage insurance.



This final rule becomes effective March 14, 2019.

For more information, contact Curtis Milton at 800-368-5242 x8597.

Courtesy of NAHBNow.com

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Farm Bill Contains Important Forestry Provisions

Congress has passed the 2018 farm bill that includes key NAHB-supported forestry provisions from Rep. Bruce Westerman's (R-Ark.) forestry bill to implement critical forest management reforms that will help improve the health of the nation's forest system and reduce America's reliance on foreign sources of timber.

The bill would also increase funding for the Collaborative Forest Landscape Restoration Program to empower rural communities to restore effective forest management and improve forest health. It also contains several provisions in the Timber Innovation Act that will support the development of mass timber products for building construction.

The farm bill provides categorical exclusions for forestry projects targeting diseased and dying trees. These exclusions effectively shield such forestry projects from frivolous legal challenges from the environmental lobby.

NAHB fought hard to ensure the farm bill contains a forestry title in order to grow the supply of domestically produced timber from federal lands.

These forestry provisions within the farm bill are especially important given that the U.S. imports nearly one-third of its lumber from Canada and tariffs averaging 20% on imports of



Canadian softwood lumber increase price volatility in the marketplace and harm housing affordability.

President Trump is expected to sign the bill into law shortly.

For additional information, contact Alex Strong at 202-266-8279.

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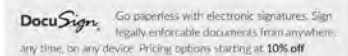
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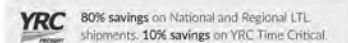
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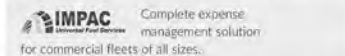
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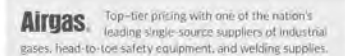
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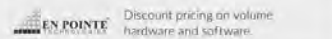
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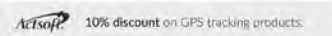
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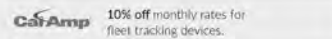
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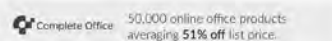
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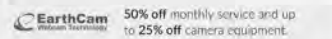
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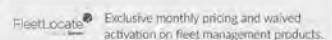
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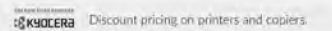
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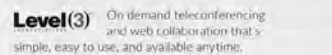
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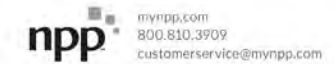
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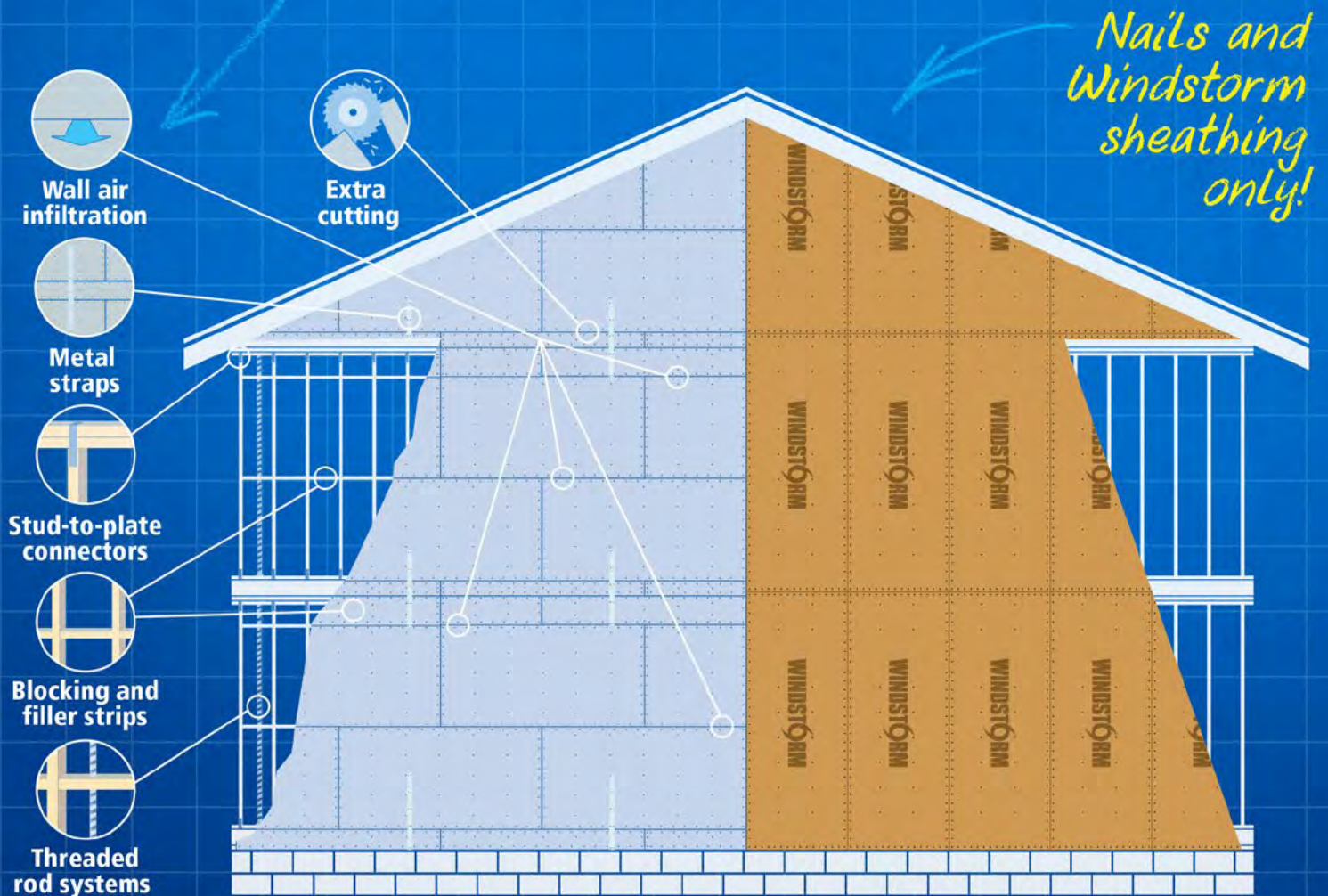


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