

# Impact Fee Injunction a Huge Win for HBA

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Elected to Florida Housing  
Hall of Fame

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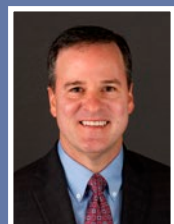


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# Impact Fee Injunction a Huge Win for HBA

As you probably know, our HBA scored a huge win on July 2 when Santa Rosa County Circuit Court Judge Darlene Dickey granted a temporary injunction against further collection of school impact fees on new homes permitted in the county. The impact fee ordinance went into effect May 1, 2020, with charges of \$5,000 per single-family home and \$2,750 per multi-family unit. The fees already collected will be held in escrow until the case is finally decided.

We are encouraged that the court validated the concerns we had not just about the calculation and structure of the fees, but the question of whether they are needed at all.

In her ruling, Judge Dickey wrote: "The County failed to meet its burden of proof in establishing the calculation of the School Impact Fee was based on the most recent and localized data for both the costs of school facility construction and the cost of land." She assailed the county's rationale for the fee, writing: "The study that was used to calculate the impact fees used inconsistent data from several different years, had multiple mathematical errors and contained gross generalizations about the area's population growth and the specific need for new schools."

Her conclusions aligned perfectly with the assertions made by the HBA's team of experts, which include attorneys Kenneth Bell, Megan Moon and Mike Tanner of Gunster, Yoakley and Stewart in Tallahassee and West Palm Beach; Stephen Moorhead of the Moorhead Real Estate Law Group in Pensacola; Susan Schoettle of Susan Schoettle-Gumm in Sarasota; and consultant Carson Bise of TischlerBise, Inc. in Bethesda, Maryland.

"Judge Dickey is to be applauded for her diligence," said Bell. "She has protected the citizens of Santa Rosa County from being forced to pay an unconstitutional tax the Superintendent and the School Board convinced the County to impose. In her 59-page order, Judge Dickey well-explains why the new 'School Impact Fee' imposed on all new residential construction is not a valid fee, but an unconstitutional tax. Forcing someone struggling to afford a new mobile home in Allentown to pay a \$4,000 'user fee' so that others in Navarre or Gulf Breeze may have a new school is clearly not a 'user fee' but rather an unlawful tax. The School Board may need to raise additional revenue to build new schools, but it must do so legally."

Judge Dickey said, "It appears as if the tail wagged the dog in the study. The expert relied upon the school district to perform critical portions of the study, and he did not independently verify or produce much of the data. The explanations provided by Assistant Superintendent (Joey) Harrell for the mathematical errors in the December report seem to indicate that he prepared the report instead of (consultant) Mr. Boles." She further stated, "Mr. Harrell testified the mathematical errors were limited to the figures in Tables A 1, A2 and A3 of the appendix to the December 2019 Report. The appendix omitted student stations at the K-8 facility now under construction in Navarre in the South End of the County. He claims the report reflects the correct number of permanent student stations in tables 12 through 25. Mr. Harrell conceded, though, that on its face, the report appears to be in error mathematically. The Court disagrees with Mr. Harrell and notes that there are numerous errors carried throughout the December report."



BLAIN FLYNN



continues on page 06

# Impact Fee Injunction a Huge Win for HBA

from page 05



In short, the HBA told the school board and the county commission that their study was seriously flawed on numerous occasions. Our pleas were ignored. It's a shame that the county didn't do its due diligence before passing the Impact Fee Ordinance last January. It is also a shame that the School Board members didn't question the superintendent and his team more about the makeup of the study. Sadly, very little was ever debated by the school board members. They rubber-stamped exactly what Superintendent Wyrosdick and Assistant Superintendent Harrell wanted.

It's important to put this impact fee fight into context.

First, I believe this is a victory for citizens who need affordable housing, and this legal challenge is about accountability. Everyone deserves to know if the School Board's \$375 million annual budget is being spent wisely and if there is really a need for an additional tax in the form of an impact fee.

Second, it's another great example that our HBA can accomplish things as an organization that we couldn't possibly achieve as individuals. So, I encourage you to use our efforts on the Santa Rosa school impact fee as a "talking point" in recruiting more members into our association. Clearly, there is strength in numbers.

Third, the court's ruling is a tangible, powerful testament to the fact that we're fighting everyday for our existing and future homeowners who do not deserve to be saddled with an unnecessary tax. We will boldly and relentlessly serve as the champions for affordable housing in our communities.

As your President, I thank you for your support of our HBA and promise you we will fight to the finish in defeating ill-conceived, illegal, and unnecessary impact fees.

# Pace Builder Edwin Henry Elected to Florida Housing Hall of Fame

For a 37-year career devoted to providing affordable housing in Northwest Florida, Edwin Henry of Henry Company Homes in Pace has been elected to the prestigious Florida Housing Hall of Fame. With 77 members elected since 1990, the Hall of Fame salutes individuals who have made significant and lasting contributions to the housing industry in Florida.

When he is officially inducted at the Florida Home Builders Association's Annual Fall Conference in October, Henry will become the second member of the HBA of West Florida to be so honored, joining Jack McCombs of McCombs Electric in Milton, who was inducted 2011.

"This is a great honor for Edwin, our association and our area of the state," said HBA of West Florida President Blaine Flynn of Flynn Built, Inc. "I had the privilege of working for Edwin early in my career and he taught me valuable lessons about running a building business. We are pleased that Edwin's dedication to our industry has earned him this significant honor."

Henry has developed over 90 communities in Escambia, Santa Rosa, and Okaloosa counties, and built more than 18,000

homes with an emphasis on affordability, energy-efficiency, and construction quality. A winner of 49 Parade of Homes Awards, he was one of the area's first builders to adopt sophisticated sales, marketing and customer service practices, which helped him remain successful even as national and regional builders entered Northwest Florida housing markets.

In addition to his legacy as one of the area's most successful home builders, Henry shined as an industry leader, serving as President of the HBA of West Florida in 1993 where he focused on working with local governments to streamline regulations that would drive up the cost of housing.

He served as President of the Florida Home Builders



Association in 1999, where he was influential in the development and adoption of a statewide building code that protected people and property yet was generally free of excessive regulations that would have made it more difficult for builders to provide affordable housing.

Henry has given back to his community in a number of ways. He spearheaded numerous Habitat for Humanity projects. He held the world record for the fastest Habitat for Humanity home built in 1994 in Escambia County. Many dignitaries were present including Housing and Urban Development Secretary Jack Kemp, and Habitat for Humanity International Founders Millard and Linda Fuller. In 1996, Millard Fuller asked Henry to

build the non-profit organization's 50,000th home in the City of Pensacola. In addition, in 1998, Henry was part of former Congressman Joe Scarborough's House that Congress Built where Henry was one of three builders who built three Habitat homes in one day.

Longtime Habitat for Humanity Executive Director and Founder Betty Salter was thrilled about the news of Henry's Hall of Fame honor. "Edwin Henry put us on the map," said Salter. "He is the number one reason our local Habitat for Humanity chapter was successful. I am so proud that he is receiving

this well-deserved recognition." In addition to Habitat for Humanity, a few of his other philanthropic efforts include dedication of hundreds of acres into conservation easements for environmental preservation, and recently the design and construction of a rehabilitation complex at the Emerald Coast Wildlife Refuge dedicated to the rehabilitation of eagles, ospreys, and other injured raptors.

Edwin continues to live in Santa Rosa County with his wife of 37 years, Susan.

*"I had the privilege of working for Edwin early in my career and he taught me valuable lessons about running a building business. We are pleased that Edwin's dedication to our industry has earned him this significant honor."*

HBA of West Florida President Blaine Flynn

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# How Stringent Design Regulations Restrict Housing Affordability & Choice

**Housing affordability has long been at the forefront of housing policy and attention. It's been even further ignited by the COVID-19 pandemic's effect on employment and people's ability to afford somewhere to live.**

Recent land use trends — such as form-based codes (FBCs), planned unit development (PUD) and traditional neighborhood development (TND) overlay zones — provide additional development methods to make the residential development and regulation process more efficient. However, some localities are moving in the opposite direction by enacting burdensome residential design standards that go well past good design principles, and into regulation that increases costs, limits consumer options, prices out certain populations and raises a number of legal concerns.

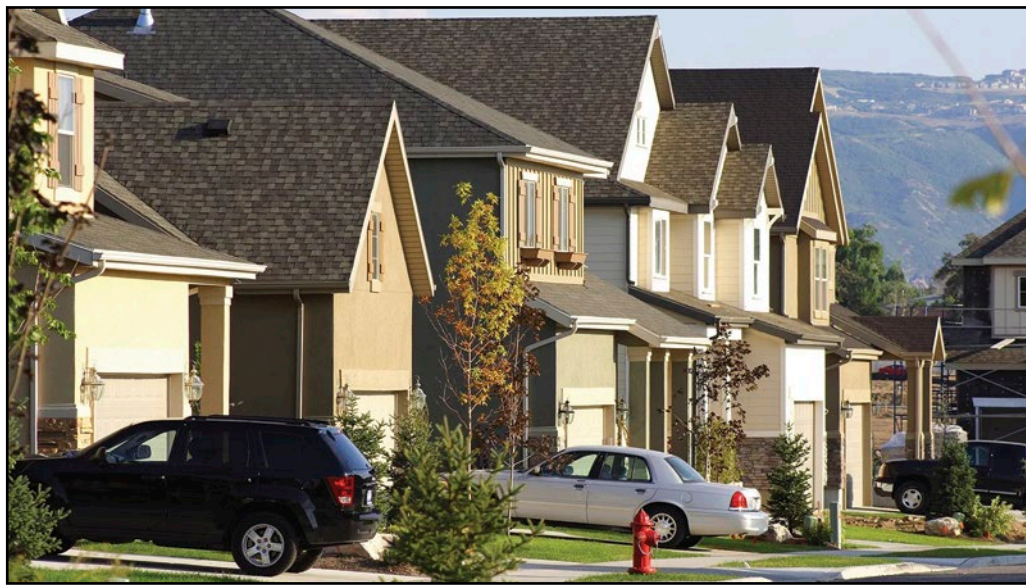
NAHB's Residential Design Standards: How Stringent Regulations Restrict Affordability and Choice report addresses this issue. Included in the primer are examples of communities across the country that have attempted to implement these types of standards. Traditionally, design standards have allowed communities to control the physical characteristics of their housing stock, preserve community character, protect property values, and attract certain populations of home buyers and renters.



Common examples of highly prescriptive design standards include:

- Prohibiting or limiting the use of exterior materials such as vinyl siding and metal;
- Requiring specific and often expensive materials for siding and fences; and
- Dictating the amount of relief and surface area dedicated to windows and the number of architectural details on the roof.

In a 2019 survey, NAHB found that 47% of builders has encountered such standards;



in communities where design requirements exist, 85% of respondents stated that they increased construction prices. Not only is this additional price passed on to home buyers and renters, but home buyers and communities also suffer from reduced production and choice.

The primer details the legal implications of these standards and efforts by local home builders associations (HBAs) and home builders to fight back. In several states, including Arkansas, Texas, North Carolina, Georgia and Oklahoma, these groups have successfully challenged these standards to limit or prohibit their adoption. Better tools exist for design that can influence residential design without limiting choice, affecting housing affordability or being exclusionary.

The fundamental issue is not the physical characteristics of homes, but what they can mean for affordability. Regulations that artificially raise housing prices without direct ties to public health and safety should not be prioritized over meeting the shortage of affordable homes for families. Housing affordability and attainability should be prioritized through effective planning tools, but unfortunately, barriers to the development process remain.

The primer is available through NAHB's Land Use 101 toolkit. For more information, and to be connected to other resources, contact Nicholas Julian, Program Manager of Land Use.

### Compliance Path Choices: 2020 NGBS Offers Flexibility

Prescriptive and performance compliance paths are used to demonstrate the energy and water efficiency of a new home or remodeling project.

In general, prescriptive paths require that the home's components are built to a certain standard (e.g., maximum building envelope leakage rates — depending on climate zone) to earn points for

that practice. Complying with a prescribed set of practices qualifies the project for certification, and additional practices can contribute toward higher certification levels, providing a straightforward path for compliance.

Performance paths require the home as a whole performs to a certain standard, usually a percentage savings better than a baseline. Performance paths allow the building professional to choose the practices best suited to their customer and market, and to maximize the benefits of analyzing the house as a system.

The ICC 700-2020 National Green Building Standard® (NGBS) allows builders to choose the best compliance path depending on their client, the project's geographic

location, market conditions and permitting requirements.

In new construction, projects must satisfy a set of mandatory requirements for both energy and water efficiency, and then the builder may choose either path to complete the certification requirements.

### ENERGY

• **Prescriptive path** – Points are earned for practices including building envelope, air infiltration, heating system efficiencies, cooling system efficiencies, duct sealing, water heating system efficiencies, lighting, appliances and on-site renewable energy.

• **Performance path** – Energy savings levels above the 2018 International Code Council (ICC) International Energy Conservation Code (IECC) are determined via modeling analysis. Points are awarded based on the percentage savings over code.

### WATER

• **Prescriptive path** – Points are earned for efficient fixtures, appliances, structural plumbing, irrigation practices, and the use of innovative practices including water capture and reuse.

• **Performance path (new for 2020)** – A Water Rating Index alternative compliance path assigns a score of 0-100 for the project as compared to a standard home (the lower the score, the more efficient the home). The anticipated water savings from the project's design strategies and products for indoor and outdoor water use, as well as water capture strategies to offset potable water use, are calculated to determine the score. The score is then translated to a NGBS certification level.

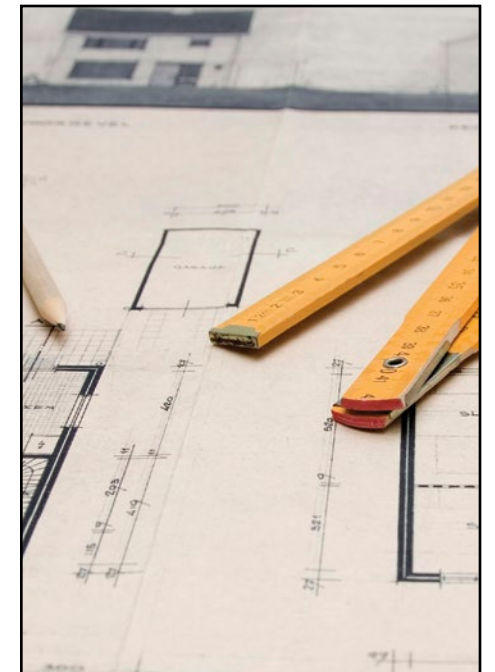
For remodeling projects, the 2020 NGBS now offers prescriptive paths for both energy and water in addition to performance paths; remodelers can mix and match the paths they choose for a project (e.g., one prescriptive/one performance, both performance or both prescriptive).

• **Prescriptive path (new for 2020)** – A suite of practices is offered to improve energy and water efficiency. The number of points earned for selected practices determines the certification level achieved.

• **Performance path** – The NGBS Verifier

determines the pre-renovation baseline performance for energy and/or water. The project installs strategies resulting in a reduction in energy consumption from 15-45% and/or water consumption from 20-50% to meet the certification thresholds from Bronze to Emerald.

The NGBS provides building professionals with an above-code optional third-party accredited building standard for green practices in the areas of energy, water and resource conservation, indoor air quality, lot and site development, and building operation and owner education. The rating system is designed for single-family, multifamily and mixed-use buildings, either for new construction or remodeling; it also includes green practices for land development projects. More than 230,000 projects have been NGBS Green Certified to date.



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<p><b>2. Fire Separation = \$2,500</b> Reverts to three feet and adds options to fire rating soffits</p>	<p><b>5. Air Leakage = \$175</b> Provides option for testing in multi-family as single and modified 5 ACH to 7 ACH</p>	<p><b>8. Shower Liner = \$75</b> Reinstates exception to shower liner on SOG (FBC-R &amp; P)</p>
<p><b>3. Duct Penetration Garage = \$300</b> Retained provisions allowing use of duct board</p>	<p><b>6. Mechanical Ventilation = \$75</b> Reduced from 5 ACH to less than 3 ACH</p>	<p><b>9. Door Swing = \$750</b> 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 we saved you money and how we continue to work hard on the 7th Edition of the Florida Building Code, go to [www.WestFloridaBuilders.com](http://www.WestFloridaBuilders.com) or [www.fhba.com](http://www.fhba.com) or call 850.476.0318.

## NAHB, NAR Partner to Educate Consumers on Home Performance, Sustainability

NAHB and the National Association of Realtors® today launched a new joint initiative, *Home Performance Counts*, designed to help consumers better understand the rapidly growing high-performance home marketplace — homes that prioritize comfort, durability, wellness and affordability. Demand has expanded over recent years, with the number of these homes certified to the National Green Building Standard® increasing by more than 57% since 2017.

“With today’s home buyers looking for healthier, more efficient homes, America’s 1.4 million Realtors® are proud to join forces with the National Association of Home Builders to build rapport and highlight the benefits of home performance to U.S. consumers,” said NAR President Vince Malta, broker at Malta & Co, Inc., in San Francis-

co. “Clients come to our members looking for the very best home they can afford, and with green building practices often leading to homes that are more durable and require less maintenance, NAR is excited to

strengthen our partnership with NAHB to help more Americans find the high performing, efficient home of their dreams.”

Through their joint *Home Performance Counts* initiative, NAHB and NAR have come together to offer a comprehensive resource that educates consumers on the qualities and benefits of high-performance homes and facilitates communication on

home performance between buyers, builders and real estate agents. As these practices continue to evolve, NAHB and NAR will also provide regular updates and new resources that examine the most recent market trends and sustainability research.

“*Home Performance Counts* provides a common ground for our two organizations to work together to raise awareness of the benefits of green homes and the key role home builders and real estate agents can play in the home-buying process to ensure buyers get the high performance home of their dreams,” said NAHB Chairman Chuck Fowke, a custom home builder from Tampa, Fla. “Builders and Realtors® will also benefit from using a common language and having access to the latest trend data and information.”

*Home Performance Counts* is an educational initiative developed jointly by NAHB and NAR to position their respective members for success in the expanding marketplace for high performance homes. For more information, visit [HomePerformanceCounts.info](http://HomePerformanceCounts.info).



## NAHB Pushes Housing Priorities in Next Coronavirus Relief Package

As Congress begins work on its next coronavirus relief package, NAHB is urging lawmakers to include several provisions in the legislation that will provide relief to American home owners and renters, along with small and medium-sized residential construction businesses and multifamily owners and developers.

NAHB recently sent a letter to House and Senate leaders urging lawmakers to:

- Expand eligibility to the Paycheck Protection Program (PPP) so that spec home builders, land developers, multifamily property owners and 501(c)(6) organizations that include state and local home builders associations are eligible to participate in this loan program and to have their loans forgiven.
- Include emergency rental assistance to families who have significant or full loss of income as a result of the pandemic. Rental assistance funding will not only help tenants affected by the pandemic but also small business multifamily property owners who must continue to pay their mortgage, property taxes, employees and cleaning/maintenance services as well as meet other financial obligations.

- Establish a permanent minimum 4% credit floor for acquisition and bond-financed projects through the Low-Income Housing Tax Credit.
- Invest in workforce training programs and career and educational training programs that will help job seekers gain the skills needed for well-paying, in-demand careers in residential construction.
- Increase aid for state and local governments impacted by the COVID-19 crisis. Without federal aid, critical government services — such as planning approvals, building permits and timely inspections — are at risk of being curtailed or eliminated, resulting in construction delays and increased costs to home buyers.
- Oppose changes to the Net Operating Loss (NOL) provisions established by the CARES Act.



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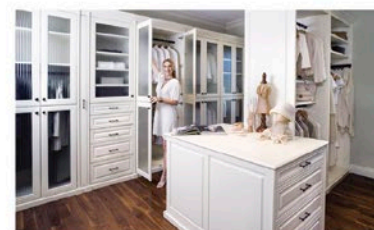
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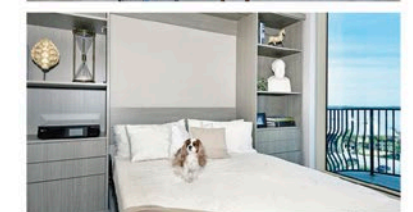
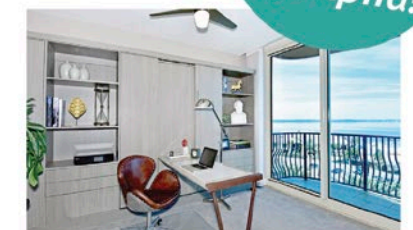
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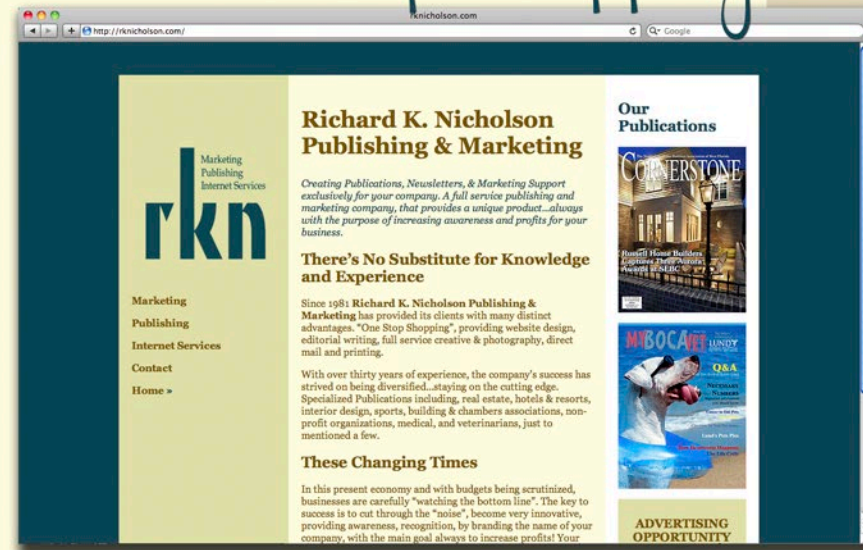
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1. When properly equipped. Always tow within the vehicle's capacity. 2. Available on select models. Please see dealer for more details and complete eligibility requirements. This program is available only to NAHB members and member company employees, and immediate family members living in the same household residing in the 50 United States, the District of Columbia and Guam, but such availability is subject to change without notice. 3. On The Job incentives apply only to NAHB members and member company employees. NAHB members and member company employees; see dealer for On The Job incentive details, program rules, and eligibility requirements. On The Job is a retail incentive program; see your dealer for official program rules. Offer ends 1/2/2021. Inquire about eligibility by calling 877-ONTHEJOB (877-668-4356) or by logging on to fcausfleet.com. ©2020 FCA US LLC. All Rights Reserved. Chrysler, Dodge, Jeep and Ram are registered trademarks of FCA US LLC. FIAT and ALFA ROMEO are registered trademarks of FCA Group Marketing S.p.A., used with permission.

# We're in the offering NAHB members up to \$1,000 business.



**USING THE PRIVATE OFFER FOR NAHB MEMBERS IS EASY:**

1. Get your NAHB proof of membership.
2. Visit your local Chevrolet, Buick or GMC dealer and mention this Private Offer.
3. Select an eligible vehicle(s) to purchase or lease and present your NAHB proof of membership.

For even more value, combine this offer with the National Fleet Purchase Program and Business Choice Offers. For full details on the Private Offer, NAHB members should visit [nahb.org/gm](http://nahb.org/gm).

Example offer for NAHB members who are business owners purchasing a 2020 Chevrolet Silverado 2500 HD Crew Cab 1LT 4WD.

**\$1,000** Private Offer<sup>2</sup> + **\$3,400** National Fleet Purchase Program (FVX)<sup>3</sup> + **Up to \$1,000** Eligible Accessory Cash Allowance<sup>4</sup> = **Up to \$5,400** In Potential Value

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# PARADE OF HOMES

**NEW DATES ANNOUNCED**

## September 12-20, 2020






**Central Site:**  
Infill Housing in East Pensacola Heights

**Dream Home Builder:**  
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<b>Membership Committee</b> Meets Monthly 2nd Tuesday of each month	<b>Board of Directors</b> Meets Monthly 3rd Tuesday of each month



# LUMBER PRICES HIT 2-YEAR HIGH, UP 50% SINCE APRIL

The Random Lengths Framing Composite Price hit \$523 per 1,000 board feet for the week ending July 10, marking the first time prices have topped the \$500 level since July 2018. Indeed, lumber prices have soared 50% since April 17, 2020.

The primary drivers of the price increase include:

- Mills closed in the spring due to stay-at-home and social distancing measures enacted by state and local governments.
- When prices fell between March and April as a result of the COVID-19 pandemic, mills projected that housing would be adversely affected and therefore anticipated a large drop in demand. Accordingly, mills that remained operational substantially decreased capacity utilization.
- Producers did not anticipate the massive uptick in demand from do-it-yourselfers (DIY) and big box retailers during the pandemic.
- Housing weathered the storm much better than most anticipated.
- DIY demand has not abated much as states reopen and construction demand has far surpassed lumber mills' projections.

The combination of all of these factors has caused a dislocation of the usual supply/demand equilibrium. Suppliers continue to catch up to orders to the point that, in some cases, builders and traders



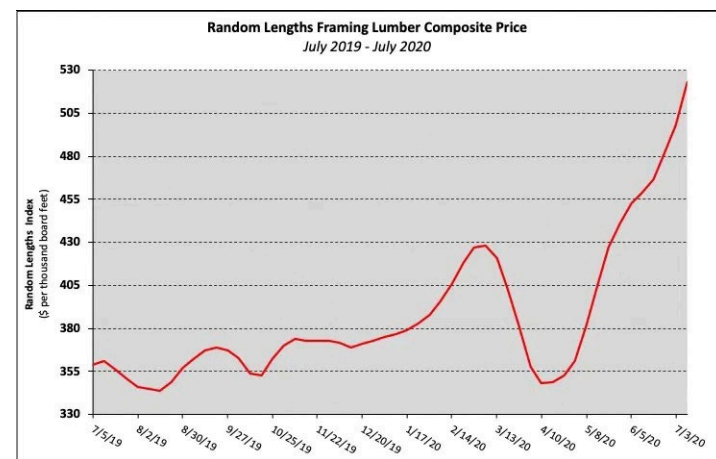
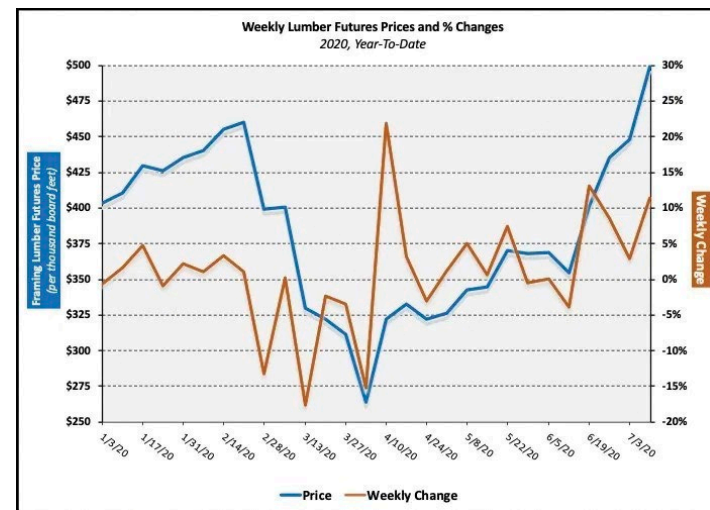
are being forced to place orders without a delivery date or price. Mills were taking orders to the end of July back in early-June, which may have been the driver of the large increase in lumber futures over the past few weeks.

### Tariffs Exacerbate Price Spikes

The recent spike in all northern U.S. and Canadian species has no doubt been exacerbated by the lumber tariffs averaging more than 20% on Canadian imports into the U.S. market.

The Commerce Department has indicated it could lower the countervailing and antidumping duties to just over 8% in August following an administrative review of the tariffs.

For more information on the recent lumber price hikes, contact David Logan at 1-800-368-5242 x8448.



## 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 and 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.
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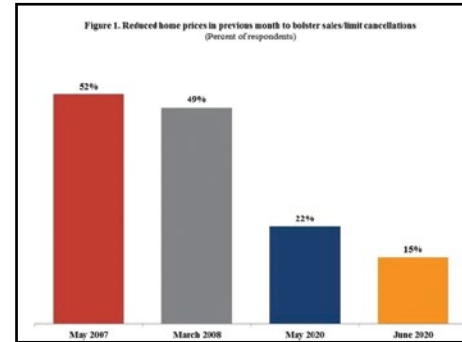
# Fewer Builders Cutting Home Prices as a Result of the Pandemic

**In a further sign that the housing rebound is gaining momentum, fewer builders are lowering home prices as a result of the COVID-19 pandemic.**

Last month's HMI survey revealed that just 22% of builders nationwide cut prices in April 2020. This month's survey reveals that the share of builders reducing prices to bolster sales dropped even lower in May, down to 15%. For historical context, 49% of builders cut prices in March 2008, in the midst of the last housing recession.

The chart indicates the month that builders were surveyed. Builders were asked in the June 2020 survey whether they cut prices in May and those surveyed in May were asked if they cut prices the month before in April.

Builders who did reduce home prices in May cut them by an average of 5%, the same discount reported a month earlier. In contrast, builders were reducing home prices more aggressively in May 2007 (7%) and March 2008 (8%).



As lockdown orders began to ease in May and June 2020, housing data rebounded quickly, providing evidence that this industry is positioned to lead the economy forward. Single-family permits rose almost



12% in May, mortgage applications are at their highest level since January 2020, and builder sentiment, measured by the NAHB/Wells Fargo Housing Market Index (HMI), jumped 21 points in June – the highest one-month increase in the series history.

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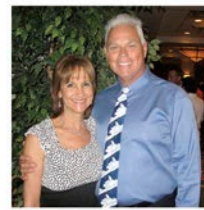


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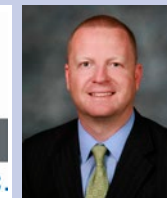
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**NEXT CORNERSTONE ISSUE:**

**September 2020**

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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.

### Spike Club Levels

Spike Candidate	1-5 credits
Blue Spike	6-24
Life Spike	25-49
Green Spike	50-99
Red Spike	100-149
Royal Spike	150-249
Super Spike	250-499
Statesman Spike	500-999
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*Spike Club Members and their credits as of 06/30/2020.*

### Statesman Spike 500 Credits

Harold Logan	521
--------------	-----

### Super Spike 250 Credits

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Jack McCombs	297.5

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Edwin Henry	199.5
William "Billy" Moore	171
Bob Boccanfuso	164

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Oliver Gore	112.5
Ron Tuttle	105.5
Ricky Wiggins	100

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