



HOUSING JOURNAL

Voice of New Mexico Home Builders Association Since 1970

Volume 45 Issue 4

May 2015

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- New Study Finds OSHA Underestimated Cost of Silica Rule
- New Book Simplifies the Home Maintenance Process
- New Statewide Plumbing & Mechanical Codes Published



We would like to extend our appreciation to:



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About The Cover



Soledad Canyon Earth Builders built this Las Cruces rammed earth home which has 18 inch thick exterior walls. The goal was to create open spaces to accommodate accessibility to the home owners along with an aesthetically pleasing environment. New Mexico sun baked adobes were used to accent the entry way into the Great Room. The Kiva fireplace is also constructed of adobes.

Photo by Bill Faulkner

Membership Statistics

	Feb	Mar
Central New Mexico	627	634
Eastern NM	96	97
South Eastern NMHBA	90	90
Lincoln County	117	115
Las Cruces	323	320
Southwestern NMHBA	49	50
San Juan County	157	167
Santa Fe Area	471	472
Otero County	<u>107</u>	<u>106</u>
Total	2037	2051

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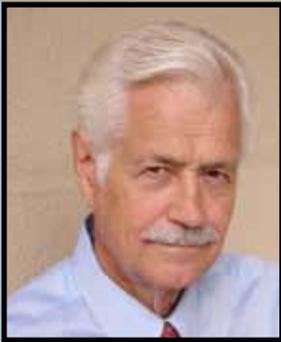
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A Message From The PRESIDENT



Skip Mead

ADVOCACY- STATE AND NATIONAL

We have discussed the many efforts and successes our lobbying team had at the State Legislature during the most recent 60-day session. These successes have a positive impact on your business.

The same kind of effort goes on year-round at the national level by National Association of Home Builders. NAHB continually works on the many issues that face the building industry that come before Congress. In 2014 the advocacy efforts by the NAHB staff produced positive results for the builder and associates. It is estimated that their efforts saved an estimated value per housing start of \$6,882.00. This is money you get to keep in your pocket as a result of these efforts.

Some of the achievements in 2014 include:

- National Flood Insurance Act saves business for builders and remodelers.
- Extension of energy tax credits stimulates new construction and remodeling.
- Farm Bill generates additional home construction and remodeling.
- Keeping costly provision out of the building codes saves on construction costs.
- EPA drops post-construction storm water rule.

These are a few of the many issues NAHB was involved with last year. But, what about this year? NAHB is currently monitoring many key policy issues facing the building industry. As our national policymakers take up these issues NAHB will be involved. The following are items that can be found on the NAHB website but I felt it was important to reiterate some of them here.

Federal Regulatory Reform

On average, regulation by government at all levels accounts

for about 25% of the final cost of a home. NAHB supports greater transparency and accountability in the federal regulatory process.

Housing Finance Reform

NAHB is a strong proponent of comprehensive housing finance reform that would increase the role of private capital in the U.S. housing finance system but maintain a limited federal backstop to the nation's housing finance system. Federal support is particularly important in continuing the availability of the affordable 30-year fixed-rate mortgage, which is a staple of the U.S. housing system.

Tax Reform

NAHB supports housing incentives in the tax code, including the deduction for mortgage interest and state and local property taxes. These incentives benefit the middle-class, in particular younger households and larger families, by making home ownership more affordable. NAHB also supports the Low Income Housing Tax Credit, the primary tool for financing new construction of affordable rental housing.

Environment

NAHB supports a common sense, scientific approach to safeguarding the environment that reasonably balances protection of endangered species, clean air, and clean water with the need to allow local communities to grow and thrive. NAHB is concerned with the proposed rule by the EPA and Army Corps that would expand federal jurisdiction under the Clean Water Act. This rule will increase the federal government's role in local land use and will increase the cost of residential construction.

Labor Shortage - Immigration Reform

NAHB supports comprehensive immigration reform that will safeguard the nation's borders, establish a fair employment verification system, and create a market-based visa system that will allow more immigrants to legally enter the construction workforce as the housing industry gains momentum and the demand for workers increases.

Energy

NAHB supports voluntary, market-driven and cost-effective measures that promote energy efficiency in the home and the use of sustainable green building materials and construction techniques. Policies such as enhanced financing and green appraisals can help make energy more affordable to the average home buyer.

continued on page 5



Jack C. Milarch, Jr.

Storm Water Run-Off About to Get Close and Personal

Under Federal Pressure, City of Albuquerque Proposes New Ordinance

Over the past several years I have occasionally written about the federal EPA's efforts on keeping storm water run-off clean and free of dirt and other pollution. When this effort was first introduced into New Mexico years ago our association held classes for the builders on how to deal with the Storm Water Pollution Prevention Permits and the site techniques. Our NMHBA leaders made trips to Dallas and Washington to suggest changes. The feds said they would come down hard on anybody whose activity might add dirt to the river water. Sure enough, a number of builders and developers were heavily fined for violations, silt fences became a ubiquitous sight around town, and a whole crop of new consulting businesses sprang up to help builders and developers deal with this new challenge. However, over the intervening years, local enforcement activity seems to have waned as federal and state budgets came under pressure.

This was not the case all over the country. When our delegation attended National Association of Home Builders meetings over the last 10 years we heard a steady stream of news about storm water rules and enforcement efforts. This occurred especially around the Chesapeake Bay area, which felt the full weight of EPA's "push" for clean rain water run-off. But the worst of it seemed far away and made more sense in a place where rivers and creeks are everywhere and all that water flows into the Chesapeake Bay before long.

The Rain Tax

I got a jolt of reality a couple years ago when several of us were at a meeting in Connecticut. Reading the local paper one morning I saw news that the neighboring Maryland citizens were being burdened with a new "rain tax". (Storm water clean-up activists hate the term "rain tax" but, that opinion notwithstanding, the name has stuck.) The new tax was, and still is, very controversial as you can imagine. The money was apparently needed to clean up the storm water before that dirty water reached the Chesapeake Bay. The new tax was levied upon homes and commercial buildings (somewhat) proportionally to the amount of the lot that was covered to create the building. Maryland's new "rain tax" was the result of the same EPA efforts on storm water clean-up now taking place in the Albuquerque area.

In the middle Rio Grande area, there are two pieces of recent news on this topic.

EPA Issues The "Permit"

The first news is that EPA finally issued the long anticipated "permit" for the middle Rio Grande area. After a careful review of this draft document several years ago, NMHBA staff submitted a multi-page comment. We waited for a response – and very little happened for a long time. But in December of last year the Federal Register delivered the news that the middle Rio Grande area had a new federal mandate to deal with. The mandate is for all the various governmental entities around the middle Rio Grande valley that drain their storm water into the river. The City of Albuquerque would be the largest entity impacted. The mandate is simple, really. It says we have to stop putting anything except clean rain water into the river. And if we don't, the city will incur the usual gigantic federal fines for violation of a federal mandate.

The Rio Grande, and therefore the entire watershed, is impacted by all this because the federal government has declared the river to be part of the United States "navigable waterway" system, thereby giving the federal government authority to regulate storm water under the Clean Water Act. This is in contrast to "non-navigable waterway", which would then be none of the EPA's business. (I know...anybody that has ever seen a real navigable waterway will know this is all completely nutty, but let's just be polite and set that aside for now.)

City of Albuquerque Responds

The second news item is the draft document on my desk now which is the City of Albuquerque's proposed ordinance trying to deal with the reality of news item number one noted above. This document represents a truly shocking new level of governmental intrusion. I make no exaggeration when I say that if they pass this new law every person in Albuquerque will be guilty of a criminal activity on a regular basis. I know some of the readers will think my libertarian/tea party tendencies are getting too out of control now, but hear me out as I present my evidence.

The ordinance proposes to impact not just those who live in Albuquerque, but also all who live in areas outside Albuquerque whose storm water might run through Albuquerque on its way to the river. This probably makes sense to the regulators if you remember the goal is to keep all pollution out of the storm water as it runs across the city and into the river. The legal basis of this theory might be a bit shaky, it seems to me.

Major features of the proposed new law are as follows.

- Any business which occupies one acre or more and has covered more than 65% of the ground with "impervious surface" (building, paving, concrete, etc.) will be required to get a permit to allow the city to regulate their contribution to pollution of any storm water. New permit requirements are phased in over time depending on the size of the lot until all such businesses are under permit.
- Home lots under one acre are exempt from the new permit, but activities on the smaller home sites are not exempt and will be regulated by the new ordinance.
- Pollution, which will be illegal, is defined as anything that alters the chemistry or biological quality or contaminates clean rain water (or snow, or hail) and which makes the water detrimental to any life or vegetation in the river. It's tough to think of anything that isn't pollution under this broad definition. I'm thinking the coffee I'm drinking as I write this is just polluted water under the definition!
- A pollutant "Discharger" is anyone who allows, causes, permits, suffers, or threatens to cause a "Discharge", which is further defined as the introduction of pollution (that might get into the water) from within the regional area.
- The "Express Prohibitions" section says "no person shall leave, accumulate, discharge, or allow animal waste on ...public...or private property that will drain into the river."

- Also, we are admonished that "no person shall allow any fluids from motor vehicles to drip...in the water shed area." Has anybody looked at the stains on a big box store parking lot? On their own driveway?

Criminal Activity

According to the new Albuquerque ordinance draft, fines and jail time are possible for offenders, especially repeat offenders. It is interesting that while the underlying EPA permit does not require fines and incarceration, apparently the City of Albuquerque feels they need the big stick to scare the citizens into compliance.

Coming To A Town Near You?

As I noted earlier, the draft ordinance proposes to impact not just those who live in Albuquerque, but all who live in areas outside Albuquerque where their storm water might run into Albuquerque on its way to the river. Also, at recent meetings where EPA presented information on their latest efforts they noted the middle Rio Grande efforts are their first target area, and from there they plan to spread this type of "Permit" to other areas of New Mexico and other desert southwest communities from there. Can a new Rain Tax be far behind?



continued from page 3

Many of these issues have been in the news lately and are sure to come up as Congress continues its work. As these issues come before Congress, NAHB will be in forefront making the case on your behalf. We will keep you informed as these discussions arise.

Most of you have heard of the terms PAF and BUILD-PAC. PAF (Political Action Fund) is an independent organization affiliated with NMHBA that contributes to the campaigns of state legislators who are supportive of the building industry. BUILD-PAC is a similar organization affiliated with NAHB that contributes to candidates and legislators seeking national office. Both organizations are extremely important to your business and your future. I would encourage you to support both organizations. Fundraisers are held periodically to support these organizations and I encourage you to participate in these events.



NMHBA Nominating Committee Begins Search for Secretary Treasurer, Associate Vice President

Are you interested in “climbing the ladder” toward becoming President of New Mexico Home Builders Association? Or perhaps you’re interested in more involvement on the Associate members’ side? The NMHBA Nominating Committee is charged with selecting a slate of candidates to serve as the elected Officers of the Association, and they will begin scheduling interviews for the positions of Secretary Treasurer and Associate Vice President.

Secretary-Treasurer

The candidate elected to the position of Secretary Treasurer will stand for election to the position of First VP/President Elect the second year, and for election as NMHBA President the third year.

Qualifications:

1. The Candidate shall be and shall remain during the term of office a Builder member as defined by NMHBA Bylaws.
2. The Candidate shall have served prior to election as President of NMHBA:
 - a. President of a local association, *or*
 - b. Chairman of a committee of NMHBA; *or*
 - c. A member of the NMHBA Executive Committee; *or*
 - d. Served for two (2) years as an NMHBA Director, *and*
 - e. Shall have been found by the Nominating Committee, in its opinion, to have demonstrated leadership ability in such service.

Duties:

The Secretary Treasurer shall be responsible for overseeing the keeping of a written record of all official proceedings of the Association and its Board of Directors. These will be part of the official records of the Association. The Secretary Treasurer shall have general charge of the financial affairs and shall render a periodic statement to the Board of Directors at required times. The Secretary Treasurer shall serve on the Executive and Finance committees.

Associate Vice President

Qualifications:

1. The Candidate shall be and shall remain during the term of office an Associate member as defined by NMHBA Bylaws.
2. The Candidate shall have served prior to election as Associate Vice President of NMHBA:
 - a. As an Associate Member in good standing of a local association for five (5) consecutive years, *and two of the following:*
 - b. On the Board of Directors of a local association for at least one year; *or*
 - c. Not less than two full years as a member of an NMHBA committee; *or*
 - d. As a member of the Executive Committee of NMHBA, *or*
 - e. As a State Director for two (2) years.
3. The Candidate must also have been found by the Nominating Committee, in its opinion, to have demonstrated leadership ability in such service.

Duties:

The Associate Vice President shall represent the Associate Members’ interests and shall serve on the Executive Committee.

If you’ve got the “right stuff” and want to become involved in decision-making about legislative and regulatory issues affecting business across the state, we want to hear from you! Please mail your letter of interest by June 8 to NMHBA at 5931 Office Blvd NE, Ste #1, Albuquerque, NM 87109 or fax it to 505-344-3103.



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New Study Finds OSHA Underestimated Cost of Silica Rule



A new report released by the Construction Industry Safety Coalition (CISC) found that the Occupational Safety and Health Administration's (OSHA) proposed silica standards for the U.S. construction industry will cost the industry \$5 billion per year - roughly \$4.5 billion more per year (10 times OSHA's estimates).

OSHA estimated that the proposed rule - intended to drastically reduce the permissible exposure limit (PEL) of crystalline silica for the construction industry - would cost the construction industry about \$511 million a year.

The cost and impact analysis from OSHA reflects a fundamental misunderstanding of the construction industry, as it included major errors and omissions that account for the large discrepancies in the CISC report.

The CISC report estimates that about 80% of the cost (\$3.9 billion/year) will be direct compliance expenditures such as additional equipment, labor and record-keeping costs. The remaining 20% (\$1.05 billion/year) will come in the form of increased prices that the industry will have to pay for construction materials and building products such as concrete block, glass, roofing shingles and more. OSHA failed to take these additional costs into account, most of which will be passed to consumers in the form of higher prices.

Not only will the proposed rule be more costly than originally estimated, but also it would translate into significant job losses for the construction industry and the broader economy. The CISC estimates that the proposed regulation would reduce the number of jobs in the U.S. economy by more than 52,700 yearly. That figure includes full-time construction industry jobs, jobs

in related industries such as building material suppliers, equipment manufacturers and architects, as well as losses in non-construction sectors. Factoring in the many part-time or seasonal jobs, that number could increase to close to 80,000 positions lost.

"We are deeply concerned about the misguided assumptions and cost and impact errors that OSHA has relied upon in creating this proposed rule that will significantly affect our industry," said NAHB Chairman Tom Woods, a home builder from Blue Springs, Mo. "This report reveals the critical need for OSHA to withdraw its proposed rule until it can put forth a technologically and economically feasible rule that also works to improve industry workers health and safety."

The coalition cautioned OSHA that its flawed cost estimates reflect deeper flaws in the rule and urges the federal agency to reconsider its approach.



Heads Up on Rooftop Refrigerated Air Units Code Requirements

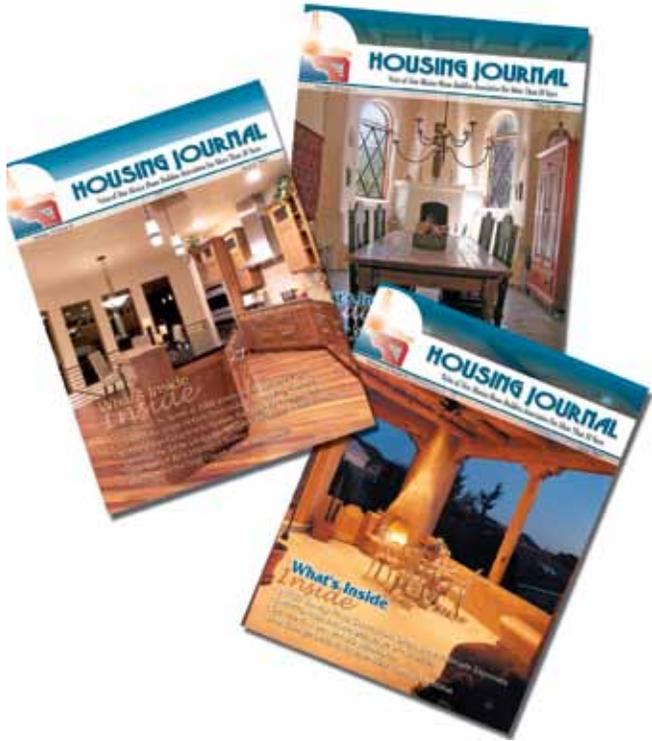
The 2015 NM Mechanical Code the state adopted May 1 is based upon the 2012 Uniform Mechanical Code. The new Mechanical Code requires a ten-foot separation between rooftop refrigerated air units with economizers and vents from any gas-powered appliance.

If a rooftop refrigerated air unit with an economizer is installed and is too close to vents, then additional costs may be incurred on the project. One "fix" is a \$250-300 kit (plus installation costs) for the refrigerated air unit. This is not something that will likely be caught during plan check, but can result in a holdup on the Certificate of Occupancy if a mistake is caught on the final inspection.

Depending upon where the project is located, this new code could be effective either May 1st or November 1st. Check before the Mechanical Permit is pulled to see if your jurisdiction is enforcing the new codes effective May 1 or allowing a six-month phase-in period.



Feature Your Work on a Housing Journal Cover



NMHBA is looking for high-quality photos of your work to feature on upcoming Housing Journal covers.

If you have a home or remodeled project that's worthy of notice, we want to help you show it off! Along with exterior and interior room shots, we'll also accept photos of special features such as tile work, swimming pools, fireplaces, porches, etc.

Specifications:

- Vertical shot 8x10 or proportional
- Actual photo or on a CD (300 dpi, jpg or tif at final size)
- If the photo was professionally done, please obtain permission from the photographer.

You may deliver your photo(s) to our office anytime during business hours. NMHBA will determine whether or not the photo will be used. All photos will be returned to you. Please contact Nancy Barron at 505-344-7072 with any questions.

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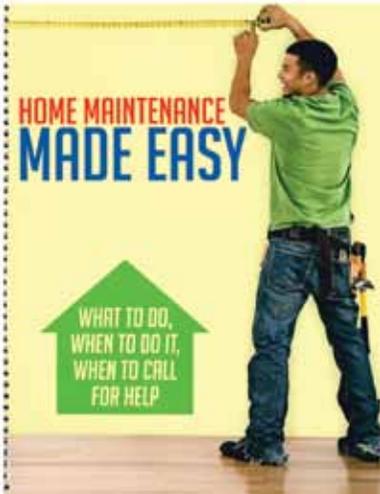
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Educating Your New Home Buyer New Book Simplifies the Home Maintenance Process



First-time buyers and even move-up buyers who have never owned a newly-built home sometimes are unaware that their new home will maintain its value over the long run if they make a little effort to perform simple maintenance projects along the way. Helping these new owners understand how and when to

perform simple maintenance may reduce the number and frequency of warranty calls for builders. Here is some information from NAHB on how builders can easily educate their customers.

Spending a few minutes each week caring for your home is essential to ensuring its livability and value now, and the best sales price later. *Home Maintenance Made Easy: What to Do, When to Do It, When to Call for Help*, published by NAHB MyHome Press, explains the small, but significant steps home owners can and should take to keep their home in good working order.

Home Maintenance Made Easy shows home owners how to maintain their home's building envelope and major and minor functional systems such as heating, electrical, and plumbing. The book provides a place to store important papers like receipts, instructions, warranties and contact information. It also includes monthly suggestions for maintenance and cleaning that will simplify upkeep, and a home maintenance schedule for all major home components. Home owners can also utilize the online tools provided to store maintenance records, contact information and other details about the home electronically.

“This comprehensive resource provides a sensible approach to regular home maintenance, using tips that have been tested and recommended by professional builders and remodelers,” said NAHB Chairman Rick Judson, a home builder from Charlotte, N.C. “Home

owners will learn how to better care for their home with the book’s guidance on how to tackle simple home projects, troubleshoot various issues, as well as tips for saving money and knowing when it is best to call a professional.”

Home Maintenance Made Easy will help home owners:

- Manage tasks with handy month-to-month checklists
- Organize records of parts, repairs, warranties, replacements, and phone numbers/contact information in one place
- Troubleshoot problems step-by-step
- Learn when to “do it yourself” and when to call in a pro
- Assemble an inexpensive home maintenance toolbox
- Avoid costly mistakes
- Save money on home repairs

Home Maintenance Made Easy is available for purchase at www.BuilderBooks.com for NAHB members and www.myhomepress.com for non-members. Spiral bound/83pages, \$19.95 retail \$17.95 NAHB member, ISBN 978-0-86718-718-2. The eBook is available at www.ebooks.builderbooks.com (\$19.95 retail / \$17.95 NAHB member).



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New Statewide Plumbing & Mechanical Codes Published

Effective Date is May 1; state is allowing a six-month phase-in period.

The Construction Industries Division (CID) has published new statewide NM Plumbing, Swimming Pool, Spa and Hot Tub, Mechanical, and Solar Energy Codes that have an effective date of May 1, 2015. These codes are based upon the 2012 Uniform Codes, and are upgrades from the 2009 versions.

CID issued a memo May 3rd that includes the following:

Implementation Timeline:

- **May 1, 2015** – Code adoption effective date in the New Mexico Register.
- **May 1, 2015 - November 1, 2015**
 - ✓ Provides a six-month interim grace period (phase-in) that will allow for training of inspectors and industry.
 - ✓ Allows design community to familiarize and implement new codes and software upgrades.
 - ✓ Allows for publications to become readily available to trades and industry.
 - ✓ Allows for projects already under design and construction to continue without interruption.

Plan Review Interim Procedures:

- **May 1, 2015** - Plans submitted for commercial and residential Mechanical and Plumbing permitting may be submitted under either the 2009 or 2012 codes.
 - ✓ Design documents shall declare the version of the Mechanical Codes used in the design process, either 2009 or 2012.
- **November 1, 2015** - Plans submitted for commercial and residential permitting shall be submitted under the 2012 edition of the Uniform Codes.

Inspection Interim Procedures:

- **May 1, 2015 - November 1, 2015** - The Inspector will perform the required inspections to the respective code as identified and submitted either 2009 or 2012 and shall identify the code version on inspection tags and correction notices, as applicable.
- **November 1, 2015** –The inspector shall inspect to the 2012 edition of the Uniform Codes.

Thanks to Don Becker in Farmington for his many trips to Albuquerque to represent residential construction on CID's Plumbing/Mechanical Technical Advisory Committee. Through his review of the new codes NMHBA was able to have some amendments included that would eliminate some high-cost items from the codes.



JUST A NOTE TO ALL MEMBERS...

Make sure your Local HBA has your correct contact information (including address, phone number, and email address). NAHB and NMHBA, as well as your Local HBA, use this info to send you information that could be important for your business.

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2015 NMHBA Meeting Calendar

May

- 14** Nominating Committee meeting
- 15** Finance, Executive, Gov't Affairs, and BIC committee meetings
- 16** NMHBA Board meeting (Hotel Albuquerque @ Old Town)
- 25** Memorial Day – NMHBA/BT offices closed

June

- 2-6** NAHB Spring Board meeting – Washington DC

July

- 3** Independence Day observed – NMHBA/BT offices closed
- 10** Executive, BIC, and Nominating committee meetings

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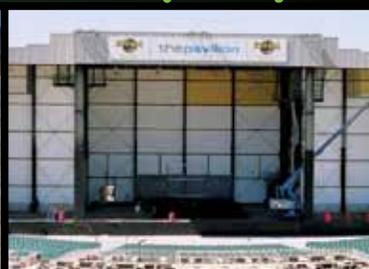
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