



ON THE LEVEL

Monthly Newsletter of the Temple Area Builders Association

November 2016

TABA 2017 Board of Director Nominations

2016 TABA President Patrick Johnson established a nomination committee chaired by Mike Pilkington with committee members David Patterson, Jerry Tyroch, Megan Kiella, and Patrick Johnson. The Nominating committee will present the following slate of nominees at our TABA Christmas Party on December 8.

President - Megan Kiella

Vice President - Ryan Waldron

Secretary - Jared Bryan

Immediate Past President - Patrick Johnson

Directors - Joel Berryman, Todd Weber, Brett Turner, John Christopher, Robbie Johnson, and Jamey Secrest

Upcoming Event Calendar

- December 8 TABA Christmas Party & Officer Election @ Schoepf's BBQ
- February 24 TABA Home & Garden Show Kickoff Party @ Bell County Expo Center

"There is strength in numbers. Please help us grow as an Association by encouraging your business associates to join TABA and support our industry. TABA's efforts help keep housing affordable in our community and benefit us all!"

*- Patrick Johnson,
2016 TABA President*



12 N. 5th Temple, TX 76501 | info@tahb.org | 254-773-0445

In This Issue

- Upcoming Events
- Industry News
- Member Renewals
- New Members
- Member Benefits
- Membership Recruitment Contest

Federal Judge Blocks Overtime Rule

In a victory for NAHB, a federal judge in Texas on November 22 granted a preliminary injunction to delay implementation of the Department of Labor's new overtime rule. The rule, which was scheduled to take effect December 1, would double the minimum salary limit from \$23,660 to \$47,476.

NAHB joined other business groups in filing a legal challenge to the overtime rule on September 20. The lawsuit was filed in the U.S. District Court for the Eastern District of Texas. In addition, 21 states have also filed suit challenging the rule and the two lawsuits have been consolidated. The parties have filed motions for a summary judgment.

While the injunction is only temporary, the ruling by Judge Amos Mazzant sent a strong signal that he could likely side with NAHB and our business coalition.

"The State Plaintiffs have shown a likelihood of success on the merits because the Final Rule exceeds the Department's authority," Mazzant wrote in his opinion.

Working with House and Senate lawmakers and members of our business coalition, the [Partnership to Protect Workplace Opportunity](#), NAHB has been leading the effort to mitigate the effects of the overtime rule. In addition to the lawsuit, the association is asking Congress to phase-in the new salary requirements, as well as provide permanent relief from the rule's provision to automatically update the salary threshold every three years.

As NAHB keeps working toward permanent relief, the association will continue to [provide members with the tools they need](#) to comply with the new overtime requirements in the event that the court rules against NAHB, our business coalition and the 21 state attorneys general.

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IBS Registration Now Open

2017 International Builder Show will take place in Orlando Jan. 10-12, 2017

The industry's premier event is the best opportunity for members to see the latest building products, gain expertise and meet key business partners. Visit www.buildershow.com for more info on the show and savings on registration!

How the 2016 Elections Might Affect Housing



Trump Wins the White House

Republicans Hold
the Senate and House

What do the Election Results Mean for Housing?

One of the most divisive election campaigns in American history is over. The Republicans, now led by President-elect Donald J. Trump, control the White House and both chambers of Congress.

Despite their election-day success, Republicans still must work with the Democratic minority to advance their legislative agenda.

For NAHB, this presents a great opportunity. NAHB has a tradition of working with both sides of the political aisle in support of housing issues that affect the livelihood of its members and millions of households across the country.

[Read NAHB's analysis](#) for a closer look at how the results will affect the housing industry.

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2016 TABA Board of Directors

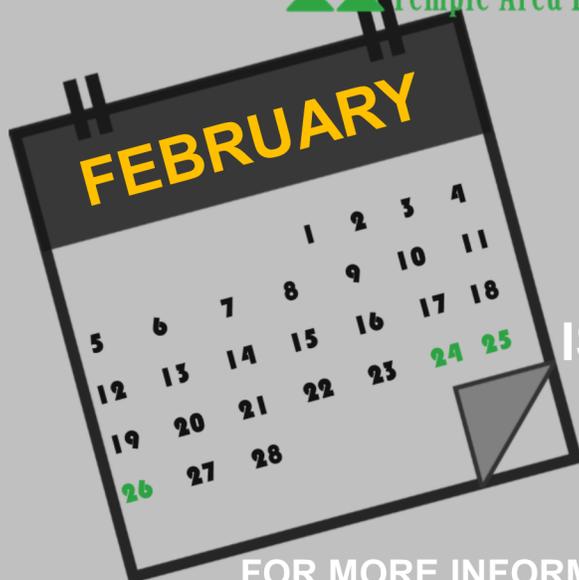
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Director – Joel Berryman
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Director – Timm White
Director – Ryan Waldron
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Director – Robbie Johnson



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Do Business with a member!

Our current members are our most valuable recruitment tools! Are you encouraging the people that you do business with to join TABA?

There is strength in numbers!

If our industry doesn't have a strong voice, your business will be impacted one way or another. This could mean less infrastructure development or it could mean more regulation and higher fees.

Either way, your ability to grow your business could be limited if you don't have an advocate in the halls of government.

TABA not only provides networking and marketing opportunities that help you promote your business, we also navigate the political waters to help provide a pro-business environment.

We encourage you to engage your business associates, and have them join TABA so we can continue to move our industry forward!

Contact Kacie at kacie@tahb.org or 254.773.0445 for more information on how to refer your business associates, or to pass on leads regarding prospective members!



The following companies have shown their commitment to the industry by renewing their memberships. Thank you!

- Cornerstone Mortgage Company - Empire Custom Homes - Jubilee Homes II - Lott Vernon & Company - Omega Builders - SWBC Mortgage - Texas First State Bank - Wright Builders -

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Big Win for Home Builders – EPA Preserves Stormwater Flexibility

The Environmental Protection Agency (EPA) signed [new rules for municipal separate storm sewer systems](#) (MS4s) which preserve the ability of cities to choose from a wide range of options to tackle urban water pollution. Despite heavy lobbying by environmental groups, EPA failed to use this court-mandated rulemaking as a means to “raise the floor” of the MS4 program by adding more stormwater requirements for small cities.

The broad impact of this rulemaking spans across the nation, as it could have restricted how cities across the nation regulate new and re-development to comply with the Clean Water Act. NAHB petitioned the agency to return the term “narrative” to the rule text, leaving no room for misinterpretation that EPA may only accept numeric post-construction limits when reviewing state-run programs. The agency agreed, reversing its initial proposal to eliminate non-numeric options from the list of approved practices.

Allowing narrative requirements (rather than numeric) for new development is important to builders in cities facing expensive federal mandates to upgrade their drinking water, sewer and stormwater programs all at once. “This rule signals that EPA is open to allowing cities to address pollution by carefully crafting local programs that work *with* development, rather than against it,” said the NAHB Environmental Program Manager. However, moving forward, state permit writers must incorporate “clear, specific and measurable” permit terms to satisfy the order.

“Many cities are turning to low-cost methods such as street sweeping, lawn fertilizer reduction and flexible installation and maintenance programs to achieve better water quality results over the long term,” Birk said. “Cities are creative. Along with water quality trading and stormwater credits, this language leaves a lot of options on the table for cities to grow market-based programs that really work.”

EPA Administrator Gina McCarthy signed the final MS4 General Permit Remand Rule Nov. 17, satisfying a remand by the U.S. Court of Appeals for the Ninth Circuit in *Environmental Defense Center v. EPA*, which required that a final rule addressing its remand be issued by no later than that date. The rule will become final 30 days after being published in the Federal Register – or about Dec. 17.

“As builders, we’re committed to finding common sense ways to keep our local streams clean and our communities healthy,” said Nick Cammarota, general counsel for the California Building Industry Association, the state in which the court issued the remand.

“We’re pleased EPA responded not by restricting federal mandates even further, but by preserving flexibility for states and municipalities to find solutions that work best for them,” he said.

EPA’s decision still does not clarify the definition of the “maximum extent possible” limit under this rule, nor how it applies to specific steps MS4s include in their state-mandated stormwater programs. NAHB expects EPA will continue to pressure states to adopt stricter limits for new and re-development. However, under this language, states can still make their own case for how programs will meet clean-water goals.

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Eye On The Economy Feature Article

A Recession is Unlikely

Elliot Eisenberg, Ph.D.

The current US economic expansion is one of the longest on record, and, come March, will become the third longest in US history, dating back to the start of record keeping in 1854. As such, there is increasing concern that we are due for a recession. That concern has only heightened, given that the last downturn was particularly nasty. This fear is weighing not only on household spending, but, more importantly, on corporate spending on plant and equipment, holding back GDP growth and labor productivity. Fortunately, this concern is misplaced.

Simply put, age is not what kills expansions. Rather, it is an overheating economy that generally results in a recession. When wages start rising swiftly, investment activity starts taking off, debt levels grow rapidly, asset prices become untethered to reality, commodity prices remain high, and inflation rises rapidly, the Federal Reserve invariably intervenes. In the attempt to cool things down, all too often the Fed raises rates too quickly or too much and accidentally drives us into a recession.

However, there is currently little evidence of any pre-recessionary economic exuberance. As a matter of fact, most of the economy is still behaving as if we were recovering from the recession rather than enjoying the boom times that come at or near the peak of an economic expansion. Growth, be it domestic or international, is subdued. Commodity prices are, with few exceptions, at or near cyclical lows, and bank lending is probably best described as solid. Moreover, inflation, while slowly rising, remains below the official Fed target rate of 2%. Lastly, while the unemployment rate is just 5%, wage gains are much weaker than they have been before previous economic downturns. This suggests that there is still slack in the labor market and that the Fed will not have to start raising rates quickly anytime soon.

Spending by households and businesses is also not signaling a recession. Purchases of durable goods such as cars and dishwashers averaged 7.5% of GDP in Q2 2016, well below the 8.5% average that has persisted in years preceding recessions. Private investment spending on new home construction, business related software and equipment and so on – is equally low. Moreover, the household debt-service ratio, or how much after tax income Americans are devoting to debt payments, is near its lowest level ever and personal savings rates are near their highest level in twenty years. Lastly, corporate profits are once again on the rise, reducing slightly elevated stock market valuations.

The above notwithstanding, a recession is always a possibility due to economic shocks emanating from abroad that can dramatically raise energy prices, or a war or an election that can hurt household spending and business confidence. However, other than that, it would probably take much stronger economic growth for a prolonged period before the Fed felt compelled to raise interest rates quickly enough to meaningfully slow down the economy and, in the process, possibly bring on a recession.

In short, the current economic expansion that started in July 2009 looks increasingly likely to become the longest economic expansion ever. Increasing this potential is that even though wages and inflation are finally rising, the Fed has communicated its interest in seeing wages and inflation rise further as they have been too low for too long. So, enjoy the current expansion; it may well last a lot longer!

Elliot Eisenberg, Ph.D. is President of GraphsandLaughs, LLC and can be reached at Elliot@graphsandlaughs.net. His daily 70 word economics and policy blog can be seen at www.econ70.com. You can subscribe to have the blog delivered directly to your email by visiting the website or by texting the word "BOWTIE" to 22828.



Legal Victory Blocks ‘Persuader’ Rule

A major legal victory was scored in mid-November when the U.S. District Court for the Northern District of Texas granted the association and other groups a permanent stay on the Department of Labor’s [final “persuader” rule](#).

The rule would unfairly discourage employers from receiving confidential legal advice concerning union organizing because it required employers to disclose the names of lawyers and consultants to the Department of Labor (DOL). In short, unions were seeking to prevent employers from talking to their lawyers in response to union organizing. The court ruling essentially puts an end to the union effort.

NAHB, along with the [Texas Association of Builders](#), the National Federation of Independent Business and Texas business groups [brought this case against DOL](#) when the rule was finalized in March 2016. The persuader rule was intended to take effect July 1, but the groups secured a preliminary injunction against the rule before it took effect.

NAHB has two distinct concerns about the persuader rule. First, the rule would likely impair NAHB members’ access to qualified labor-relations attorneys by driving attorneys out of labor-relations practice. The threat of public reporting could also cause employers to be reluctant to seek legal advice on union concerns.

Second, trade associations like NAHB may be deemed “consultants” if they hold educational programs concerning unions or other labor-related activities which require them to report their seminars and attendees to DOL. The vagueness of the persuader rule makes it impossible to know which of a trade association’s activities or events must be reported under the rule.

With the permanent judgment now in place, the persuader rule will not go into effect unless DOL appeals and a higher court overrules the lower court decision.

NAHB Challenges Flawed WOTUS Rule

NAHB and its industry partners on November 2 presented their first brief to the U.S. Court of Appeals for the Sixth Circuit that challenges the [Waters of the U.S.](#) rule. “The [Sixth Circuit issued a nationwide stay](#) of the Waters of the U.S. rule because it is deeply flawed, arbitrarily written, and provides no clarity or certainty to members of the regulated community,” said NAHB Chairman Ed Brady in a press statement.

The brief hammered home those points and several others: The water rule does not conform to Congress’s intent or Supreme Court precedent and is not supported by scientific evidence. Further, the EPA deprived the public of a meaningful opportunity to comment on critical aspects of the rule and the agency violated the law by conducting grassroots lobbying. “Meanwhile, two reports from Congress, [one released just last week](#), corroborate these facts and highlight that the rule was politically motivated and based on flawed scientific analysis. While there is a high likelihood that the EPA’s water rule is illegal, builders face an increasing backlog in obtaining federal permits. In turn, these bureaucratic delays increase project costs and harm housing affordability. It could be more than a year before we get a final decision. Therefore, Congress must act now to prevent this rule from moving forward.

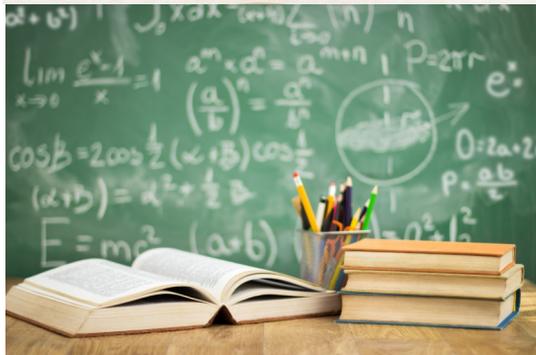
E&M Consulting Producing 2017 TABA Membership Directory

The Temple Area Builders Association is continuing our partnership with E&M Consulting to produce the 2017 Membership Directory. E&M will be contacting all of the members in the coming weeks about advertising opportunities in the Membership Directory. This gives you the chance to promote your business or practice. E&M will be managing the ad sales, creative design, and formatting. They are extremely professional and produce a high quality publication. If you have any questions or would like to advertise, please contact Josh with E&M Consulting at 254-230-4597, 800-572-0011, or josh@emconsultinginc.com.



Changes in state and local laws and regulations could be detrimental to your business. Your active support and contribution to TABA Home-PAC is an investment in the future of our industry and our community. Join your friends and colleagues in assuring our area remains an attractive spot for continued development by contributing to TABA Home-PAC today!

**CAN YOU AFFORD
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YES, I want to support TABA Home-PAC and its efforts to strengthen our collective voice by helping to support local initiatives and elect pro-housing candidates who give our industry a voice at the local and state levels of government.

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Your personal and LLC contributions go directly and exclusively to fund pro-housing candidates and initiatives. Corporate funds are also accepted and can be used to help fund some PAC activities.

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Complete information is at TexasBuilders.org/membership/benefits

<p>TAB Model Construction Safety Program and Jobsite Safety Standards Package©</p> <p>Includes a user guide, Model Safety Plan and training webinar for only \$249.99 plus tax. Purchase online at TexasBuilders.org</p>	<p><i>TAB members are entitled to receive the benefits of programs and services that are not available to the general public.</i></p>	<p>National Purchasing Partners</p> <p>To learn if you are eligible for discounts from some of the nation's most respected retailers, register today at MyNPP.com. There is no obligation to purchase and it's free to register.</p>
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TEXAS RESIDENTIAL CONSTRUCTION CONTRACTS PACKAGE

The Texas Association of Builders updated its 2015-17 Texas Residential Construction Contracts Package in July to include the following:

- New Architect/Design Professional Addendum to protect the builder when the owner hires an architect or design professional.
- New landscaping warranty exclusions in all construction/remodeling contracts, and content damage provisions in all remodeling contracts.
- The addition of a new "plan design release fee" to the existing Design-Build Agreement.

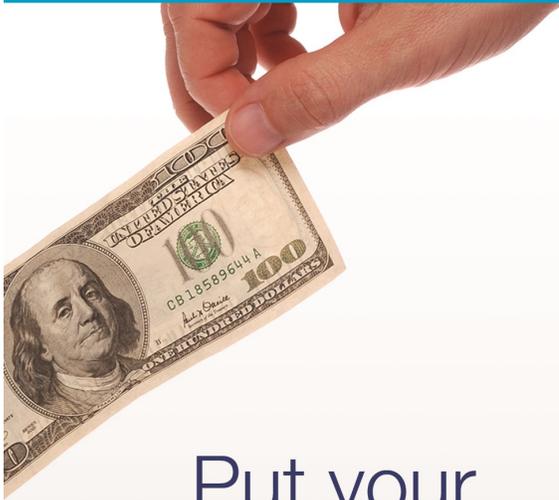


For builder and remodeler members of the Texas Association of Builders, TAB's contracts package subscription is your blueprint for typical construction and remodeling transactions in the State of Texas.

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The package of contracts and related addenda is a fantastic value and can save you thousands of dollars in legal fees. To purchase your contracts for **\$399.99** +tax, visit TexasBuilders.org/membership/contracts-package.html.

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TABA Membership Spike Club Roster - Top 10

Jim Howe -- Omega -- 558 Credits

Christopher Butler -- Jubilee Homes -- 542 Credits

John Kiella -- Kiella Homebuilders -- 484Credits

Jason Carothers -- Carothers Executive Homes -- 356 Credits

Linda Strickel -- Bonded Builders Warranty Group -- 275 Credits

Charles Amos -- Amos Electrical Supply -- 269 Credits

Curtis Lockey -- Lochridge-Priest -- 213 Credits

Dean Winkler -- CRW Construction -- 166 Credits

John Paysse -- 124 Credits

Robbie Johnson -- Stillwater Custom Homes -- 124 Credits

What is the Spike Club?

The NAHB Spike Club is composed of all of the individual members and employees of members in local associations who have attained Spike status.

It is a vehicle to recognize these members for their outstanding achievements in member recruitment and retention in their local home builders association.

How do I earn Spike Credits?

Individuals earn Spike Credits by sponsoring new members, and by those new members retaining their membership.

Spike credits have the following values: 1.0 credit for new Builder or Associate members and 0.5 credit for new council members, Affiliate memberships, and Builder and Associate renewal memberships.

What is one example of a Spike Club perk?

Other than bragging rights... Spikes can attend the NAHB Spike Party & Directors' Reception held each year during the International Builders' Show. The Spike Party & Director's Reception recognizes and honors Spikes across the country for their continued commitment to membership development.

To qualify to attend the Spike Party & Director's Reception, each Spike must have a minimum of 6 credits and must earn at least one new member credit between November 1 2015 - October 31 2016.

Membership News & Announcements

Do you have an announcement about your member company that you would like to share with the broader TABA membership?

Contact us at kacie@tahb.org or 254-773-0445 to share

Membership Recruitment Contest

For every 2 members (Builders or Associates) you recruit between now and November, your name goes into TWO separate drawings.

One drawing will be held during the TAB Membership Committee meeting in Winter 2017.

The second drawing will be held at the TABA office at the end of December.

Winners will be notified by phone and you don't have to be present to win!

Contact Us

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