

INDIANA BUILDER NEWS

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2015 legislative session: A victory for safe and affordable housing

The 2015 legislative session is officially over, and the time has come to take a look at the old legislative score card to tally up the final score to see whether IBA's members won or lost (spoiler alert: we won!). IBA had a lot of victories during the 2015 legislative session that will further our mission of promoting safe and affordable housing in Indiana.

Before we get too far ahead of ourselves, we really need to send a big thanks to all of our legislative and executive branch leaders who are complete stalwarts for good, common sense public policies that promote the strong fiscal and economic health we've seen cultivated over the past several years.

Indiana continues to be a model among all states when it comes to fiscal discipline and prudence, and all Hoosier taxpayers should be grateful to have such strong leaders in the Legislature and executive branch who stand for policies that make Indiana the fiscal envy of states throughout the nation.

The time has now come to tally up the victories and defeats on the score card. Following is a list of bills that IBA worked on in 2015 to support our mission of safe and affordable housing.

As you peruse the following information, please keep in mind that we are providing a summary of each bill for informational purposes only. The following list is

not intended to be a substitute for a comprehensive analysis of each law or how it applies in any specific situation or to a particular fact pattern.

Please contact an IBA staff member if you have any general questions about how a particular bill might apply in your specific situation. We are here to help!

Find a bill online

1. Visit iga.in.gov
2. Under "legislation," select "bills"
3. Click on the bill
4. Select "latest version"

HEA 1388

House Enrolled Act (HEA) 1388 successfully passed the House and Senate, and has been signed by the Governor – meaning it successfully made it into state law.

HEA 1388 has many different provisions that impact a variety of different areas. Of particular importance to IBA members is a provision that exempts common areas in residential developments from property taxation.

A "common area" is defined as a parcel of land in a residential development that: (1) is legally reserved for the exclusive use and enjoyment of all lot owners; (2) is

owned by the developer, or each lot owner, or a person or entity that holds title to the land in a fiduciary capacity for the benefit of the lot owners; (3) cannot be transferred for value to another party without the approval of the lot owners; (4) does not include a Class 2 structure; and (5) is not designed or approved for the construction of a Class 2 structure.

In order to claim the common area exemption, it must be properly recorded and notice must be provided to the applicable local assessing official of the intent to designate an area an exempt common area. The local assessing official then has 30 days to review the common area designation notice to determine if it complies with the definition of a "common area" as defined under HEA 1388.

This section of HEA 1388 was effective on passage, meaning you can claim the common area exemption now.

HEA 1508

HEA 1508 was another victory this year. Developers in certain parts of the state have been experiencing issues with local units of government that required performance bonds that were largely unnecessary. These additional costs can lead to increased lot prices and ultimately higher housing costs for Hoosiers throughout the state.

Because of this unnecessary increase in the cost of housing, IBA supported the passage of HEA 1508 as a common sense

solution to the problem.

HEA 1508 prohibits a unit of local government from adopting or enforcing an ordinance, rule, or other policy requiring a land developer of Class 1 or Class 2 structures to do the following: (1) with certain exceptions, obtain a performance bond or other surety before an approved secondary subdivision plat is recorded; (2) obtain a maintenance bond that has an effective period of greater than three years.

It authorizes a unit of local government to require the land developer, as a condition precedent to recording the secondary plat, to obtain a performance bond or other surety for incomplete or unfinished streets, sanitary piping, storm water piping systems, water mains, sidewalks and ornamental landscaping in common areas, and erosion control.

It also provides that an ordinance, rule, or policy requiring a land developer to obtain a performance bond or other surety must include a provision for: (1) the release of the bond or other surety upon completion to the satisfaction of the local unit of the subject matter upon which the bond or other surety was obtained; and (2) the partial release of the bond or other surety on an annual basis in accordance with a partial release schedule.

HEA 1508 goes into effect July 1, 2015.

Continued on page 10

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Mark Wuellner, Deputy Executive Director, General Counsel & Chief of Staff of the Indiana Housing and Community Development Authority (IHCDA), was the keynote speaker at IBA's Spring Board Meeting. Mr. Wuellner discussed both new and existing housing programs offered by IHCDA that provide funding for residential and multi-family construction projects.



IBA President Linda Rogers presented a Life Director award to John Linn for attending his 40th IBA Board of Directors meeting representing the HBA of St. Joseph Valley. John is the principal and Chairman of the Board at Abonmarche, and he serves as the Chairman of IBA's Land Use Committee and as an Alternate Associate National Director.



Joe Garcia, CGB, CGP, GMB, Master CGP, custom home builder and immediate past president of the BA of Greater Indianapolis, received the Paul Johnson Award for membership recruiting from IBA President Linda Rogers. In 2014, Joe recruited 14 new members and is a Life Spike with 35 spike credits.



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Indiana Builders Association, Inc.
101 W. Ohio St., Ste. 710
Indianapolis, IN 46204
(800) 377-6334
(317) 917-1100 Local
www.BuildIndiana.org
info@BuildIndiana.org

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Senior Officers

President Linda Rogers
linda@nugentbuilders.com
Vice Pres. Jim Pressel
jpressel@msn.com
Treasurer Lance Swank
LaSwank@thesterlinggrp.com
Secretary Pat Richard
Pat.Richard@Spire-grp.com

Builder Area Vice Presidents

Area 1 Brett Harter
brett.harter@freemanharter-customhomes.com
Area 2 Jeff Loucks, CGB, CAPS, CGP
Jeff@jlconst.com
Area 3 Tina Bernacchi
andrea.homes@yahoo.com
Area 4 State Rep. Heath VanNatter
vannatterv@aol.com
Area 5 Dan Losekamp
kaeser-losekamp@fuse.net
Area 6 Tom Fuller
Tom@tafullerhomes.com
Area 7 Ryan Baker
rbaker@rjbuilders.net
Area 8 Don Thieneman
don@thienemangroup.com

Associate Area Vice Presidents

Area 1 Hal Kemmerer,
kemmerer@frontier.com
Area 2 Greg Gerbers, greg@dehayes.com
Area 3 Mary Ellis, MEllis@MBAH.com
Area 4 Tom Slater, tslater@timberlandlbr.com
Area 5 Trent Hunt, trenthunt@LLHINS.com

Indiana's National Leadership

NAHB Area 9 Vice Chairman Mike Bell
mikebell@bellconstruction.org
NAHB State Rep. Andy Place, Sr., CGB, CGP
andy.place.sr@placebuilders.com
National Director Greg Furnish
gregfurnish@yahoo.com
Associate National Director Tom Slater
tslater@timberlandlbr.com

NAHB BUILD-PAC Trustees

Andy Place, Sr., CGB, CGP
andy.place.sr@placebuilders.com
State Representative Heath VanNatter
vannatterv@aol.com

Staff

Rick Wajda, Chief Executive Officer, Chief Lobbyist
ext. 204, Rick@BuildIndiana.org
Carlie Hopper, Regulatory Affairs Director
ext. 206, Carlie@BuildIndiana.org
Tom Havens, Governmental Affairs Director
ext. 205, Tom@BuildIndiana.org
Kim Heffner, Communications & Events Director
ext. 203, KimH@BuildIndiana.org
Heather Sturgeon, Operations Coordinator
ext. 207, Heather@BuildIndiana.org

Working together to continue building a better Indiana

Summer is upon us, but I don't see lazy days ahead. In my own business, the next few months are filled with the starts of several new projects and opportunities for new builds.

In my travels across the state, I have heard similar good news from other builders and associates. Yet, now is not the time to be complacent whether it be in our own businesses or with the Indiana Builders Association.

As you operate day to day, I encourage you to not only look at the task at hand, but be mindful of both mid and long-range planning and to build a solid foundation.

Many of us know that while the housing industry is starting to make a comeback, it is important to be prepared for any turn of events.

This is the premise of the groundwork that has begun and what we will establish for the Association. There has been



President's Message

By Linda Rogers,
Nugent Builders
Granger

President
Indiana Builders
Association

much progress made to solidify our base which has included revisiting the by-laws, conducting meetings of the fiscal task force and preparing to start on a three year strategic plan.

Henry Ford once said, "Coming together is a beginning; keeping together is progress; working together is success." I certainly believe that we are on our way to success.

Under the leadership of Mike Hannigan,

a By-Laws Committee examined our by-laws and proposed changes were presented at the May board meeting and will be ready for approval by the Board of Directors in August.

The Fiscal Task force, led by Lance Swank, met for two full days and is close to providing recommendations to be presented at the August board meeting.

A Strategic Planning Committee, led by Pat Richard, will be well underway in the next few months as well.

However, as the summer looks to be bright, we can't let the good vibes and positive energy let us become content. There is work yet to be done for the Indiana Builders Association to strengthen our foundation.

As you can see, this has been a busy but productive year and with all of us continuing to work together I know we can build a better Indiana.

IBA announces communications and events director

The Indiana Builders Association (IBA) is pleased to announce that Kim Heffner has joined the organization as the communications and events director.

"Kim brings a wealth of communications experience to our team," said IBA Chief Executive Officer Rick Wajda. "Her legislative knowledge, coupled with her public relations, design and event planning background will serve the association well."

As communications and events director, Kim will be responsible for coordinating the public relations and communications



programs and activities of the association. She will also serve as managing editor of Indiana Builder News.

In addition, she will manage the events of the association as well as membership recruitment and retention programs.

"It is an honor to join the IBA team," said Kim. "I look forward to expanding the communications efforts of the association in an effort to increase awareness of the

value of homeownership and the benefits of being an IBA member."

Kim graduated from Taylor University in 2009 with a bachelor's degree in media communication and public relations.

Prior to her current position, Kim served as a senior press secretary for the Indiana House Republican Caucus.

You may contact Kim at 317-917-1100 ext. 203 or KimH@buildindiana.org.



IBA Builder Area Vice President Brett Harter participates in a hands-on demonstration during Certified Aging-In-Place Specialist (CAPS) training. The hand with a sock on it is holding a tennis ball to simulate the impaired ability to grip which can make it difficult to open doors with knobs and to operate push-button appliances. He's also wearing dark glasses with lenses smeared with petroleum jelly to simulate impaired vision.

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Indiana Builders Association staff is here to help

Many of you are involved in numerous local, state and national trade associations and/or other non-profit organizations in your personal and professional life.

I freely admit I may be biased, but after working in and around other organizations over the years, we are fortunate at every level of the federation to have well-intentioned, dedicated individuals, that care about safe and affordable housing.

Sure it is a job and that is what we get paid to do, but many of the individuals who work for the organization, whether it is at the local, state, or national level, enjoy their job, have a passion for homeownership, and understand the important role we play as a leader in our national economy. You've heard it said before, "As goes housing, so goes the economy."

Specific to this organization, the Indiana Builders Association exists to maintain and develop workable regulations and laws that enable the citizens of Indiana to enjoy affordable housing. The Board of Directors and Executive Committee provide excellent leadership and direction to the staff to protect and promote housing affordability at every price point. They see the big picture and understand their role to provide the guidance necessary to operate in the public policy arena on a daily basis.



Inside the Issue

By Rick Wajda

Chief Executive Officer
Indiana Builders Association

We win some battles and we lose some battles, but our goal as an organization is to make sure that policy-makers understand the impact their decisions will have on economic development and affordable housing.

The IBA will be reviewing its operations and embarking on a new strategic planning process over the second half of the year with the goal of creating a sound financial

organization that most effectively responds to the membership, general public, and policy-makers across the state.

The IBA is a service organization and customer/member service will be one of the areas we focus on as a staff. If staff doesn't know the answer, we'll assist the member in finding the information necessary to answer the question.

If a member needs a legislative or regulatory fix, we'll route it through the appropriate committee to get the issue discussed from a statewide perspective and find a solution to the problem.

Long way of saying, staff is here to help. We have some of the hardest-working, dedicated staff in the business. Our goal is to make you as successful as possible in your day-to-day business of building, developing, remodeling, or supplying goods and services to the residential and light commercial construction industry.

Contact Us

Rick Wajda
Chief Executive Officer
800-377-6334, ext. 204
rick@buildindiana.org

Carlie Hopper
Regulatory Affairs Director
800-377-6334, ext. 206
carlie@buildindiana.org

Tom Havens
Governmental Affairs Director
800-377-6334, ext. 205
tom@buildindiana.org

Kim Heffner
Communications and Events Director
800-377-6334, ext. 203
kimh@buildindiana.org

Heather Sturgeon
Operations Coordinator
800-377-6334, ext. 207
heather@buildindiana.org



United States Congressman Larry Bucshon, M.D. (right), representing Indiana's 8th District, recently met with HBA of Greater Terre Haute President Joe Anderson and other builder members to discuss housing related issues.



Mid-North Indiana BA President Ryan Downey welcomes new member Pat Grimes with All-Star Electronic Security Systems to their monthly membership meeting. Since chartering in 2012, the Monticello-based local HBA has worked hard to grow and maintain double-digit membership.



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News from Around the State



The BA of La Porte County rolled out the red carpet for several IBA leaders who attended a recent membership meeting. Pictured left to right are Executive Officer Cindy Dangler, Builder Area Vice President Jeff Loucks, CAPS, CGB, CGP, NAHB Area 9 Chairman and Past IBA President Mike Bell, IBA President Linda Rogers, and IBA Vice President Jim Pressel.



Monroe County BA welcomes IBA President Linda Rogers, Builder Area Vice President and member Tom Fuller (3rd from left), and Associate Area Vice President Tom Slater (left). Pictured left to right are Treasurer Ben Beard, Vice President Don Weiler, State Director Mike Corns, Loren Wood, State Director Mike Baker, and President Jason Bell.



Jay Andrew of Henry Poor Lumber (right) presents the BA of Greater Lafayette 2014 Associate of the Year award to Vice President Andy Switzer of ARKOR Architects & Engineers.



BA of Greater Lafayette Vice President Andy Switzer (left) presents the 2014 Builder of the Year award to Jim Kiracofe of Majestic Homes.

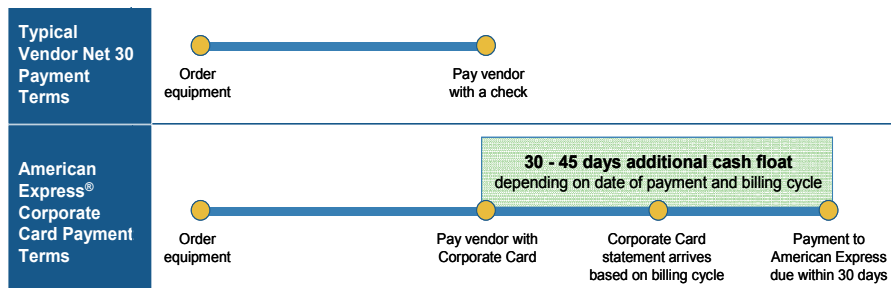


HBA of Greater Terre Haute members welcome IBA President Linda Rogers to a recent membership meeting. Pictured left to right are David Howald, IBA Past President and Senior Life Director Rick Jenkins, Vice President Mark Clinkenbeard, State Director Dennis Meneely, Life Director Todd Newman, and National Director John Neff.

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Save the Date

IBA August Board Meeting

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Special Guest:
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 Jackie Walorski

More details to follow



IBA past presidents catch up at a recent home builders meeting in Muncie. Pictured from left to right: Stephen Robinson (IBA 2007 President), Leon Calvert (IBA 1991 President), and Jud Motsenbocker (IBA 1981 President).

The housing industry was well represented at a recent Chamber of Commerce event in Indianapolis. Pictured from left to right: State Representative Doug Miller, IBA President Linda Rogers, and State Representative Dale DeVon.



IBA Vice President and pilot Jim Pressel (3rd from right) touched down for a meeting of the BA of Northeast Indiana. The La Porte builder was welcomed to Angola by (left to right) Jeff Parks, Todd Squires, President Jeff Wilson, State Director Fred Kreigh, Builder Area Vice President Jeff Loucks, CAPS, CGB, CGP, Vice President Lou Salge, Dan Study, and Life Director Jeff Deahl, CGP.

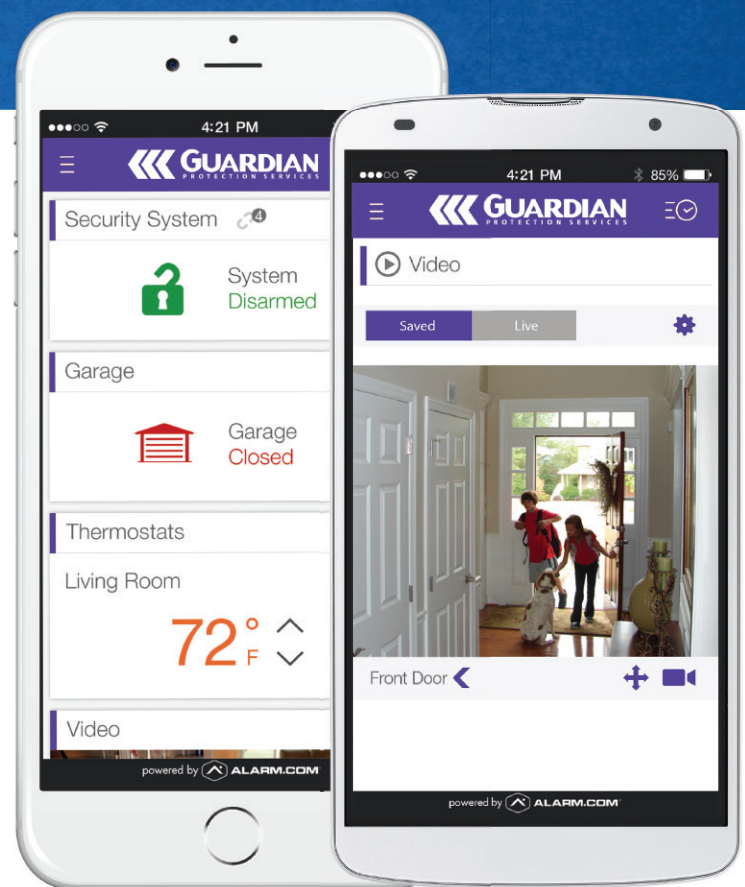
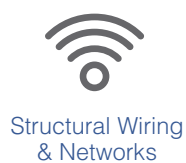
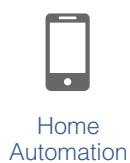


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What do you do all summer now that Session has ended?

The number of times we've collectively answered that question probably reaches into the triple digits, but it is a perfectly acceptable question and one we're always happy to answer.

We want you to know how hard we are working to further the cause of safe and affordable housing day-in and day-out – regardless of whether it's during the legislative session or not.

Generally speaking, the workload of IBA staff members does not decrease when we're not in session; the landscape of responsibilities just changes from one set of activities to another.

It's probably somewhat similar to the dynamic builders experience in the winter versus summer: in the warm months you're busy putting in foundations and framing; and in the winter months you ideally are just as busy finishing out interiors in order to have homes ready to sell in the spring. In an ideal world, you're equally busy year-round (even though that may not always be the case), just doing different types of work.

That being said, we want to take a moment to highlight a couple of projects we'll be working on over the summer (some by choice, others by necessity).

We are always happy to hear your comments and answer any questions you have, and it's our hope you will reach out to us if you have any ideas for adding value to these – or any other – projects we're undertaking.

Self-Certification

This project is an outgrowth of a bill that passed during the 2015 legislative session. House Enrolled Act (HEA) 1303 creates a pilot project whereby industry groups (such as IBA) can apply to the state to be a "supporting organization."

If approved, any members who complied with the registration requirements of the supporting organization could apply to be state registered.

Any person or company that is state registered would be included on the state's registry (along with any specific credentials or industry certifications earned) and advertise publicly that they are state registered.

A person or company would NOT be prohibited from practicing an occupation if they are not state registered, so this would be a voluntary program.

Over the summer, IBA will be working on a fairly comprehensive proposal to see if participating in the pilot program would be beneficial for IBA members.

State Building Department

Benjamin Franklin once stated that, "out of adversity comes opportunity." I would add in this context that out of adversity also comes a new project.

A bill proposed this year that would have changed the qualifications to be State Building Commissioner did not make it into law, but the problem still persists.

Indiana does not have a State Building Commissioner and it appears we won't be getting one anytime soon. That's the



Codes Corner

By Carlie Hopper
Regulatory Affairs
Director
Indiana Builders
Association



Statehouse Scoop

By Tom Havens
Governmental Affairs
Director
Indiana Builders
Association

adversity side of the equation.

The opportunity and project side of the equation the adversity has led to is IBA taking a comprehensive look at all building related functions at the state level. It may be prudent to overhaul the whole operation by fixing things that simply may not work (e.g., the SBC requirements given the relevant job responsibilities) and also implementing some best practices that other states may have in place, or even local units of government here in Indiana.

We want construction and buildings to be safe in Indiana. We also want construction to be efficient and cost-effective. It has been a long time since we've really taken an in-depth look at the grand landscape of building and construction in Indiana, so the time has come to see what, if anything, can be done to ensure that Indiana is optimizing the balance between safety and cost-effectiveness.

New Residential Code

Since we've already exhausted our allowance of quotes for this article, we'll move on to definitions. The dictionary defines the word "old" as: "[ohld] ADJECTIVE made or built long ago."

Grab your copy of the state residential building code, and it's understandable why many people think it's old because the cover says 2003 – it was created 12 years ago! Fortunately for Hoosier home buyers and home builders, however, there's more to the story than the date on the cover would have you believe.

The residential building code in Indiana is formally known as the Indiana Residential Code (IRC), 2005 edition, and is based on the 2003 International Residential Code (i.e., a model code states can adopt wholesale, or adopt and amend to fit the individual needs of the state) with Indiana amendments. The Indiana Residential Code became effective on September 11, 2005 and was further amended on November 24, 2005, November 17, 2006, April 2, 2008, and April 15, 2012.

Based on this timeline, you can see that Indiana's residential code was two years old by the time it was reviewed and adopted in 2005. More importantly, you can see that Indiana's residential code hasn't

been shelved and forgotten – it has been amended as needed over the last 10 years with the most recent update occurring in 2012.

Chances are most of the things you use every day aren't necessarily new, but nowhere in the definition of "old" appeared the words "bad" or "inferior." That's because sometimes old things can be better than new ones (I can tell you from firsthand experience that my shoes are a heck of a lot more comfortable now after having worn them for a month than they were when I pulled them off the shelf at T.J. Maxx back in April, but I digress).

Despite the fact that the IRC shows a cover date of 2003 does not mean that the 2003 code is bad, or that it hasn't been looked at and updated for 12 years. All it means is that the base model code we use to create our current code is from 2003, and we have taken that base code and amended it to our liking over the years.

There always seem to be some that want to update the code with the "new" version every time it's released. Others are fine sticking with the same base code (e.g., the 2003 version) and tweaking it with amendments on an as needed basis.

Regardless of which of these camps you fall into, everyone can agree that updating the base model code that Indiana uses to create our IRC is a big undertaking. IBA will be monitoring the landscape over the next couple months to see if there's any movement related to adopting a new base model residential code.

IBA will be involved in any discussions related to scrapping our "old" code for the newer shiny version because IBA's goal has been and continues to be making sure that the state's residential code strikes the optimal balance between safety and affordability.

Other Items

Lest you think that these three projects are all that we will be working on this summer, please know that your emails will continue to be replied to and calls will still be answered when you have questions or need help with something that falls outside the scope of one of the projects listed above.

As much as we might like to say that we get to play golf every day or sip mai tais poolside for next five to six months, that ain't happenin'. We are paid to work...and work we do!



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Building membership brick by brick: 87 new members in March and April

IBA welcomed 87 new members in March and April and recognizes the recruiters and new members below.

In conjunction with IBA's 2015 membership campaign "Building IBA Membership Brick By Brick," IBA President Linda Rogers has challenged all IBA Directors to recruit one new member in 2015.

For every new member recruited by an IBA Director, a brick will be added to the house at the next IBA Board of Directors meeting. The asterisk (*) below indicates IBA Directors who are new member recruiters.

Recruiting 5 New Members

John Lotton, Lotton Development
 Samoil Terzioski, TG Development
 Paul Terzioski, Trademark Group Development
 Dave Spoolstra, Homes By Dutch Mill
 Karl Doorn, Doorn Construction
 William Reinsma, Reinsma Homes

*Pat Richard, Spire Group
 Rick Doyle, Precision Plumbing Services
 Doug McManony, M & M Heating and Cooling
 Guy Jeremy Surprise, Got Brick?
 Dan Strang, Home Acres Building Supply
 Chris Parker, 2-10 Home Buyers Warranty

Recruiting 4 New Members

*Don DeLaCroix, Miles Richmond
 Jim Harvey, Harvey Brothers Construction
 Marlin Oler, Oler's
 Dave Philbeck, Richmond Carpet
 Ron Koons, Koons Home Center

*Edward Kelly, Kelly Construction
 Eli Pecoski, American Dream Builders
 John Lotton, Lotton Development
 Greg Bracco, Peoples Bank
 Rick Mossell, Heartland Builders of NWI

*Don Weiler, Bailey & Weiler
 Phil Teague, Rectify Solar
 Tom Winger, Winger Construction
 Anna Ivey, Legal Shield- Anna Ivey
 Jeremy Walls, Premier Restoration

Recruiting 3 New Members

*Ryan Downey, Downey Home Designs
 Catherine Gross, Harmony Designs
 Pat Grimes, All-Star Electronic Security Systems
 Doug Keesling, Studio 46 Construction

Recruiting 2 New Members

*Nigel Hoss, Hoss Building Group
 Rob Klein, Conceptual Kitchens & Millwork
 Rick Ardaio, North Coast Roofing Systems

*Hal Kemmerer, Rose Brick
 John Karagianakis, Clear Heating and

Air
 Tom Krueger, K 2 Construction

Jerrold Klein, M/I Homes of Indiana
 Diane Bardach-Beck, Bardach Awards
 Frances Williams-Bennett, Carpenter Realtors

*Brian Murphy, New Urban Homes
 Stephen Baim, Ivy Tech Community College
 David Devine, Devine Custom Painting

Palmer Myers, Meridian Title Corp.
 Jennifer Doffin, Northwest Indiana Real Estate
 Deana Sutton, Northwest Indiana Real Estate

*Vince Smith, Vince Smith Construction
 Tad Parmer, Miller Equipment
 Travis Scheibler, Scheibler Building & Design

*Alan Sommers, Sommers Construction
 Ryan Eberhardt, Diamond Residential Mortgage Corp.
 Rob Rud, Diamond Residential Mortgage Corp.

*Michelle Wittig, Juday Creek Golf Course
 Eric Koch, Zolman Tire
 Alan Butt, Ruoff Home Mortgage

*Kevin Yoder, K W Yoder Construction
 Paul Miller, Custom Steel Designs
 Brian Rutherford, Burns Rent Alls



Joe Anderson, President of HBA of Greater Terre Haute, places a brick on the IBA house at the Spring Board of Directors meeting as part of the "Building IBA Membership Brick By Brick" membership campaign.

Recruiting 1 New Member

*Joe Anderson, Joe Anderson Builders
 Jimm Nidlinger, Sr., Garden Quarters

*Jason Bell, The Vacuum Center
 Tim Dumas, Showcase Electric

Amy Chitwood, Curry Auto
 Tim Roberts, Craft Construction

*Shane Clements, Eagle Construction & Development
 Lee Ann Kirby, Rhoades & Curry

Scott Coots, Coots Construction Co
 Jim Baker, Baker Commercial Group

Marty Cotterman, Veolia Environmental Services
 Wendy Starr, Starr Associates

Phyllis Courser, Stonewood Real Estate Group
 Matt Hussong, Fairmount Door Corp

*Ron Dauby, Core Contractors
 Ben Miller, Helpful Inspection

LaRae Dykstra, Metro Recycling
 Matt Workman, Greater Indiana Title

*Tim Eckert, Weber Concrete Construction
 Bill Wilson, Ferguson Enterprises

Jason Ells, Custom Concrete Co
 Heather Spurlino, Spurlino Materials

Chris Erb, Team Construction Co
 Todd Meier, Team Construction Co

Scott Gregory, Abonmarche Consulting
 Matt Keiser, Abonmarche

Anthony Hardebeck, Cornerstone Homes & Contracting
 Duane Schieler, Organized Options

*Andy Haste, Riverside Construction
 Bill Doms, Business System Solutions

*Steven Heidorn, Heidorn Construction
 Monte Fetter, Fetter Properties Management

*Micah Hill, Milhaus
 Dan Porzel, Cedar Street Builders

Corey Hughes, Hughes Development
 Carl Malysz, City of New Albany

Luckie Jennings, Hoosier Door
 Brian Rainey, Rainey Construction

Scott Lahrman, Crown Line Homes
 Noel Raney, Prestigious

John Lazaro, Jr., J R Lazaro Builders
 Joshua Hedden, HydroShield Indianapolis

*Jeff Martin, Martin Brothers Contracting
 Jay Kinney, Martin Brothers Contracting

Tom McArthur, Habitat For Humanity of Elkhart County
 Leon Sherman, Habitat For Humanity of Elkhart County

Greg Milakis, Milakis Homes
 Faith Bracren, Advantage Title

*Aaron Miller, Barrington Development

Group
 Doug Waterman, Vandco Equipment

*Randall Myers, Interface Architecture & Design
 Alan Ediger, Interface Architecture & Design

Thomas Nare, Sequoia Construction Co
 Jim Roberts, Sims-Lohman Fine Kitchens and Granite

*Andrew Place, Sr., South Bend Indiana
 Christian Hurley, Trim-A-Door

*Deb Plue, Shepherd Insurance Service
 Anthony Hardebeck, Cornerstone Homes & Contracting

Matthew Reinbrecht, Reinbrecht Homes
 Ron Knirs, Affordable Concrete

Ty Romeo, Ty Romeo Construction
 Chris Hall, Chris Hall Construction

Jill Sample, Granite Ridge Builders
 Michelle Smekens, Diamond Residential Mortgage Corp.

Gary Schnell, Sell4Free Welsh Realty Corp.
 Joel Schwartz, Schwartz Building Materials

Paul Shinn, Shinn Building & Development Corp.
 Walter Carter, Fashion Flooring

*David Sieradzki, Century Builders
 Bill Swintz, Zolman Tire

*Mike Sievers, Sievers Construction Co.
 Matt Hendrixson, Hendrixson Concrete

Jack Slager, Schilling Development
 Frank Van Baren, Van Baren Builders

*Tom Slater, Timberland Lumber Company
 Timothy Logue, USA Insulation of Indiana

Jamie Sulcer, Chicago Title Insurance Co
 Scott Gregory, Abonmarche Consulting

Deana Sutton, Northwest Indiana Real Estate
 William Schott, Liberty Title & Escrow Co.

*Bill Williams, Williams Construction
 Brenda Rose, Midwest Roofing & Siding

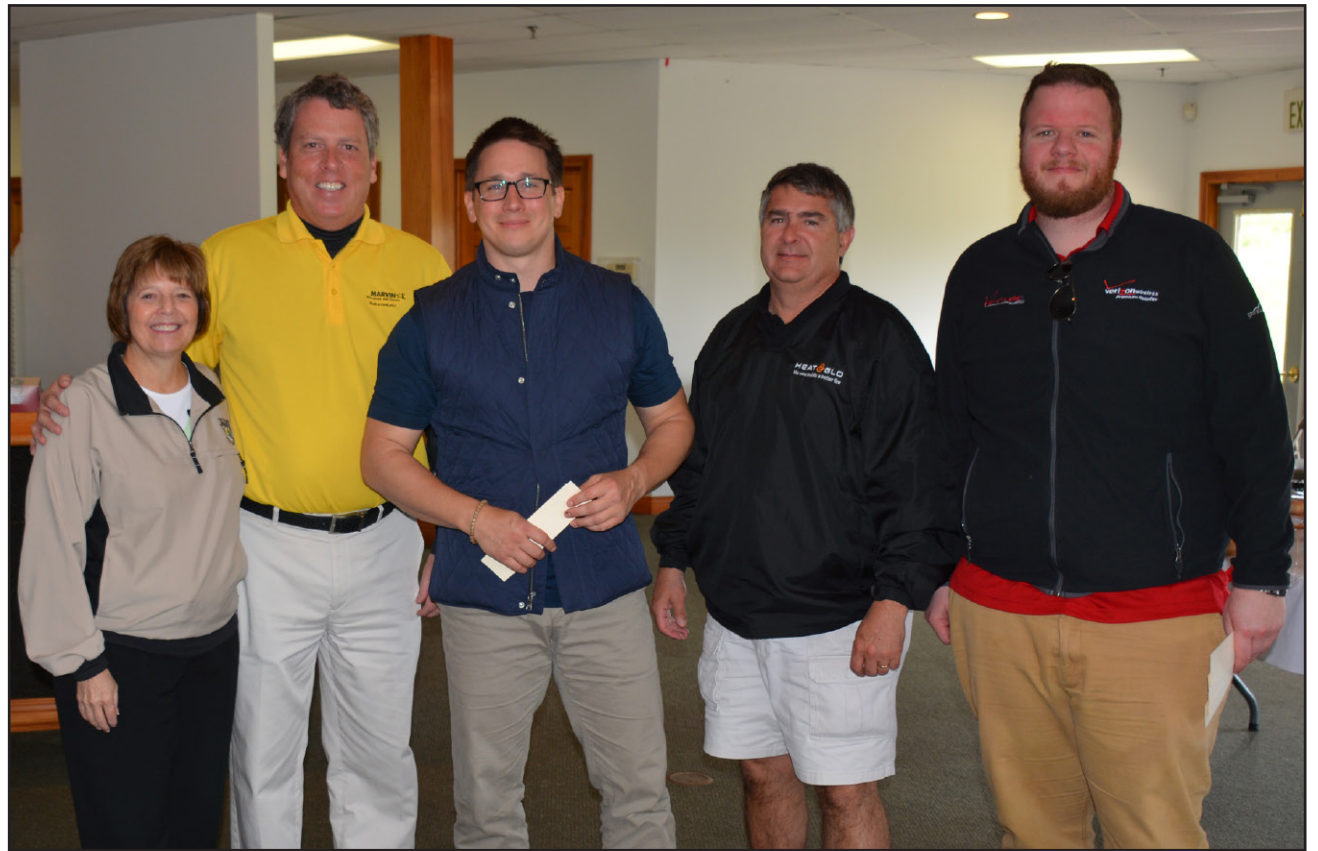
*Jeff Wilson, Bob Buescher Homes
 Gregory Gerbers, DeHayes Group

Loren Wood, Loren Wood Builders
 Andy Tatman, The Associates Four Services

*Will Wright, Will Wright Building Corp.
 Thomas McHaffie, Thomas R McHaffie & Co

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Continued from page 1
HEA 1102

IBA supported the passage of HEA 1102 to proactively deal with a growing problem builders have dealt with in other states before it becomes a problem in Indiana.

The problem is with patent assertion entities – or pejoratively known as patent trolls – that attempt to enforce patent rights against people or companies who they claim are infringing a patent owned by the troll.

Oftentimes these patent trolls will send out hundreds or even thousands of letters demanding payment for a license to their patent, even though they have no reasonable basis for believing the person or company is actively using the patent they own.

HEA 1102 establishes a standard that courts can use in determining if a person or entity attempting to enforce a patent right(s) acted in good faith. If not, HEA 1102 allows courts to award civil damages and even attorney's fees to the winning party. HEA 1102 goes into effect July 1, 2015.

HEA 1303

HEA 1303 is another victory for IBA this year. HEA 1303 establishes a pilot project under which individuals who practice a certain occupation that is not a regulated profession under Indiana law (such as home builders and remodelers) can become "state registered" and be listed as practitioners of their occupation on the state's electronic registry of professions.

In order for an individual to become state registered, they must hold a certification or credential from a supporting organization (such as IBA or NAHB) that is approved by the executive director of the Indiana Professional Licensing Agency (agency).

It requires the jobs creation committee to evaluate an application for the approval of a supporting organization, hold a public hearing, and make a recommendation to the executive director of the agency.

HEA 1303 would not prevent a person from practicing an occupation if they were not state registered; they simply could not state to consumers that they are registered with the state. In other words, it would be a voluntary program.

IBA has fought off attempts in the past that would have required home builders and/or remodelers to be licensed or registered with the state. HEA 1303 represents an opportunity for IBA to create a process for self-policing our own industry that is completely voluntary for builders and remodelers to join or forego joining at their discretion. HEA 1303 goes into effect July 1, 2015.

SEA 460

Despite passing into law, this bill was a loser for IBA as well as free market capitalists throughout the state.

Senate Enrolled Act (SEA) 460 prohibits the state department of health from approving: (1) the licensure of comprehensive care health facilities; (2) new or converted comprehensive care beds; or (3) the certification of new or converted comprehensive care beds for participation in the state Medicaid program; through June 30, 2018.

In other words, starting July 2, no new nursing homes can be built in Indiana – barring a replacement facility as well as a couple other exceptions.

Even more offensive was an amendment that was added and remained in the version that became law requiring all plans to be submitted to the state for review by March 1, 2015, or else be precluded from constructing a new facility. This means that the bill was actually retroactive. So if you bought land and are in the conceptual phase of construction, the July 2nd effective date is completely meaningless unless you had submitted your plans for state plan review by March 1st.

HB 1507

IBA supported House Bill (HB) 1507 because it would have expanded the criteria that must be met in order to qualify to be the State Building Commissioner. This change was needed due to a persistent problem the state has had finding a competent licensed architect or engineer to accept the position for the compensation offered.

HB 1507 passed the House and was heard in a Senate committee, but the chairman of the committee would not take a vote on the bill (meaning it died in committee since passing committee is conventionally a necessary step).

HB 1507 would have required the state building commissioner: (1) to have at least 10 years of experience in the building trades industry, at least five years of management experience, and a bachelor's degree in a construction related field; or (2) to have at least five years of industry experience, at least five years of management experience, and to be a registered or licensed architect or engineer or have a master's degree in a construction related field.

HB 1147

HB 1147 represented an attempt by the fire sprinkler industry to insert fire sprinkler language into the statutory definition of a Class 2 structure (i.e., residential structures).

HB 1147 provided that for purposes of the building code, a Class 2 structure townhouse may be separated from an adjoining unit by a one hour fire-resistance rated wall combined with a National Fire Protection Association 13D compliant fire sprinkler system.

While IBA does not oppose the installation of fire sprinklers in residential structures, there is a serious concern that adding fire sprinkler language into the definition of a class 2 structure takes Indiana one step closer to a mandate requiring the installation of fire sprinklers in residential structures.

A fire sprinkler mandate would add a huge financial burden to the cost of all new housing and ultimately prevent consumers from being able to afford a new home who otherwise are able to do so now. HB 1147 was introduced, but never heard in committee.

SEA 436

Some bills make it through the legislative process fairly easy and others are negotiated all the way until midnight on the last day of session. SEA 436 falls into the latter camp. It was one of the last bills approved by the General Assembly before they concluded their business for the year on April 29th.

Because all the stakeholders were scrambling to finalize the bill before the end of session, one provision was included in the final bill that was intended to be removed – and it could be an administrative nightmare for some IBA

members if a county were ever to adopt a related ordinance. The relevant provision authorizes a county fiscal body to adopt an ordinance to allow political subdivisions and local agencies within the county to use a uniform property tax disclosure form.

The bill provides that if an ordinance is adopted, the county and other local governmental entities in the county may require a person applying for property tax exemptions, property tax deductions, zoning changes or zoning variances, building permits, or other locally issued licenses or permits to submit a disclosure form.

According to guidance issued to local officials by the Department of Local Government Finance (DLGF), there are tools local officials have at their disposal to deny any requests until the property tax delinquency is paid.

While IBA fully supports all property owners paying their fair share, this law could impose a significant burden on local construction if a county were to adopt an ordinance.

Depending on the ownership structure of a property, a local unit might be able to deny a permit if a co-owner of a property is late on any taxes owed on any other property they might own (jointly or individually).

Also, a form would have to be submitted every single time a building permit, zoning request, property tax deduction/exemption, or license was applied for. This means that the list of property owned and tax status of each would have to be updated constantly to ensure the applicant doesn't perjure themselves, and thus be subject to a Level 6 Felony.

All IBA members should be on the lookout for any county proposal to enact a local ordinance based on this new law. IBA is working with legislative leaders on a repeal of this provision during the 2016 session, but it seems probable that we might have to live with this being an actual live law for six plus months until the Indiana General Assembly reconvenes in January for the 2016 legislative session.

Please contact a member of IBA's governmental affairs team if you hear any chatter about a county wanting to adopt an ordinance based on this state law.



Keeping in step with building code changes is a priority for the HBA of Fort Wayne's Codes Committee. Chaired by Matt Momper (standing 3rd from left), the committee has representation from builders, building industry suppliers, and Allen County Building Commissioner Dave Fuller. Pictured seated left to right are Jessica Scheurich, Dave Fuller and State Director Rob Wacker. Standing from left to right are Mark Lengacher, President Greg Gerbers, Matt Momper, Executive Officer Maurine Holle, Travis Marker, Lynn Delagrange and Jeff Bushey.



Instructor Mike DuKate, CAPS, CGB, CGR, DuKate Fine Remodeling (left) thanks BA of Elkhart County President Kevin Yoder, CGP, K.W. Yoder Construction, for hosting Certified Aging-In-Place Specialist (CAPS) training in Elkhart and congratulates him on completing the courses for the prestigious designation.

Homeownership provides important benefits to owners

In honor of June being National Homeownership Month, the following are several of the important benefits of homeownership.

Tax Benefits

Unique tax benefits that apply only to housing help lower the cost of homeownership. Both mortgage interest and property taxes are deductible.

Moreover, for married couples, profits of up to \$500,000 on the sale of a principal residence (\$250,000 for single taxpayers) are excluded from tax on capital gains.

The Advantage of Leveraging

Leveraging is another advantage of homeownership. A buyer can purchase a home and receive the full benefit of homeownership with a cash down payment that is only a fraction of the total purchase price.

This is called leveraging, and it makes the rate of return on a home purchase greater than on other purchases with the same value, such as stocks, where the buyer must put up the entire price.

Building Personal Resources

For most Americans, homeownership is a primary source of net worth and an

important step in accumulating personal financial assets over the long term. Although property values have declined in many markets, Americans currently have a total of more than \$6 trillion in equity in their homes, and for most families, home equity represents the largest share of net worth.

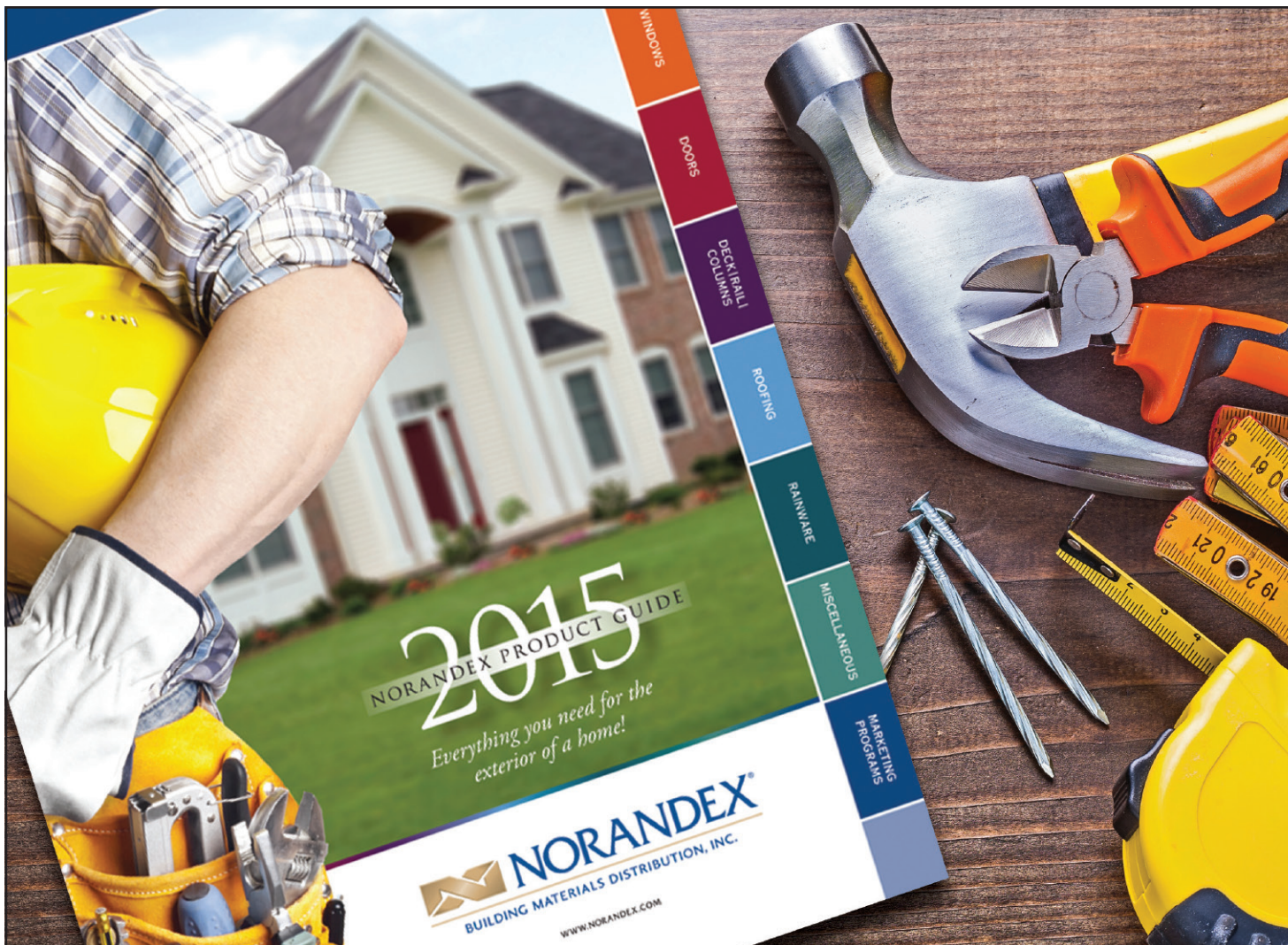
In fact, the January 2012 poll respondents said that they consider homeownership and retirement savings to be their best investments and those most likely to pay off the most for them and their families.

There Really is No Place Like Home

Although there are many positive financial aspects to homeownership, a home cannot be valued in monetary terms alone. Not only can homeownership be a steppingstone to greater financial well-being, it provides a permanent place to call home and great personal satisfaction.

Academic research also shows that homeownership provides a wide range of social benefits and strengthens the nation's people and its communities. Homeownership is truly a cornerstone.

Learn more at www.nahb.org.



IBA President Linda Rogers leads the Spring Board of Directors meeting in Fishers.



Representatives from Alunova, the sponsor of the Spring Board of Directors meeting, shared about their company that specializes in the manufacture of metal plating and protecting covers for wooden and vinyl windows, as well as aluminum profiles for exterior window shutters.

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Member rebate program gives you money

Since the Member Rebate Program (MRP) has been offered as a free member benefit of the Indiana Builders Association, it has given participating members a total of \$278,968.50. With 174 members participating in the program, that is an average of \$1,603.26 going to each builder and remodeler member!

IBA's Member Rebate Program lets builders and remodelers receive cash rebates for using certain manufacturers' products in the building and remodeling of homes. There are currently 45+ participating manufacturers covering 35+ different product categories.

Every quarter MRP works on improving in every way possible. It is because of this urge to enhance the program that MRP is proud to be adding Generac Power Systems, Dutch Quality Stone, StoneCraft, Eldorado Outdoor, Eldorado Fireplace Surrounds, and Element Central Vacuum System to the program starting the first Quarter of 2015.

Once you are registered, you are eligible to claim on a quarterly basis. The claiming process is just as simple as registering. An address is ready to be submitted once it is completed. MRP will ask for your company name, the completed address, and the completion date(s). You then complete the information

First you need to register:
www.HBArebates.com
 This tells MRP where to send your rebate check!

required for each manufacturer used. The information required by most manufacturers typically include:

- Quantity used
- Subcontractor or supplier name
- Model number
- No receipts are needed!

Once a project is completed and the form is filled out, all you have to do is send it in. MRP will process your quarterly information, send it to the manufacturers, and issue you one lump-sum check for all of your rebates!

Nationwide, over 70% of the builders and remodelers who participated last year have received in rebates more than they paid in annual dues to their HBA.

Get the most of your membership by taking advantage of this free member benefit.



Approved Agents

Dearborn County HBA
 BA of Dubois County
Logan Lavelle Hunt
 Loyd Jobe
 812-401-9206
 LoydJobe@LLHins.com

BA of Elkhart County
 HBA of Fort Wayne
 BA of Northeast Indiana
The DeHayes Group
 Greg Gerbers
 260-969-1317
 greg@dehayes.com

BA of Greater Indianapolis
 East Central Indiana BA
 Madison County HBA
 Wayne County BA
Wharton Insurance
 Scott Wharton
 317-663-4138
 Scott@wifsinc.com

Jackson-Jennings BA
 Lawrence County HBA
 Monroe County Building Assn.

Parker Group
 Miles Parker
 812-275-5921
 milparker@parkergruopindiana.com

BA Kosciusko Fulton Counties
 Marshall County BA
Wetzel Insurance Agency
 Byron Kauffman
 574-267-6183
 BKauffman@wetzel1.com

HBA of Howard County
 Jasper County HBA
 BA of Greater Lafayette
 Mid-North Indiana BA
MBAH Insurance / Heiny Insurance
 765-423-5421 / 800-735-5365
 Cindy Finkenbinder,
 CFinkenbinder@MBAH.com
 Deb Musser, DMusser@MBAH.com
 Jay Spry, JSpry@MBAH.com

BA of LaPorte County
 HBA of Northwest Indiana
General Insurance Services
 Eric Gibson
 219-510-6207
 EGibson@genins.com

IBA offers fully insured health insurance program to members



Contact an insurance agent listed if you are a builder, remodeler, subcontractor or provide a product or service that is included in the certificate of occupancy and would like to find out if you can offer a quality, fully-insured health insurance program (Anthem) to your employees at a reasonable cost.

Ask the agent to consider your company for the Indiana Builders Association Health Insurance Program.

The Indiana Builders Association (IBA) has partnered with Association Insurance Partners to bring a health insurance program to our membership. The Indiana Employers Trust is operational.

This product is medically underwritten and fully insured by Anthem. It offers coverage utilizing the BlueCard network just like products currently offered by Anthem. There are 12 benefit designs across a wide range of deductibles, drug cards and high deductible health plans, all of which meet or exceed Bronze-level coverage.

The Indiana Employers Trust will give member firms the opportunity to possibly realize lower health insurance rates due to several factors, the most important of which is the aggregation of like industry companies into a larger group, creating buying power and spreading the risk of a few amongst many.

HBA of St. Joseph Valley
McCarthy Insurance Group
 Schaune Johnson
 574-259-5622
 Schaune@McCarthyIns.com

BA of Southeastern Indiana
Southeastern Insurance
 Kathy Linville
 812-934-3209
 KLinville@southeastern-ins.com

HBA of Greater Terre Haute
Crapo Insurance Agency
 Jay Crapo
 812-478-3100
 cinsurance@ma.rr.com

Gibson County BA
 Vincennes Area BA
ISU Meeks Insurance
 Brad Bane
 812-886-4000
 Brad@MeeksInsurance.net

Pex Plumbing & Radiant Pex: Branch and Tee System Qickport Manifold System

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Subcontractor: _____

Supplier: _____

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Indiana Builders Association members have received cash rebates totaling \$278,968 from this program.

IBA builder and remodeler members are eligible for this free rebate program.

www.HBArebates.com



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- 2) Submit a Rebate Claim
- 3) Receive a Rebate Check!

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www.facebook.com/MemberRebateProgram

Call us Toll Free:
866-849-8400

Or visit our website:
www.HBArebates.com





The Jackson-Jennings County BA partnered with the Jennings County Department of Code Enforcement to offer training on the energy efficiency requirements in the 2005 Indiana Residential Code. Travis Dunn (2nd from left) with TSI Energy Solutions provided information on code compliance to a packed house including several members of the Seymour-based local HBA (from left) Mike Howell, Secretary Fred Vogel, President Bob Gillaspay, IBA Codes Committee Chairperson Lynn Madden, and Jon Perry.



HBA of Northwest Indiana members learn about the most commonly cited building code violations and have their code questions answered by Porter County Building Commissioner Mike Haller (left), IBA Regulatory Affairs Director Carlie Hopper, and Lake County Building Commissioner Bob Bakalar.



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Cheryl Blair (left), East Central Indiana BA Secretary, presents the Leon Calvert Award for outstanding contributions to housing industry to Michelle Kaitchuck, East Central Indiana BA Vice President, at a recent monthly membership meeting.

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Concerned about Copyrights in Construction?

They seemed like a dream client. They agreed to your contract with no pushback. They qualified easily for financing. They articulated a clear vision of what they want built. In fact, their vision is so clear that they drop a set of plans on your desk.

Of course, since this is just a dream, it can turn into a nightmare. One way to avoid losing sleep is to make sure that those plans are free from copyright issues.

Copyright law is one of two types of intellectual property rights expressly recognized in the U.S. Constitution. The intent of copyright law is to encourage the creation of art and culture by giving authors and artists the exclusive right to make and sell copies of their works, to create derivative works, and to perform or display their works publically for up to 70 years after the author's death.

While not expressly mentioned in the Copyright Act originally, courts had long recognized that architectural plans and drawings were protected under the law. In 1990, Congress enacted the Architectural Works Copyright Protection Act. The Act expanded copyright protection to completed "architectural works," which includes architectural plans, drawings, models and even completed buildings.

Copyright protects original creative expressions of ideas. As a result, only the nonfunctional, artistic features expressed in the design are protected by copyright.

Design elements that are functionally required or are standard design features such as doors, windows, or stairs are not protected. Since most architectural projects are largely driven by cost efficiencies, building codes, and functionality requirements rather than purely aesthetic considerations, the amount of original creative expression in a design is usually a small portion of the design.

As an example of this distinction, a window is a functional element common to most buildings, so an architect could not prevent competitors from including a window in plans. However, the arrangement of windows in a plan could be protected.

Generally, the author of the architectural plans or design owns the copyright. The author is usually the person who actually designed the work or her employer if done within the scope of her work.

However, that may not always be the case if someone else has acquired ownership of the copyright to the work. Paying for the design does not necessarily include ownership of the copyright. In fact, most architects retain the ownership of the plans

and design and merely license their use to the client.

Copyright infringement is simply the unauthorized copying of someone else's protected work. This means that you cannot make copies of original architectural drawings and plans without permission (a license) from the owner of the drawings and plans. It also means that you cannot make new drawings that are modifications of the original architectural drawings and plans.

If the copyright owner can prove infringement, it is entitled to "actual damages" plus the "infringer's profits." Actual damages are what the copyright owner would have received if the infringer had properly paid for the plans.

In addition, though, the copyright owner can also recover the profits made from the infringement. These can be substantial, especially if the infringing design is used in multiple instances.

Alternatively, the copyright owner can ask for statutory damages, which do not have to be proven but instead are in the discretion of the court to award. Statutory damages can range from \$750 to \$150,000 as the court determines is appropriate. Also, if the court decides that the infringer acted intentionally, it can require the

infringer to pay the owner's attorneys' fees.

To avoid your dream engagement from becoming a nightmare, you may want to consider verifying that you can use the drawings presented to you. Ask the person presenting the drawings for proof of ownership of the copyright.

In addition, you may want to include an indemnification and duty to defend provision in your contract for claims of copyright infringement.

Finally, check with your insurance broker to see if you have coverage for copyright infringement or can obtain it. It should help you sleep better.



James Dimos practices intellectual property law in the Indianapolis office of Frost Brown Todd, LLC. He has represented architects, engineers, contractors, and owners in various intellectual property and professional licensing matters involving the use of construction drawings.

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