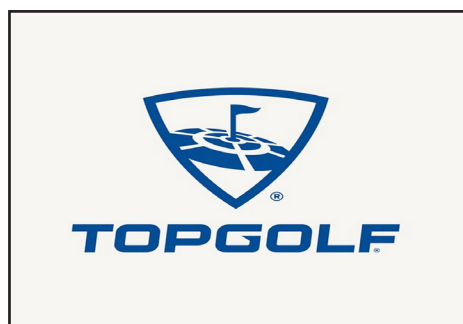




Indiana's statutory Right to Cure celebrates 15th anniversary!

In This Issue



IBA announces 2018 Golf Outing

The Indiana Builders Association will host their 2018 Bill Carson Memorial Golf Outing at the Topgolf in Fishers in October.

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IBA Board of Directors met in June

The IBA Board of Directors met in June to discuss housing related issues, to present awards to life and senior life directors.

Page 8-9

It's hard to believe that it has been 15 years since the legislature passed the "Right to Cure" statute. In 2003, Indiana's residential construction professionals were granted a significant tool to defend against unreasonable customers. The Statute (Ind. Code §§ 32-27-3-1 et. seq.) allows residential construction professionals, including architects, builders, suppliers, contractors, subcontractors and engineers, among others, to recover their attorney fees if a homeowner files an unreasonable lawsuit.

In order to obtain this right, the construction professional must provide the homeowner with a statutorily mandated notice at the time of initial contracting. This notice explains that homeowners are required to provide the construction professional with notice of any alleged defects in the work and afford the construction professional the opportunity to resolve those defects, prior to filing a lawsuit.

Once the construction professional receives a notice of defect(s), the construction professional has 60 days to 1) propose repairs to resolve the defect, 2) offer to pay money to resolve the defect, or 3) deny the existence of the defect. Upon receipt of notice of the construction professional's intended course of action, the homeowner can either accept the

proposed resolution or file suit. However, if the homeowner is unreasonable in refusing to accept the construction professional's proposal, the construction professional is entitled to recover attorney fees and costs in defending against the lawsuit. A homeowner who files a lawsuit must file with the court, and serve on the constructive professional, a list of all known construction defects, providing



By Thomas Bedsole

Frost Brown Todd, LLC

a description of the construction that the homeowner claims is defective, and specifying (to the extent known to the homeowner) the construction professional claimed to be responsible for each claimed defect. If the construction professional does not comply with the Statute, the lawsuit must be dismissed.

Finally, even after a lawsuit has been filed based on a rejection of the construction professional's offer to cure, the Statute requires the homeowner to

specifically list all known defects that form the basis for the lawsuit. Together, these protections provide construction professionals with significant tools to combat unnecessary lawsuits and streamline lawsuits that ultimately are filed.

In return for these protections afforded to construction professionals, homeowners are entitled to recover their own attorney fees if the construction professional 1) unreasonably disputes the homeowner's claim, 2) fails to remedy or compromise and settle the claim, 3) fails to repair the defect within a reasonable time, or 4) fails to respond to the notice required by the Statute. Most importantly, the homeowner is not required to accept an offer to repair the defect when the defect is caused by the construction professional's noncompliance with applicable building codes. Thus, maintenance of the relationship with the homeowner and meticulous compliance with the requirements of building codes remain critical, despite the Right to Cure Statute.

With appropriate contract documents and an understanding of the Statute – coupled with building code compliance – a construction professional is allowed at least some measure of protection from unreasonable homeowner claims.

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Building industry celebrates homeownership at Habitat site

Governor Eric Holcomb officially proclaimed the month of June National Homeownership Month. Above the national average, Indiana has a homeownership rate of about 70%. On June 21, the state's major housing organizations, Habitat for Humanity of Indiana, the Indiana Association of REALTORS, the Indiana Mortgage Bankers Association and the Indiana Builders Association, came together to celebrate homeownership at a Greater Indianapolis Habitat for Humanity site. The groups were joined by Lieutenant Governor Suzanne Crouch.

"Homeownership is the foundation of the American Dream" said Indiana Builders Association President Pat Richard. "Owning a home means owning your future as it serves as a place to raise your family, fulfill your dreams and create strong communities."

According to the most recent single-family permit numbers for May, new home construction continues to escalate. The United States Census Bureau has reported 1,663 single-family permits for the month

of May, a 1 percent increase from April of 2018 and a 4 percent increase from May of 2017 when 1,604 permits were pulled.

"As many know, Indiana has created a reputation of having one of the lowest costs of living in the country" said Indiana Builders Association Chief Executive

Officer Rick Wajda. "In recent years we have seen economic development spur as we welcome new employers and new talent to the state. Home builders are working hard to meet an increased demand for housing as more families call Indiana home."



Pictured is the new homeowner, Brittany (center left), Lt. Gov. Crouch (back center), and leaders from the state's major housing organizations.

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Please direct all advertising inquiries to Reagan Van Cleave at 800-377-6334 ext. 203 or reagan@buildindiana.org.

Mountains are mountains

James 1:2-4 NASB 2 Consider it all joy, my brethren, when you encounter various trials, 3 knowing that the testing of your faith produces endurance. 4 And let endurance have its perfect result, so that you may be perfect and complete, lacking in nothing.



President's Message

By Pat Richard
Spire Group

President
Indiana Builders Association

When I read this verse about joy, trials, and endurance, one thing comes to mind – mountains, both literally and figuratively. I have literally summited eight, 14000+ foot Colorado mountains, and as I look back over the last 8 years I have summited as many figurative peaks.

It took me three attempts to summit Colorado's tallest mountain, Mount Elbert. Initially I overplanned, brought too much gear, and started late because I thought I was already an expert. My second attempt, I underplanned and did not factor in bad weather that got me in a bad spot. Then I finally got it, all the while building endurance. That's physical strength. Considering the figurative peaks that I have summited, the process looks



the same, and again all the while building endurance. That's mental strength.

It is tough to be joyful through trials that occur on your way up the mountain. That's probably why many people

consider the trip back down the mountain and being in the valley, whether literal or figurative, to be the better place. Is it? All the growth happens on the way up, and the best views are always from the top of anything!

"Climb mountains not so the world can see you, but so you can see the world." – David McCullough Jr.

Standing at the bottom of your mountain, do you look up and think about how great

the view will be when you get to the top? Are you grateful for the trials that create endurance and joy? Know that God is building you up to be more complete, lacking in nothing.



IBA leadership and staff join Governor Holcomb for the ceremonial bill signing of SEA 393, a firefighter safety bill that included provisions on the notification of the use of structural components and a prohibition on fire sprinkler mandates in residential construction. Pictured from left to right: IBA Treasurer Brett Harter, IBA Past President and State Rep. Jim Pressel, Governor Eric Holcomb, IBA CEO Rick Wajda, IBA Governmental Affairs Director Carlie Hopper and IBA President Pat Richard.

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Things to know about ventilation

By Travis Dunn, TSI Energy Solutions

IBA, in partnership with the National Kitchen and Bath Association, the National Association of the Remodeling Industry, Home Artisans of Indiana and the Indiana HVAC Association, is hosting a ventilation seminar on July 19, 2018 at the Rathskeller. Things you should know about ventilation:

- The Indiana Residential Code does not require mechanical ventilation. Indiana is currently reviewing the 2018 International Residential Code for adoption, which could make fresh air ventilation mandatory.

- Oftentimes adding fresh air ventilation can make things worse, not better, in homes. A “house-as-a-system” approach must be followed when incorporating fresh air ventilation to avoid issues with mold, moisture, and damaging relative humidity levels.

- A common misconception is that we build houses super tight so we must add holes for ventilation. The problem with the “natural ventilation” is that “fresh air” is being pulled in through holes in the attic, floor and walls where it was filtered through fiberglass insulation, mouse feces and mold.

- In 2012, Indiana adopted increased energy efficiency requirements for new one-and two-family dwellings and townhouses that require builders to meet tighter air leakage standards. Some builders are now experiencing some negative effects from those tighter homes and fresh air ventilation could help solve those issues.

- It is important to understand the overall impact of mechanical ventilation.

Top New Member Recruiters for 2018

(as of 5/31/18)

- | | |
|------------------------------------|--------------------------------------|
| 1. Mike Bell, Westville, 7 | 5. Brad Sterchi, Evansville, 4 |
| 2. Scott Thompson, Indianapolis, 6 | 6. Jason Bell, Bloomington, 4 |
| 3. Scott Bowman, Newburgh, 5 | 7. David Sieradski, Mishawaka, 4 |
| 4. Herb Delagrance, Fort Wayne, 4 | 8. Paul Scwinghammer, Noblesville, 4 |

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Schedule of Events:
Registration: 2:15-3 p.m.
Presentation: 3-4:30 p.m.
Beer Garden: 4:30-6 p.m.

Learn “Why” other states have already adopted new codes on ventilation:

- ASHRE Standards and different ways make-up air can be achieved
- Why bathrooms are the next major battleground behind kitchens for make-up air
- How mold is being affected by tighter buildings and new building products

Start specifying today for eminent new code changes coming tomorrow.

For sponsorship information or to register: Contact IBA Communications Director Reagan Van Cleave at Reagan@buildindiana.org or 317-917-1100 x 203

Photo by Fantech

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Residential code review committee hits the ground running

The state's 11-member review committee is keeping pace with the very aggressive meeting schedule established by the Indiana Fire Prevention and Building Safety Commission. The committee has met twice since May and is on track to complete its review of the 2018 International Residential Code by

122 proposed code changes submitted for Chapters 1-6 include:

- Deleted the requirement to install a fire sprinkler system (statutorily prohibited by SEA 393, therefore, the code cannot require it), but left language referencing the installation standard should someone choose to do so
- Deleted requirement to protect floors
- Maintained requirement for an egress window in every basement
- Amended stair geometry to 7 ¾" for riser height and 10" for tread depth 3 years after the code goes into effect (Indiana's current stair geometry is 8 ¼" for riser height and 9" for tread depth)
- Amended seismic design category to "C" for those areas that would be "D"
- Expanded requirement for all roof installations to include ice and water shield (Indiana's current code limits installation of the product to certain counties)
- Maintained requirement to install

- carbon monoxide alarms
- Amended requirement to allow attic access from the garage

with deadlines for submitting proposed code changes:

If there are things you'd like to see amended in the code, please send your suggestions to Carlie@BuildIndiana.org.

Below is a schedule of the committee's meetings and chapters to be reviewed

| Chapters for Review | Proposal Submission Deadline | 2018 IRC Review Committee Meeting |
|-----------------------|------------------------------|-----------------------------------|
| Chapters 1-3 | Wednesday, May 9 | Wednesday, May 16 |
| Chapters 4-6 | Wednesday, June 13 | Wednesday, June 20 |
| Chapters 7-12 | Wednesday, July 11 | Wednesday, July 18 |
| Chapters 13-18 | Wednesday, August 15 | Wednesday, August 22 |
| Chapters 19-24 | Wednesday, September 12 | Wednesday, September 19 |
| Chapters 25-30 | Wednesday, October 10 | Wednesday, October 17 |
| Chapters 31-36 | Tuesday, November 13 | Tuesday, November 20 |
| Chapter 37-Appendices | Wednesday, December 12 | Wednesday, December 19 |



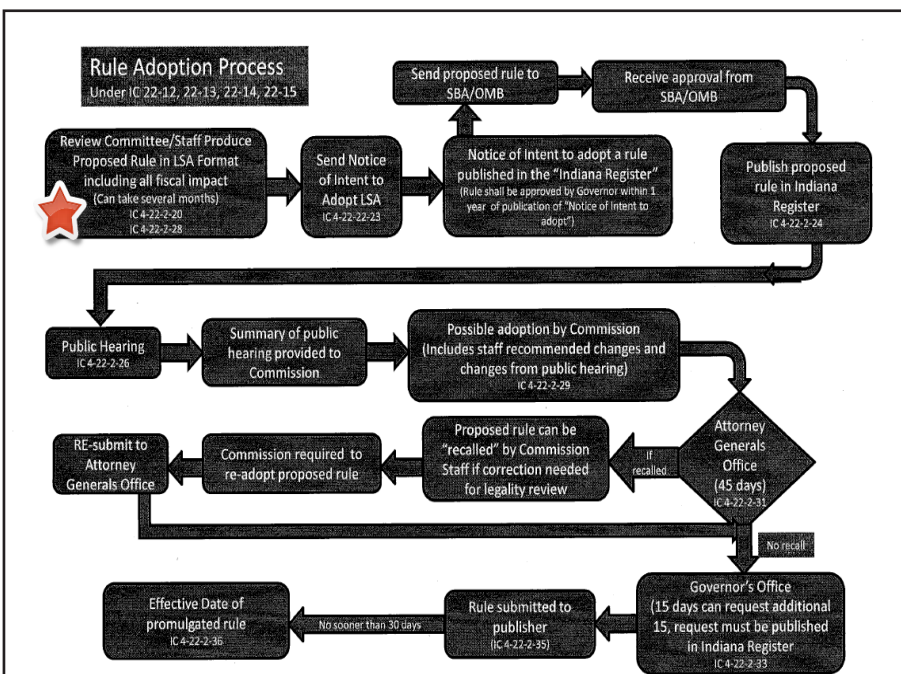
Advocacy Angle

By Carlie Hopper

Governmental Affairs Director
Indiana Builders Association

December 31, 2018. The proposed rule will begin the year-long rule adoption process in 2019 (see the flow chart below detailing the lengthy process) and be in effect on January 1, 2020 as is statutorily required by SEA 393.

Highlights from action taken on the



IBA Vice President Don Thieneman (right) and NAHB State Representative Greg Furnish (left) visit with U.S. Congressman Trey Hollingsworth (R-9) at his fundraiser in southern Indiana.



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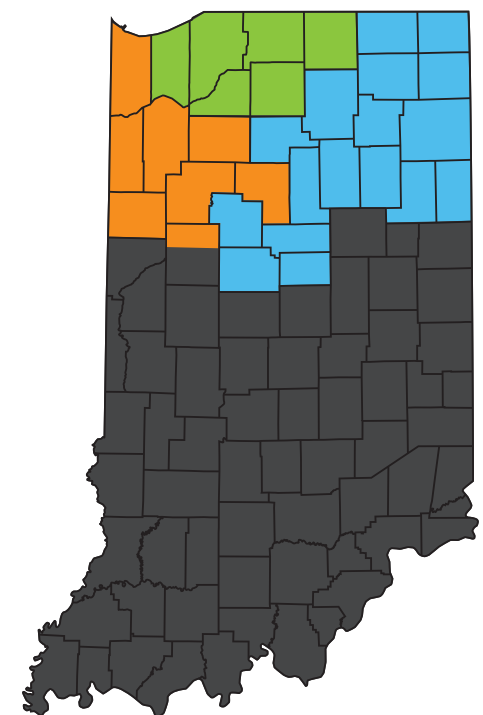
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IBA welcomed 68 new members in April and May

IBA welcomed 68 new members in the months of April and May. They are listed below:

- Brice Amstutz, Berne
- Mark Bates, Evansville
- Peggy Baugher, Kokomo
- Jonah Besch, Valparaiso
- Christy Briney, Fort Wayne
- Brad Brown, Huntingburg
- Matt Buhrt, Syracuse
- Jeremy Burger, Jasper
- Betty Jean Cobb, Elkhart
- Crystal Cover, Lafayette
- Dirk Crawford, Evansville
- Jayne Dann, Avon
- Sharon Decker, New Albany
- Beau Dunfee, South Bend
- Steve Elkin, Elizabeth
- Jane Ann Fleener, Boonville
- William Fries, Columbia City
- Joe Gambriel, Crown Point
- David Geis, Greensburg
- Ryan Geltz, Fishers
- Pat Gick, Haubstadt
- Rick Hahn, Anderson
- Branden Hallam, Evansville
- Brian Hawk, Albion
- Donell Heberer Walton, Lebanon
- Kyle Jagger, South Bend
- Carey Jerris, Indianapolis
- Jennifer Jett, Indianapolis
- Mike Kaufman, Waterloo
- Leeann Kearley, Greenwood
- Eric Kell, Hometown
- Carole King, Lafayette
- Mike Lagenour, Evansville
- Jacob Lawrence, Muncie
- Bob Lenert, New Albany
- Robert Lewellen, Charlestown
- Scott Limeberry, Corydon
- Laura Losche, Greenwood
- Dee Lowe, Warsaw
- Tyler Martin, Tipton
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- Patrick Matthews, Granger
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- Rhonda McColly-Fleener, Schererville
- Glen Miller, Leesburg
- Adam Mongold, Sellersburg
- Bob Morris, Evansville
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IBA Board of Directors meet in June

In June, the Indiana Builders Association Board of Directors met at the new Embassy Suites Conference Center in Noblesville to discuss housing issues. The lunch meeting had two very special guests who addressed the Board. Whitey Kapsalis, author of *Chasing a Dream* and former Indiana University Soccer player, gave a keynote address that focused on self-belief and overcoming obstacles. The Board also invited special guest Jason Seaman, a teacher at Noblesville West Middle School whose heroic efforts at prevented a massive school shooting back in May.



Former IU soccer player Whitey Kapsalis addresses the Board of Directors with his inspirational speech on his journey to success.



Jason Seaman says a few words to the IBA Board of Directors about the tragic Noblesville West Middle School shooting and the choices that were made that day.



IBA President Pat Richard (left) and IBA Local Executive Officers Council Chairman Charlie Smith (second from right) pose for a picture with new EOs Beth Johnson of Fort Wayne (right) and Sarah Jordan of Dearborn County (second from left).



IBA President Pat Richard (center) poses for a picture with the two keynote speakers Whitey Kapsalis (right) and Jason Seaman (left).



State Representative Heath VanNatter (left) and Indiana Senate candidates Linda Rogers (right) and Chris Garten (second from right) thank Jason Seaman (second from left) thank him for his heroic efforts to protect students during a school shooting in May.



IBA life and senior life directors were recognized at the June meeting and gathered for a quick picture. Life director status is achieved after attending 30 meetings and senior life director status is achieved after attending 60 meetings.

IBA Recognizes Life and Senior Life Directors

Life Director: 30 meetings

Senior Life Director: 60 meetings



IBA President Pat Richard (left) awards Terry Stultz senior life director status for his 63rd meeting.



IBA President Pat Richard (left) awards Ron Smith senior life director status for his 68th meeting.



IBA President Pat Richard (left) awards Herb Delagrang senior life director status for his 67th meeting.



IBA President Pat Richard (left) awards Tom Fuller senior life director status for his 66th meeting.



IBA President Pat Richard (left) awards Jim Klotz senior life director status for his 72nd meeting.



IBA President Pat Richard (left) awards Dan Losekamp senior life director status for his 60th meeting.



IBA President Pat Richard (left) awards Randy Myers senior life director status for his 76th meeting.



IBA President Pat Richard (left) awards Todd Newman senior life director status for his 71st meeting.



IBA President Pat Richard (left) awards Stephen Robinson senior life director status for his 79th meeting.



IBA President Pat Richard (left) awards William Badger life director status for his 30th meeting.



IBA President Pat Richard (left) awards Jeff Loucks life director status for his 34th meeting.



IBA President Pat Richard (left) awards Alan Sommers life director status for his 33rd meeting.



IBA President Pat Richard (left) awards Tim Eckert life director status for his 34th meeting.



IBA President Pat Richard (left) awards Doug Dillion life director status for his 34th meeting.



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IBA President Pat Richard (fifth from left) with The Board of Directors of the Builders Association of South Central Indiana at their June lunch meeting.



IBA President Pat Richard (center) attends the Builders Association of Southeastern Indiana golf outing. Pat is joined by members Vince Smith (top right), Bill Amberger (bottom left), Ken Ausenbaugh (bottom right) along with Local Executive Officer Suzanne Parmer (top left).

Mid-summer home maintenance checklist

After the dust settles on your Independence Day celebration, you may notice that your home has begun to show the signs of an active summer – both inside and out. Take the time now to do a few maintenance tasks to keep your home humming through the rest of the summer.

Keep hot air out. Hopefully you've already had your air conditioner serviced this year to ensure it can hold up during a heat wave. Now it's time to re-check your windows and doors for drafts and air leaks that may have developed with kids more frequently coming in and out of the house.

Caulk any seams and re-glaze windows if needed, and replace any worn weather-stripping around doors to help keep cool air from escaping. Also, replace or repair any screens that have tears.

Swap your HVAC filter. If your air conditioner has been working overtime this summer, check to see if the filter needs to be replaced. While some manufacturers recommend replacing your filter about once a month, the actual time will depend on your household: how often air conditioner runs, the number of furry pets in your home, the age of your unit, etc.

Secure loose fittings. It's a good idea to check the railings and posts on your deck to ensure that they are not becoming loose. If you have playset in your backyard, check to see if any connections need to be tightened. This is especially important during the summer months when playsets get the most use.

Drain the rain. Summer rains bring extra water that can take a toll on gutters and downspouts. Visually inspect your downspouts to be sure they are draining away from the foundation. Clear your gutters from the debris that gathers during summer storms. Also be sure there is no standing water around your yard, which attracts mosquitoes and other pests.



2018 IBA

Bill Carson Memorial

Golf Outing

Tuesday, October 16

Topgolf Fishers









Player Costs

Bay - \$800 (up to 8 people)

\$100/person
(will be assigned to a group)

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Schedule

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1-3 p.m. - Golf

3-4 p.m. - Awards and Reception

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