

INDIANA BUILDER NEWS

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Inside this issue



Local Association Spotlight
The Builders Association of Greater Lafayette
Page 8



By Matthew Schantz

Frost Brown Todd, LLC

Architectural copyright troll Design Basics slammed again
Thin protection for thin creativity
Page 17

Young receives Defender of Housing Award

In June, the Indiana Builders Association's Board of Directors presented U.S. Senator Todd Young with the NAHB Defender of Housing Award for his work to protect the Hoosier homebuilding industry at the federal level.

The award recognizes courageous federal legislators who have demonstrated strong support for housing and NAHB positions on key issues facing the industry and is presented biannually.

IBA appreciates the contributions U.S. Senator Todd Young has made in support of home building, remodeling, and development.

A full recap of the IBA Board of Directors Meeting from June is on page 15.



Above: IBA President Jeff Thomas congratulates U.S. Senator Todd Young on his his Defender of Housing Award.

Sign up for the 2021 Bill Carson Memorial Golf Outing!

This year, all proceeds from the Bill Carson Memorial Golf Outing will benefit the Indiana Builders Association Educational Scholarship Foundation and the Indiana Builders Charitable Foundation which both seek to support the building industry by providing funds to individuals and entities pursuing and providing building related educational opportunities. A portion of all contributions will be eligible for charitable tax deductions purposes. Support the youth and education of the building industry by registering as an individual player, spectator, foursome, or any of the various sponsorship opportunities.

Please visit business.buildindiana.org/events to register your foursome.

2021 IBA Bill Carson Memorial GOLF OUTING Idle Creek

DATE
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Advertising Index

LP SmartSide.....page 3
First Federal Bank.....page 4
NAHB Member Benefit.....page 5
Member Rebate Program.....page 7
National Purchasing Partner.....page 8
NIPSCO.....page 9
Quality Builders Warranty.....page 12
Strategic Value Media.....page 13
Great American Insurance.....page 14
VSI.....page 16
Logan Lavelle Hunt.....page 18

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The state of our workforce: Seeds need to be watered

When you think back to any discussion you may have had with any gardener or farmer you may remember a common gripe that they had when their crops weren't growing. "I need it to rain," or "The crops are looking a little wilted, I need to water them this evening." Because without the proper amount of water, anything will wilt up and die resulting in no return on your investment. The same could be said for the home building industry. We have the right foundation, but without the proper watering of skilled labor we may be strained to see the fruits of our labor.

What Americans are encountering is almost unrecognizable from just a year and a half ago. Prices are up. Housing is scarce. It takes months longer to obtain essential building materials and appliances. And there is a glaring disparity between millions of unemployed workers and millions of vacant jobs.

The home building industry has been facing a workforce and skilled labor shortage for many years now. This has consistently been one of the greatest threats to the long-term health and stability of our industry.

During the pandemic, the housing industry was a bright spot for our economy. With a strong demand for housing, construction jobs were plentiful, and for those willing and



President's Message
By Jeff Thomas
Oakmont Development

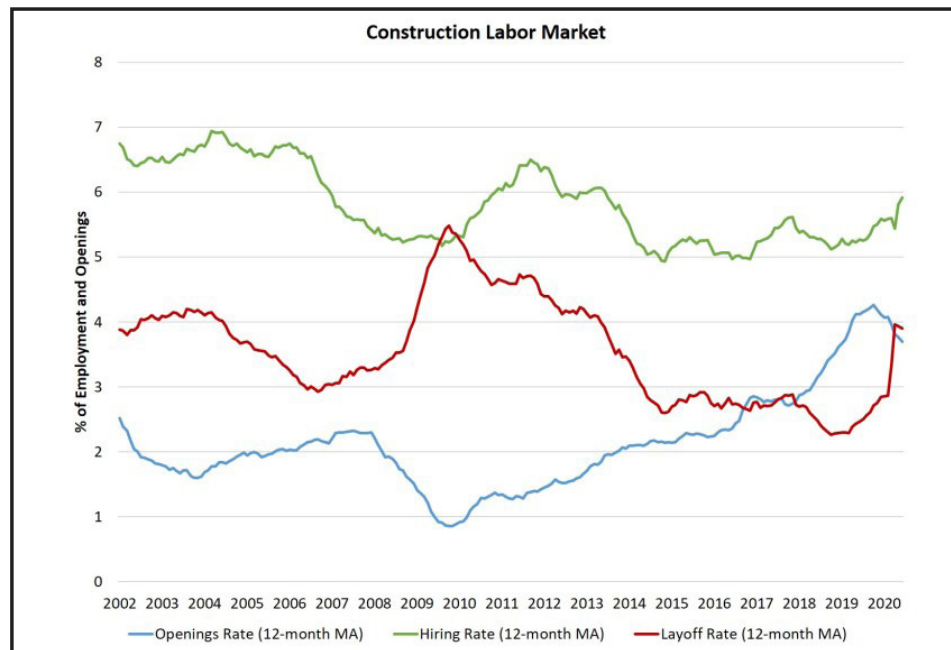
President
Indiana Builders Association

able to work, employers had opportunities available. We were adding thousands of jobs every month to our workforce. But those jobs were the product of a much greater demand for new homes. Indiana was no exception. We saw some of our highest housing permit numbers in a decade this past year and this trend has continued into 2021.

However, with the rising lumber prices over the past year and the continued strong demand for new construction coupled with low inventory in the existing home market, the housing industry is in a perilous position. Skilled labor is scarce. It was scarce before the pandemic, but now, more than ever, it is essential. There are a number of contributions to the skilled labor shortage. One of these is the older generation of

skilled construction workforce phasing into retirement. According to Build Your Future, the average age of a craft professional is between 48-52 years old, and many of the industry's experienced employees are either approaching retirement or have already done so. Couple this with the push for students to obtain a four-year degree vs. a career in the trades and you can quickly see the challenges our industry is facing. We need to double-down on our promotion that a career in the construction trades can be a viable, rewarding career path. Simply put, we need more workers.

I would encourage you to get involved with our Build Your Future Indiana program. Ask your local executive officer how you can become an ambassador at your local schools. Help spread the word about all of the awesome opportunities that the home building industry has to offer for individuals of all ages. Solutions start small. Your seeds are planted, now all we have to do is water.



Graph via NAHBNOW Blog

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Why does IBA have a political action committee?

Political action committees, or PACs as they are commonly referenced as, play a huge role in our system of government today. While there are those who do not philosophically agree with the existence of PAC funds, that issue is a moot one for until the Congress eliminates them (not likely to happen), they are an integral part of the political process. Given the playing field, the building industry must compete with all other spheres of influence and one effective means of doing so is to immerse itself into all pro-active means of political involvement.

The Indiana Builders Association's (IBA) PAC fund, the Indiana Builders PAC, was created by progressive builders and energized into the political arena for the sole purpose of creating an affordable housing market in Indiana through public officials who support issues of housing. The fact that Indiana today is one of the premier affordable housing markets in the nation has not occurred by accident.



Inside the Issue
By Rick Wajda
Chief Executive Officer
Indiana Builders Association

Indiana Builders PAC, formerly known as ABBI, was created as an independent entity by IBA in 1982. It is managed by the IBA Chief Executive Officer and the four Senior Officers of IBA. Policy was passed by the IBA Board that all local associations in Indiana shall annually be responsible for raising the equivalent of at least \$40 per member per year to fund the PAC. In addition, IBA's PAC has a large donor program that encourages members to give \$100 or more to help fund the activities of the PAC. These members who have stepped up to support the PAC are recognized below. They are to be congratulated for understanding the role IBA and its' PAC plays in advocating for safe and affordable housing.

IBA's PAC may not legally contribute to a federal candidate for elective office. However, NAHB's BUILD-PAC contributes to federal candidates for elective office and IBA has several Trustees who represent the state of Indiana on that Board.

All campaign contributions are based upon candidates or incumbents history and philosophy of sup-

port for pro-growth and affordable housing as well as support of overall business issues. PAC monies serve a two-fold purpose. The first is to network members in their locales to the candidates as they host local events. The second is to network IBA lobbyists into fund-raising events held by all candidates statewide, targeted to lobbyists, and normally held in Indianapolis.

The IBA's PAC fund has produced effective results in numerous political campaigns throughout its history. It enables builders and lobbyists to develop effective networking programs with Indiana government leaders and it helps elect pro-housing candidates. It also helps keep housing and business friendly elected officials in office.

Much of IBA's success rests on Indiana Builders PAC's financial health and strength. Every dollar the PAC spends on electing business-friendly legislators and keeping them in office represents an investment in our future that will pay exponential dividends in the years to come. The housing industry is constantly under attack from big-government/more regulation supporters that are looking for ways to over-regulate and over-tax our businesses. We have successfully resisted such initiatives in the past and we need to be vigilant in doing so in the future. For this reason, it is imperative that we com-

mit to making Indiana Builders PAC one of the leading PACs in Indiana.

A recent report titled "Corporate Captive - Big Business at the Indiana General Assembly" by the Hoosier Action Resource Center profiles four major industry lobbies, including the housing and construction industry. The report attempts to portray groups such as IBA wielding influence via campaign contributions at the expense of "small businesses, working Hoosiers, the elderly, children, and families." However, nothing could be further from the truth. Most of IBA's members are small business owners and we advocate for working Hoosiers and families every day to make sure they have the opportunity to become a homeowner at a price they can afford.

We do not hide behind the fact that we are pro-housing and pro-Hoosier. We will continue to support those candidates who support our mission to make Indiana a better place for all Hoosiers.

I would ask that you consider joining the ranks as a donor to Indiana Builders PAC. Please contact me if you have any questions regarding IBA's PAC, and I hope you will help join the fight to keep housing affordable in the state of Indiana.

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Photos from around the state



Above: IBA members enjoyed a day of golfing and networking with House Speaker Todd Huston (second from left) this summer. Pictured from left to right: IBA Vice President Paul Schwinghammer, Huston, IBA President Jeff Thomas and State Rep. Dale DeVon.



Above: Associate National Delegate & IBA Parliamentarian Frank Rhoades grabs a photo with Lt. Governor Suzanne Crouch.



Above: Members of the BA of Elkhart County welcome IBA leadership to their general membership meeting. Pictured from left to right: Jeff Thomas, IBA 2021 President; Greg Gerbers, IBA Associate Area Vice President; Brett Harter, IBA 2020 President; Jeff Loucks, IBA Life Director; Todd Meier, BA of Elkhart County Vice President.



Above: BA of North Central Indiana Member Jason Rhoades (left) meets with Small Business Growth Partners' Len and Trish Norton to discuss strategies to effectively grow his business with a Business Diagnostic and Plan of Action.



Left: IBA Government Affairs Committee Chairman Christian Rector with Arbor Homes (left) poses for a photo with Senator Walker.



Left: IBA Vice President Paul Schwinghammer sits down for an interview to discuss the importance of affordable housing and how it affects Hoosiers.

Discover how to be a top competitor in the fastest growing segment of residential remodeling and construction

Population and industry trends both

support the ever-increasing demand in home design and modifications for the aging-in-place market. Through three separate, virtual courses with live instructors, you can discover how to market, design, and manage each portion of the construction or remodeling process for clients of all ages.

How to earn your CAPS:

The CAPS designation program teaches the technical, business management, and customer service skills essential to build or remodel for the fastest growing segment of the residential construction industry: homes for the aging-in-place.

Students must complete the following courses to earn the CAPS designation:

1. Marketing and Communicating with the Aging in Place Client (CAPS I)
2. Design Concepts for Livable Homes and Aging in Place (CAPS II)
3. Details and Solutions for Livable Homes and Aging in Place (CAPS III)

This training opportunity is underwritten by the Indiana Housing and Community Development Authority.

This October (6, 13, & 20), IBA is offering all three courses free of charge to IBA members. This is over a \$900 savings in both registration fees and travel expenses.

Register for all three online and start the journey to earn NAHB's Certified Aging-in-Place Specialist (CAPS) designation and become the expert in your market.





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EARN YOUR CAPS DESIGNATION



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Local Association
Spotlight:

**Builders Association
of Greater Lafayette**

Executive Officer: Mary Ellis

The Builders Association of Greater Lafayette, Inc. (BAGL) was founded in 1967 and serves as the voice of the housing industry in Lafayette. They are a diverse group of homebuilders, remodelers, developers, trade contractors, artisans, service and product professionals.

BAGL strives to be "part of the conversation" with their elected officials to help build a better community in which to live, work, and raise our families.

Membership Recruitment

"I am very blessed to have dedicated leaders and members who volunteer their time, talent and money, to support our efforts," said Executive Officer Mary Ellis. "Events and projects add to their day, and I am amazed at the talent and spirit of cooperation our members share!" BAGL hosts yearly membership drives, and though the pandemic didn't allow them to have one in 2020, they have over 170 members on their roster making them the 6th largest local association in the state. "BAGL could not accomplish all that we do without the dedication shown by our membership," Ellis said.

"Work hard, play hard"

Many of BAGL's membership meetings are designed to bring fun and team building for their members and guests. Ellis says their association motto is to "work hard, play hard" and they seem to live up to that. Recently, they held their first Builders vs. Associates softball game with the Associates winning 20-12. It was a new favorite of members and the only membership softball game in the state. BAGL's other events include "Pop-a-Shot" Basketball to

raise funds for IBA's PAC fund - Indiana Builders PAC. The event is an NCAA style tournament hosted during the NCAA season. Their annual golf outing is also a huge success, selling out each year and their 4 ft. tall traveling winner's trophy is a prized possession among participants.

"We are BIG on trophies and the competitive spirit comes out in these events, Ellis said. When the event is over, they come back together as friends, some making new friends and business connections!"

Additionally, their annual Parade of Homes and Home Building and Remodeling Show are premier events for the association showcasing the work of members to the community.

A labor of love

BAGL is one of the leading associations in the state to promote workforce development and the cultivation of our next generation of homebuilders. They have a team of volunteer members who are dedicated to bringing careers in construction awareness to their local high schools.

"Our group took the 'Build Your Future' initiative and built four pillars around the initial program. Our biggest success has been our Construction Careers and Education Expo (C2E Expo) which was first hosted in February of 2019 at Ivy Tech. We literally built it 'from the ground up!'" Ellis said. "Our Expo is designed around the Build Your Future 'PLAN-IT', 'BUILD-IT', 'FINISH-IT' modules." The initiative, chaired by Brian Kerkhoff and Becca Grimes, recruits construction companies in the area for each of the

three categories. Companies set up booths with displays to interact with the students, including hands-on and some virtual learning. Students who have never used a hammer are given the opportunity to see first-hand what the construction industry is all about.

BAGL members are asked to come as guest speakers and speak to the participants about their career, what it was like starting out in the industry and the steps they took to gain valuable skillsets that pay well without the college degree or student debt. BAGL also has similar events for adults in the community looking to transfer over to the construction trades. The event has given BAGL members viable leads on new employees and has turned into a non-dues revenue opportunity from the sponsorships they receive. The next C2E Expo is taking place on November 4, 2021.

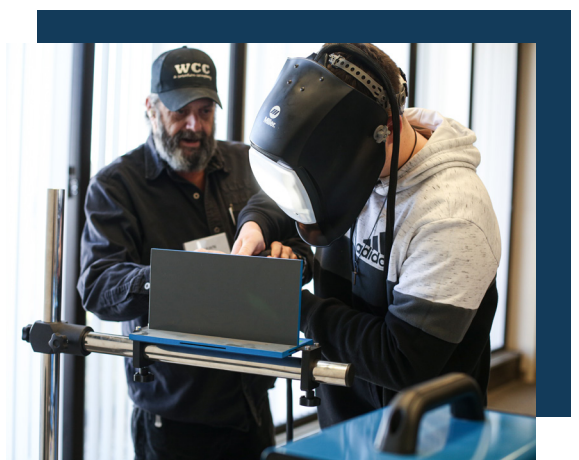
Additionally, BAGL co-sponsors and supports BY Introduction to Construction classes held three times a year in the community. The two month courses are a great opportunity to engage with adults 18 and up who are looking for a career. The participating students average age is 33. They schedule members to talk to the students about their craft and also participate in a hiring event at the end of the 8 week training.

Events like these are what help put BAGL on the map in the community. Local media, county commissioners, state representatives, school superintendents, guidance counselors, local teachers and even the Lafayette Mayor have all supported and participated in BAGL's workforce development events.

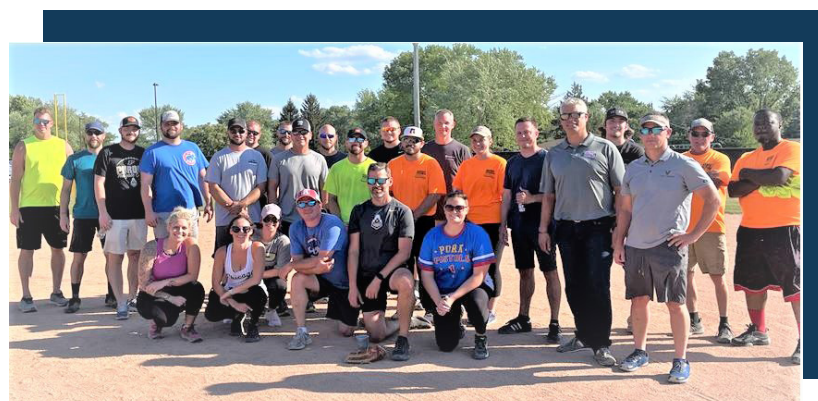
Community Donations

"After our 1st C2E Expo, we found out the new in-school construction trades program, Greater Lafayette Career Academy (GLCA) students didn't have tools and equipment, Ellis said. "Our association raised \$20,000 and donated to GLCA to outfit their students. Our message was very clear, a career in construction is a viable option for their students, and we are here to help."

BAGL continues to work with the GLCA students and teacher to offer guidance, knowledge, and donations of much needed materials as well as securing donations from other sources. They recently hosted a five month C2E Build Challenge in which two teams from the GLCA program competed to design and build two playhouses. They had BAGL construction pro's walk the students through designing, permitting, codes, material orders, framing, roofing and finishing their builds. All materials were generously donated by BAGL members Henry Poor Lumber, Von Tobel Lumber, KA Components and Bone Dry Roofing. Once completed BAGL arranged an auction which brought in almost \$2,000 for the class to use for future projects. They also work with Habitat for Humanity on builds and planning is underway for a "John B Scheumann Memorial Build" Habitat for Humanity house starting in October.



Above: During BAGL's C2E Expo, students get hands-on opportunities to test out different aspects of the building trades.



Above: BAGL associate and builder members went head-to-head during the association's first ever softball game.



Above: Local students involved with the playhouse auction work on their submission for the competition.

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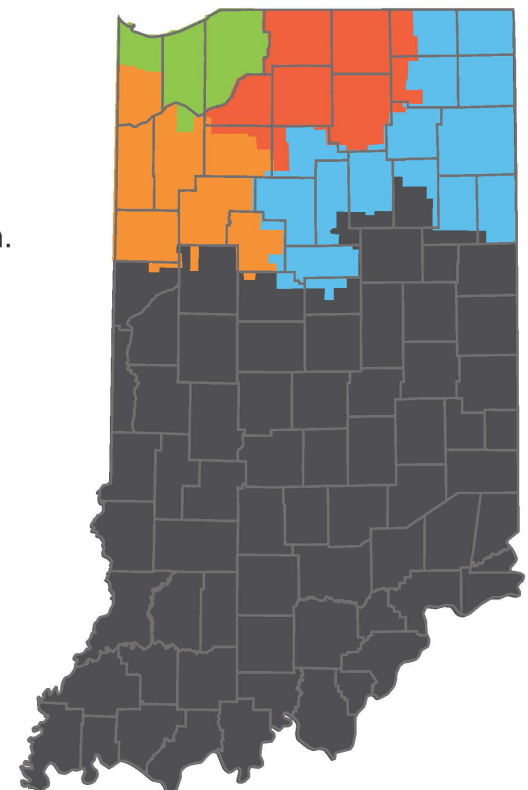
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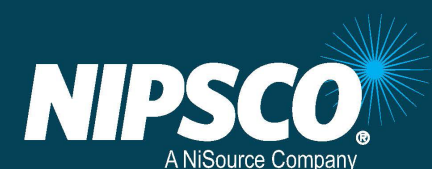
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Hopeful homebuyers face a perfect storm

Build Indiana Roots contributed article

How Product Pricing Impacts Housing Costs

\$36,000. What could you do with this amount of money? Purchase a nice new vehicle. Fund a year of college for your child. Give your retirement account a healthy infusion. Or... buy the exact same new-build house today for tens of thousands of dollars more than it cost last year.

The average cost for a new home increased by nearly \$36,000 compared to a year ago— who would have thought we'd look back on 2020 with any kind of longing! The fact is, though, that 76% of the Indiana population was already priced out of the housing market. The average new house cost \$316,000, making it a dream that was too far out of reach for millions of Hoosiers. An additional \$36,000 only adds insult to injury. What is behind this dramatic, and discouraging, increase in cost?

According to the National Association of Home Builders, lumber costs pushed the price of a new home up by \$16,000 by February 2021. When the Association assessed pricing again in August, it had risen to \$24,000. Now, here we are at \$36,000. Why the astronomical product pricing increase?

Supply and demand. A simple answer to a complex problem, but we'll start there. Lawrence Yun, chief economist of the National Association of Realtors says, "There was a great fear among sawmills to prepare for a downturn. When home buying surged, they could not open up capacity quickly enough." Mills could not produce enough lumber to accommodate new home build demands and, of course, the surge of people building quarantine decks, she-sheds, playhouses, additions, etc.

It's not simply a matter of churning out more plywood and 2x4s though. An army of tiny mountain pine beetles, about the size of a grain of rice, is chewing through British Columbia. They have decimated enough trees to build 9 million homes, and they've still got an appetite. Shifting from Canadian mills to those in the South takes time; establishing a mill takes about two years, and lead times for equipment are lengthy.



Record-High Building Product Pricing

2021 served up a perfect storm in terms of housing prices: during quarantine, many homeowners turned to improvement projects to fill their time; mortgage interest rates dropped significantly to encourage movement in the market, and homebuilders amped up production in the tail end of 2020.

Why don't existing mills pick up the slack? They're trying, but like many trades, they are struggling

to find laborers to work the mills and truck drivers to haul logs from forests and finished products to lumber yards.

A perfect storm within a perfect storm.

It's Not Just Lumber

The jaw-dropping cost of lumber has



grabbed the headlines, but there are supply and demand constraints for virtually every building material, including steel and gypsum. Steel has risen by 22% and gypsum by 12.5% in the past year. Although that's a smaller product pricing increase than we have seen with lumber, it all contributes to the final cost of a new home. And it contributes to further pricing out Indiana residents across all age ranges and demographics.

Robert Dietz, National Association of Home Builders chief economist says, "In recent months, aggregate residential construction material costs were up 12% year over year, and our surveys suggest those costs are rising further. Some builders are slowing sales to manage their own supply chains, which means growing affordability challenges for a market in critical need of more inventory."

Dietz adds, "home buyers should expect rising prices throughout 2021 as the cost of materials, land, and labor continue to rise." Experts predict that lumber prices will regulate and return to pre-pandemic levels by 2023. For many, this is a discouraging wait as they put their dreams on hold.

NAHB Chairman Chuck Fowke says, "[F]irst-time and first-generation home buyers are particularly at risk for losing a purchase due to the cost hikes associated with increasingly scarce material availability."

Communities Suffer When Housing Is Unachievable

It is not just individuals and families that suffer when homes are priced out of reach; communities fail to thrive economically and socially. Achievable housing delivers a number of critical benefits, including:

- Serving the underserved and making homes achievable for teachers, police officers, nurses, tradespeople... people just like us.
- The ability to build on smaller lots, boost density, and provide a variety of home types (e.g. townhomes, multifamily housing) to meet the evolving needs of community members.
- Creating a second line of business for home builders (value-based housing has a lower margin but faster turn around thanks to the streamlined, efficient processes).
- Enhancing the diversity of neighborhoods and improving quality of life.

Fowke urges policymakers to "take note and find ways to increase production of domestic building materials, including lumber and steel, and suspend tariffs on imports of construction materials." The NAHB is calling on the Biden administration to "temporarily remove" the stiff 9% tariff on Canadian lumber in an effort to "ease price volatility."

The Push for Achievable Housing

Action on a national level is imperative — but there is plenty to do closer to home. We will never stop educating Hoosiers on achievable housing and advocating for responsible and equitable housing policies. From the Oval Office and the Indiana General Assembly to city councils and town select boards, we work to provide information and insight to leaders and policymakers.

Foundation scholarships and grant applications now open!

School is back in session soon and applications for the IBA Educational Scholarship Foundation are currently open. The Indiana Builders Association Educational Scholarship Foundation honors IBA's long-time CEO, the late Bill Carson, by providing youth the opportunity to become the dream-makers of future generations. If you know a high school senior who is looking to pursue further education in the building industry whether it be a four year degree, technical, or trades program, encourage them to apply at buildindiana.org/education/scholarship/. This opportunity is also available to current college students or trades program participants who are studying the building and construction industry. All applicants must be a legal resident in Indiana and attend their

program within the state.

As well, applications for the Indiana Builders Charitable Foundation are currently live. Organizations, programs, and entities who help provide building related educational curriculum are encouraged to apply at buildindiana.org/education/scholarship/ for this opportunity that supports specific project requests. Email raelle@buildindiana.org if you have any questions.

All applications must be submitted by October 29, 2021.



SUMMER


Speaker series



Indiana Builders Association

Featuring:


Thurs. July 29



Mike Mettler,
Director, ISDH
Environmental Public
Health Division

Onsite Sewage Systems

Thurs. September 30



Jorge Villalta,
INSafe Safety Consultant

Common Hazards in
Residential Construction*

Thurs. August 26



Randy Braun,
Section Chief, Office of
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IBA's Summer Speaker Series features the industry's hottest topics and offers members the opportunity to connect with state agencies that regulate the construction industry. Please join us for this virtual series of 30-minute discussions held at 10:30 a.m. EDT, unless otherwise noted, on the last Thursday of the month in July, August and September.

Participation is FREE for IBA members. Please register below to receive the Zoom meeting information, and direct questions to Carlie Hopper, Governmental Affairs Director, at Carlie@BuildIndiana.org. Sign up at business.buildindiana.org/events.



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8 reasons for students to explore jobs in construction

Build Your Future Indiana
contributed article

Finding a job in construction can be a great opportunity for growth. As a student, your future goals may include making money, developing personally and building your career. Thinking about what the future market might bring you is an important aspect when looking for a post-graduate job.

Getting a job as soon as you enter the job market can be tough, especially when you've got no experience in the respective field. To maximize

your chances of getting hired, you must research the market, find the best jobs for you and then focus on your best skills. The construction field might be one of the best options for you. Here are the best reasons why getting a job in construction could bring you immediate success.

1. THERE ARE MANY OPENINGS IN THIS FIELD.

According to research at the U.S. Bureau of Labor Statistics or BLS, there were 263,000 job openings in construction in 2018. This field is quickly growing, according to the same source. The demand for skilled labor is increasing, but the amount of people working in the industry is decreasing. According to another source, about 260,000 workers will be retiring from construction within the next 10 years, leaving room for the next generation.

2. THE MONEY IS WORTH IT.

One of the best ways to make quick money is construction, writes essay writing service specialist, John Magner. Careers in construction offer high average annual salaries. That means that, as a construction worker, you can afford to support your family, you can take numerous trips and buy nice homes and vehicles. Supporting your kids as they grow up is not a problem anymore. Your income level is pretty dang awesome.

3. YOU DON'T HAVE TO WAIT BEFORE YOU START EARNING.

The first step to becoming successful in construction is becoming an apprentice for someone with experience. And get this – you don't have to wait until you finish college, you can get a job in construction as soon as you graduate high school. In the time someone would finish college, you can already be a credentialed craft professional and earning good money.

4. YOU CAN BUILD A LIFE-LONG CAREER.

Advancing in this career is also possible – as it is in other fields. You can climb the success ladder from being an apprentice to a journeyman, becoming a foreman and eventually rising to a superintendent or a construction project manager. In the end, learning and working in various roles will help you build the valuable knowledge that'll get you to the top. After getting real-time experience and expertise, you can become an entrepreneur and run your own construction business.

5. YOUR CAREER WILL BE MEANINGFUL.

You will literally help families find their new homes or businesses find their new offices. At the end of the day, you'll take a look back at your work and realize how much you've helped people from all over the world.



According to a report by Job Talks, 64% of people working in construction felt accomplished and happy about their work. Meanwhile, only 47% of the general population felt a sense of accomplishment when discussing their career.

6. TRAVELING IS INCLUDED IN THE JOB DESCRIPTION.

You might not know this by now but traveling as a construction worker is pretty common. That's because you will discover new job opportunities all around the world and will want to try out for various positions. Besides, if you're really good at your job, you'll be requested to work on various projects worldwide and won't be bored a single day of your career.

7. YOU'LL NEVER GET BORED.

Since construction is such a complex activity, you can never get bored. You will not be doing the same thing every day; you will continuously evolve. Your jobs will differ from project to project, so even when you're changing projects, your tasks will differ from one another. You will continuously learn new exciting things and get to experience the newest technologies on the market. Your workday will be diverse and full of exciting opportunities.

8. YOU WILL BE WORKING ALONGSIDE AWESOME PEOPLE.

The last but not least reason why construction is worth it is the people you'll meet. You will be working alongside people who understand what hard work is, who take their lives seriously, and who go for what they want. Your co-workers and teammates in construction can truly become like family.

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Bringing Housing Home recap

During the first week in May, members of our Federation stepped up to bring housing issues to the forefront during Bringing Housing Home®, NAHB's 2021 in-district Legislative Conference. Members held meetings with their U.S. senators and representatives to build relationships and brief them on several issues affecting the home building community.



Above: Building and Development Association of Southern Indiana Executive Officer Christian Evans (left) and Congressman Trey Hollingsworth (IN-9).



Above from left to right: IBA CEO Rick Wajda, Congressman Frank Mrvan (IN-1) and HBA of Northwest Indiana President Joe Lenehan.



Above: Congresswoman Victoria Spartz (IN-5) and Builders Association of Greater Indianapolis members.



Left: Southwestern Indiana Builders Association members and Congressman Larry Bucshon (IN-8) (far right).



Left: Congressman Jim Banks (IN-3) (third from left) and the Home Builders Association of Ft. Wayne members.

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IBA June Board of Directors meeting

In early June, IBA board of directors met at the Sheraton Indianapolis City Centre in downtown Indianapolis to discuss the impact housing has on the U.S. economy and the state of housing after the COVID-19 pandemic. IBA welcomed U.S. Senator Todd Young as the keynote speaker for the meeting. Senator Young addressed the board on national issues affecting the Indiana housing industry and answered questions from board members.



Above: IBA leadership congratulates Senator Young (middle) on his Defender of Housing Award. Pictured from left to right: Secretary Kenny Reinbrecht, Treasurer Ric Zehr, Sen. Young, President Jeff Thomas, Vice President Paul Schwinghammer.



Above: IBA Board Member Lisa Cox speaks with Senator Young after his address to the board.



Above: Staff at the Indiana OSHA shared information on their 5-year Local Emphasis Program targeting residential construction projects, including single and multi-family homes, for safety and health inspections. Pictured left to right: IOSHA Director of General Industry Jameson Berry; Deputy Commissioner of Indiana OSHA Michelle Ellison; and Occupational Safety & Health Compliance Inspector Jorge Villalta provided several resources for construction safety and encouraged members to request a free consultation through INSafe.

**IBA'S 2021 LEADERSHIP CONFERENCE,
BOARD OF DIRECTORS
AND COMMITTEE MEETINGS**



NOV. 8-9

At Embassy Suites in Noblesville, IN
13700 Conference Center Drive South Noblesville, IN 46060
Sign up at business.buildindiana.org/events

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We are excited to continue our efforts in 2021 against unfair and unreasonable aesthetic design bans that increase the cost of housing and disproportionately affect working class residents of Indiana.

VSI is proud to support *Build Indiana Roots* - an advocacy campaign to grow thriving sustainable communities with achievable housing for all. Join the coalition at www.buildindianaroots.com.

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www.vinylsiding.org

Architectural copyright troll Design Basics slammed again

Thin protection for thin creativity

This summer, a federal appeals court in Chicago upheld the 2018 holding by the Indianapolis federal district court that Design Basics, a producer of market-ready designs for single-family homes, had not presented enough evidence to even ask a jury to decide whether Jasper homebuilder Kerstiens Homes & Designs had infringed the copyright in some Design Basics plans. The court explained that, while copyright does apply to designs of single-family homes, it will not protect the standard elements of a genre at all, nor will it protect ideas, concepts, and functions (which are the province of patent law). No one can use copyright to stop others from using common design elements such as putting a dining room next to a kitchen, allocating a bathroom to each floor, and putting a sloped roof on top of a house. Since the similarities Design Basics had identified between its plans and Kerstiens' designs were that kind of standard features, and there were many, many differences, the Court of Appeals said it could "make quick work of Design Basics's



By Matthew Schantz
Frost Brown Todd, LLC

claims." The Court even agreed with the trial court's decision to make Design Basics reimburse Kerstiens for over \$500,000 in attorney fees.

Over the last few years, the Court of Appeals has held in other lawsuits against other builders that Design Basics had not proven that the builders had actually copied protectable aspects of its designs. The company's over 120 lawsuits against builders are being thrown out over and over because of the appellate court's guidance to carefully compare the protectable aspects of the copyright owner's designs with the alleged copies, ignoring features found in common use. In my personal opinion, this brings our legal system to a reasonable conclusion about what copyright in architectural plans is and is not to be used for.

The copyright system is designed to protect the rights of creators to commercialize their creative works. Of course, if others can copy those works—competing in the marketplace without the creator's investment of talent and creativity—such commercialization would be worthless. However, since there is rarely direct evidence of copying, someone

can be found to be a copyright infringer if (1) they had access to the copyrighted work, and (2) there ends up being "substantial similarity" between the two works. The Design Basics cases clarify that the "substantial similarity" part of this test should ignore the aspects of designs that are common, functional, or driven by market demand, and they add that differences between the designs weigh against the conclusion that copying took place.

The Court of Appeals decision described "a cottage industry of opportunistic copyright holders [known as 'trolls'] in which a troll enforces copyrights not to protect expression, but to extract payments through litigation." While the many litigation failures of Design Basics make it much more likely that a builder would win a lawsuit in the end, there are things they can do to minimize that risk or avoid the problem altogether.

One thing a builder can do to protect itself from copyright trolls is to prohibit access by its employees to websites of known copyright trolls like Design Basics. The importance of this limitation should be communicated personally and clearly, and that prohibition might be backed up by filters on web access at the browser and/or network level. Since the copyright owners have to prove that the builder accessed the copyrighted designs, avoiding such access might

defeat the troll's claims.

Another thing a builder can do to reduce the risk from trolls is register its copyright in its own designs. While it doesn't take much originality at all to be able to protect a design under copyright law, having your own registration certificate from the United States Copyright Office provides a bit of objective evidence that can show a court or jury that you understand how copyright works and that your design is original.

That copyright registration would have some positive value, too. While it wouldn't give you the right to stop others from using your window, door, or pillar designs, nor from putting a closet in a bedroom, a copyright registration does protect against people actually copying the plans and avoiding all of the work that went into creating them. One disgruntled employee can make things complicated for a business, but copyright can give the company a big stick with which to protect its design investments.

So update your company policies and Internet filters to reduce your risk. Contact a copyright attorney who knows about architectural works to discuss registration of your original designs. And if a troll comes calling, you'll be ready.

This is an update of our 2018 article about a related case.

Indiana Builders Association & National Association of Home Builders 2021 Calendar of Events



Notice: Event dates are subject to change

<u>Date</u>	<u>Event</u>	<u>Location</u>	<u>Venue</u>
September 16	IBA Bill Carson Memorial Golf Outing & Executive Committee Meeting	Terre Haute, IN	Idle Creek Golf Course
Oct. 6, 13 & 20	Certified Aging-in-Place Specialist (CAPS) Program	Houston	Marriott Marquis Houston
October 14-16	NAHB Fall Leadership Meeting	Virtual	Remote
Nov. 8-9	IBA Board and Committee Meetings	Noblesville, IN	Embassy Suites Noblesville
November 8	IBA Leadership Conference	Noblesville, IN	Embassy Suites Noblesville
Dec. 8	Certified Lead Renovator Training	Indianapolis, IN	Ivy Tech Community College

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Say 'Thank You' to associate members in September

Associate Member Appreciation Month is almost here! Join the NAHB Federation in thanking your Associate trade partners during the month of September for helping your businesses succeed. IBA has more than 1,800 associate members, and we appreciate each and every one of you!

IBA honors one outstanding associate member annually with the Associate of the Year Award. The deadline for this award is October 29, 2021, you can find the application at buildindiana.org/about/association-awards/. The award recipient is announced at IBA's board meeting on November 8-9.

Another great way to recognize Associate members is through NAHB's Associates of the Year Awards.

NAHB's associate award recognize Associate members who have distinguished themselves by their outstanding contributions to the home building industry on the local, state and national levels.


Each local may submit one nominee for each award directly to NAHB.

Nominations for these awards are now open at awards.nahb.org. Award winners are announced at NAHB's Winter Leadership Meeting.



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- **A wide variety of health and wellness programs, a dedicated service team, online tools and resources and much more.**

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Top recruiting locals:

1. Builders Association of Greater Indianapolis: 42
2. Building & Development Association of Southern Indiana: 21
3. Home Builders Association of Fort Wayne: 16
4. Builders Association of Greater Lafayette: 16
5. Builders Association of North Central Indiana: 13
6. Builders Association of Elkhart County: 11
7. Southwestern Indiana Builders Association: 11



Visit www.nahb.org/nahb-community/hbas to discover resources and tips on how to successfully recruit new members.

IBA welcomes new members

For the months of April, May and June, Indiana local home builders associations welcomed 81 new members to the federation. They are listed below. To find a local home builders association near you, please visit www.buildindiana.org/local-associations/.

2-10 Home Buyers Warranty, Chris Parker, Martinsville
 AB Squared LLC, Tim Balensiefer, Lafayette
 Abonmarche Consultants Inc., Rob Nichols, South Bend
 Abonmarche Consultants Inc., Mike Rozycki, South Bend
 Al Eisenhour Home Improvements, Alan Eisenhour, Plymouth
 American Aqua Solutions, Jacob Bills, Avon
 Bender Lumber Co, Terry Davis, Bloomington
 Berkshire Hathaway Northern Indiana Real Estate, Lori Snyder, Elkhart
 BGI Fitness, Tom McMannis, Indianapolis
 Bischoff Plumbing Services Inc, Quentin Bischoff, Batesville
 Builders Auction Co., George Vaught, Austin, TX
 Built to Last Co, James Rehwinkel, West Lafayette
 Carter Lumber, Mike Zins, Batesville
 Central Insurance Companies, Colby Dysert, Van Wert, OH
 Central Supply Company, Ray Abbott, Fort Wayne
 City Of Bedford, Sam Craig, Bedford
 Closets Too Inc, Jim Jefferies, Bloomington
 Conway's Crane Service, Eric Conway, Elberfeld
 Coronado Stone, Jeremy Ward, Jeffersonville
 Dave Poe Construction, Dave Poe, Floyds Knobs

DCO Industries Inc., Danny Owens, Martinsville
 Denton Floyd Real Estate Group, Brandon Denton, Louisville, KY
 ENERGY DIAGNOSTICS, Courtney Nicholson, Valparaiso
 Essential Homes, Bob Hockema, Lafayette
 EXIT Realty Solutions, Jaclyn D'Andrea, Grif-fith
 Extol, Jason Applegate, New Albany
 Ferris Property Group, Jessica Morrison, Indianapolis
 First Federal Savings Bank, Shannon Smith, Mishawaka
 First Merchants Bank, Bill Taratsas, Carmel
 Floor & Decor, Mac Kulawiak, Indianapolis
 Forestar Group Inc. - Midwest Division, Jeffrey Pape, Indianapolis
 Four Seasons Design Remodeling, Jeff Deahl, Angola
 G.A.F., Dave Phelps, Carmel
 Graber Crane Service LLC, J.D. Wildt, Washington
 Growing Green Lawn Care LLC, Keith Fisher, Vincennes
 Habitat for Humanity of Kosciusko County, Matthew Abbitt, Warsaw
 Hawkins & Root Real Estate, Angel Hawkins, Bedford
 Hawkins & Root Real Estate, Heath Hawkins, Bedford
 Hoosier Homes Construction, Chris Wright, Clinton
 Infinity Flooring Inc., Mike Emeign, New Paris
 Irving Materials Inc, Danny Todd, Bloomington
 Jasper Pub 'N' Grub, Jared Weisheit, Jasper
 Jefferson Electric LLC, Nathan Davis, Lafayette
 John Bethell Title Company, John Bethell, Bloomington
 Kinetico Water Systems, Kent McIntyre, Vin-

cennes
 Kitchen Tune- Up, Walt Valiant, Lafayette
 Koors Construction, Gary Koors, Greensburg
 Lamb's Lawn Service & Landscaping, R.J. Lamb, Floyds Knobs
 Leatherman Supply, Julia Troila-Novak, Goshen
 Lee Supply Corp, Mary Skinner, Bloomington
 Lincoln Springs Tree Farms Inc., Doug Farns-ley, Georgetown
 Lowe's, Ben Bolin, Kokomo
 Lyles Construction Group LLC, Matthew Lyles, Indianapolis
 Mann Plumbing, David Mann, Bloomington
 Mannacor, Geroge Johnston, Valparaiso
 Marvin Windows & Doors, Andy Nixon, War-road, MN
 Mid-West Family South Bend, Chris Boynton, South Bend
 Moore Title & Escrow, Richard Moore, Koko-mo
 Original Builders Construction Group, Wayde McCutcheon, Lafayette
 PC Construction LLC, Sasha Aurand, Fort Wayne
 Peak Stone Co., Tiffany Woods, Indianapolis
 P-M & Associates, Matt Kroeger, Indianapolis
 Renew Property Solutions LLC, Chris Wagner, Brownsburg
 Republic Services, Manny Vela, Lafayette
 Richards Building Supply, Doug Vaundry, Michigan City
 Rock Counter Kitchen & Bath, Richard Bont-kowski, Schererville
 Secure Home Specialist, John Goddard, Carmel
 Smyrna Ready Mix, Bob Duggins, Louisville, KY
 Stafford & Associates, Jim Stafford, Bloomington
 Stone Mart, Kaelyn Van Camp, Indianapolis

All membership information is provided by NAHB's Web Membership System.

Sycamore Realty Group Inc, Larry Bohnert, Terre Haute
 Taylor's Custom Concrete, Donnie Taylor, Hen-ryville
 Tbird Design Services Corp, Tim Balensiefer, Lafayette
 Timberland Contractors Group, Charles Vans-trom, Fort Wayne
 Total Package Painting LLC, David Ray, Terre Haute
 V3 Companies, Jim Rinehart, Indianapolis
 Vala Marketing, Erin Ruebbelke, Goshen
 Van Beck Services Inc., Ryan Beck, Evansville
 Vivial Media LLC, Bill Jarchow, Dayton, OH
 Watsons Of Louisville, Dwayne Hunt, Louis-ville, KY
 Witten Builders LLC, Kent Witten, Floyds Knobs

2021 IBA TOP NEW MEMBER RECRUITERS

As of June 2021

Jeff Langston, Carmel: 9
Doug Harvey, Warsaw: 4
Ryan Lee, Indianapolis: 4





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- ✓ **Creating a Marketing Plan**
- ✓ **Creating a Sales Plan and Process**
- ✓ **Recruiting & Maximizing Team Engagement**
- ✓ **Understanding and creating KPIs (Key Performance Indicators) and a Company Dashboard**
- ✓ **Creating and Documenting Overall Company Systems and Processes**

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