



HOUSING JOURNAL

Voice of *New Mexico Home Builders Association* for More Than 35 Years

Volume 39 Issue 8

October 2009



What's Inside
Inside

- **New EPA Lead-Based Paint Rules Affect Remodelers**

Workers' Compensation Excellence Since 1987



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AFFILIATED WITH NEW MEXICO HOME BUILDERS ASSOCIATION

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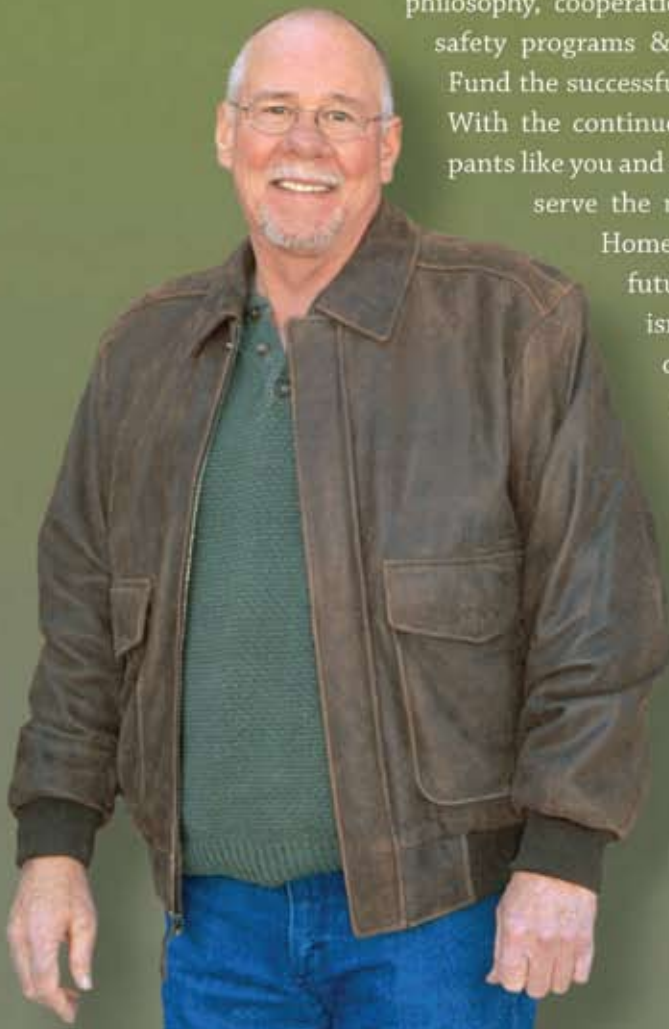
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505-344-7072, Toll Free 1-800-523-8421 FAX: 505-344-3103
E-mail: info@nmhba.org or Website: www.nmhba.org
Executive VP & CEO, Jack C. Milarch, Jr.
Governmental Affairs Director, Melanie Teeter
Office Manager, Nancy Barron
Bookkeeper/Bonding/Meeting Admin, Melinda Bolivar
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Executive VP & CEO, Jack C. Milarch, Jr.
COO, Randy Akin
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Special Features

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Affect Remodelers

Regular Features

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About The Cover



Nestled into the foothills and affording stunning views of five mountain ranges, this house is located in Rio Rancho in the Desert View community within the

Mariposa development. Part of an elegant master-planned community of Michael Sivage Homes, the high-quality luxury homes have designs and features that complement the American lifestyle. Residents enjoy an extensive network of community biking trails and exercise paths that bring them closer to the high desert and allow them to enjoy an active outdoor lifestyle to the fullest. The recently completed 10,000 sq ft state-of-the-art Community Center features both an indoor and outdoor pool, fitness center, locker rooms, and classrooms for yoga and Pilates. The structure was designed as a green sustainable building offering breathtaking views of the Jemez and Sandia mountains.

Photography by Kate Russell Photography

Membership Statistics

	July	Aug
Central New Mexico	833	810
Eastern NM	114	113
South Eastern NMHBA	125	126
Lincoln County	138	133
Southern	437	423
Southwestern NMHBA	52	48
San Juan County	214	211
Santa Fe Area	625	607
Otero County	<u>142</u>	<u>145</u>
Total	2680	2616

NOTICE TO ALL NMHBA MEMBERS

NMHBA will hold its Annual Meeting of the Membership on Saturday, November 7, at 1:00 pm. This meeting will take place during the NMHBA Board of Directors meeting at the Sheraton Albuquerque Uptown.

Please contact NMHBA office with any questions.



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A Message From The PRESIDENT

President



Scott Bealhen

Thoughts on the Past Year

This is my last newsletter as president of New Mexico Home Builders Association. It's hard to believe a year can pass so quickly. This year has been very rewarding for me, and in parting I want to share some of my hopes for the future of NMHBA with you. But first I need to follow up on some unfinished business from last month.

As I told you in our last newsletter, the association has been pursuing face-to-face meetings with our congressional representatives to discuss on-going job losses in the construction industry. Our most recent data indicates that 9,700 building industry jobs have been eliminated in New Mexico. The association has sought out these meetings to give our elected representatives a picture of the struggles of our industry and to suggest ways that they could help us get people back to work. As of the writing of my last letter, we had met with Rep. Harry Teague and Rep. Ben Ray Lujan, both of whom I gave a grade of A for their accessibility and concern for our issues. I promised to let you know how the rest of these meetings went.

In September, we met with Rep. Martin Heinrich, and I am pleased to report that it was a very productive and encouraging meeting. He was very concerned to hear of the losses in our industry and receptive to the idea of a tax credit to pay for bringing existing homes up to current energy standards. Rep. Heinrich earns a grade of A. He was very generous with his time, and we appreciate the efforts his staff made to work us into his busy schedule.

Unfortunately, I can't give our two state Senators such

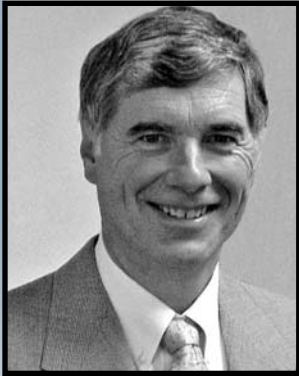
a good report. After months of attempts on the part of NMHBA staff, Senator Jeff Bingaman and Senator Tom Udall still have not scheduled meetings with us. While I understand that these men are busy with national policy issues in Washington D.C., I had hoped that trouble in the third largest industry in their home state would be worthy of their time and attention. We remain interested in sitting down with our Senators and we sincerely hope that they will find time for us, but, in the meantime, I have to give them an F for their lack of response.

During my year as president I have emphasized again and again that the best gift an association like ours can have is engaged, active members. NMHBA members are on the front lines of the home building industry and know best what is happening in each part of the state. We need your participation and input in order to represent the best interests of the industry. I intend to remain active with the association, and I want to encourage our members around the state to consider volunteering for positions on our boards and committees. I can promise you that the knowledge you gain from the experience will far outweigh the work you put in.

Holding the NMHBA presidency has been an education for me, not just as an association member, but as a home builder. When I took office, I thought I knew a lot about housing. This year, I've realized I knew a lot about how to build a house, but very little about what helps an industry like ours thrive and the role an association like NMHBA can play in creating a good business environment in the state. Serving as president has given me a new perspective on everything from green building policy to code cycles, and that is knowledge that will help me run my own business more effectively in the future.

In closing, I want to say a special thank you to our officers and the NMHBA staff, who gave me so much support and valuable insight in my year as president. I especially want to thank Brad Hill, our Government Affairs Committee chair, and Jim Beverly, chair of our Building Issues Committee, both of whom have given an enormous amount of time to their work with the association. It has been an honor to serve with all of these individuals, and I hope that our efforts have paid off for our members and the home building industry. Thank you for this opportunity.





Jack C. Milarch, Jr.

NAHB Fall Board - Chicago

Our New Mexico delegation just returned from attending three days of meetings held in conjunction with our national association's Fall Board Meeting, and I would like to give you my impressions and observations.

Overall, attendance at this meeting was lighter than usual. Several of our NM Local HBAs which usually send several members to these meetings were missing this time around. Even so, New Mexico members are involved and productive at the national level in their work with various issues ranging from building codes and green building development, and land use and "smarter" growth policy, to Build PAC and even activity impacting our nation's financial policies at the highest levels. If you haven't attended any of these national level meetings I can assure you that you would be amazed and very proud of the dedication and involvement of your fellow volunteers from New Mexico. Our group does their homework, they participate, and they make it all count.

Many members have observed that "the real work at the national level happens in the committees". While this may be a bit of an overstatement, the committees are definitely where the nuts and bolts of the issues get discussed and where NAHB staff interacts with the committee members on the subjects at hand. Much can be learned at these committee meetings. Because the various national committees meet simultaneously, it is necessary for each of us to pick out and follow subject "tracks" which we feel are most advantageous and relevant to what we do back in New Mexico. I usually devote most of my time to attending the committees where the subjects are building codes, energy efficiency


in construction, environmental issues, and land development.

At the Chicago meeting, overarching every other discussion, it seemed, was a gloom and the feeling of quiet desperation because of the slow economy and resulting financial squeeze on almost everyone, including individual member businesses and on the association itself. NAHB derives the bulk of their income from two sources - member dues and revenue from the International Builders Show. Income from both of these sources is down dramatically, and as a result our national association is struggling to keep up the usual levels of services. NAHB staffing numbers are down from a high of a little over 400 to a little under 300, and the budget being debated in Chicago anticipates additional downsizing (by not replacing those staff retiring or resigning) of another 40 jobs in the coming year. The biggest budget debate came from the proposal of leadership to allow dipping into association reserves of up to 25% of cash reserves to fund the 2010 budget. Some board members felt this was too much to spend in one year, while others felt the industry is in such desperate straits that even more should be spent on advocacy. After debate the proposal and 2010 budget were passed, with recognition of the economists' prediction that our industry will see a turn for the better by mid 2010.

In other news from the meetings, NAHB leadership is critical of the Obama administration and congressional leadership's emphasis and favoritism toward transit-oriented development. Such development always includes public transportation and walking to essential services and jobs as contrasted to a development where the expectation is that residents will use their own cars for such transportation needs. We were told that much higher density and mixed-use type development is being strongly encouraged by way of federal funding preferences, and that traditional development on the fringes of metropolitan areas is officially frowned upon (even though the suburban lifestyle is preferred by the majority of today's home buyers!). The official federal policy reportedly revolves around the feeling that cars are bad and trains and buses are good and any living style which requires the use of privately-owned vehicles can expect to be disfavored. The board also listened to a panel discussion about climate change, carbon tax proposals, and global warming where at least one expert

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said that if cutting carbon emissions is really the primary objective to curing atmospheric CO2 buildup, then there are much more cost-effective and less lifestyle-disruptive methods of doing that than the proposals being promoted by the administration and congressional leadership. Panelists felt federal leaders are using the climate change “crisis” to promote favored lifestyles. On other subjects of interest NAHB leadership has met with federal policy makers regarding the lack of financing for all levels of construction. They have also had meetings about the problems with falling appraisals and the trouble that is causing our industry, but it seems the only progress on that is that more meetings are planned.

Mike Mironich, CPA, CCIFP - Shareholder

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If you have any questions, please contact Nancy Barron at 505-344-7072 or toll-free in New Mexico at 800-523-8421.

New EPA Lead-Based Paint Rules Affect Remodelers

Beginning April 2010 contractors performing work that disturbs lead-based paint in homes, childcare facilities, and schools built before 1978 must be certified by the U.S. Environmental Protection Agency (EPA) and follow specific work practices to prevent lead contamination. The EPA has issued new work practice standards for remodelers of older homes in an effort to reduce lead paint exposure, particularly among children. The standards extend to builders, painters, plumbers, and electricians working in all rental housing built before 1978, as well as in older non-rental homes inhabited by children under age six or pregnant women. The standards will apply to any renovation, repair, or painting contract involving the disturbance of more than 6 square feet of lead paint in an interior room or 20 square feet of lead paint on an exterior wall.

The rule addresses all “target” housing (most residential and multifamily structures built prior to 1978 that might be inhabited by a child under the age of six) using a phased implementation approach:

- Phase One (begins approximately April 2010):
 - All pre-1960 rental housing units, all owner-occupied housing built prior to 1960, and all housing (rental or owner-occupied) where a child under 6 years of age with an elevated blood lead level resides.
- Phase Two (taking affect in 2011):
 - All owner-occupied and rental housing units

Work practices standards:

- Signs must be posted defining the work area and warning all non-workers to remain outside of the work area.
- The work area must be isolated/contained.
- The “certified renovator” (see below) will establish the extent of the work area based on the extent and nature of the activity to be conducted.
- For interior renovations:
 1. All objects (furniture, rugs, etc.) must be removed from the work area or covered and sealed with plastic (or other impermeable material);
 2. All air ducts should be closed and sealed;
 3. Windows and doors must be shut, and doors covered with plastic sheeting;
 4. Floors must be covered with plastic sheeting;
 5. All personnel, tools, and items leaving the work area must be free of dust and debris.
- For exterior renovations:
 1. Close all doors and windows within 20 feet of the renovation (and all windows and doors directly below);
 2. Doors within the work area must be covered in plastic sheeting;
 3. Ground must be covered with plastic sheeting for a sufficient distance to collect falling paint debris.
 - Waste must be contained to prevent releases of dust and debris before being removed from the work site and waste must be stored and transported under containment.
- Cleaning requirements:
 1. All paint chips and debris must be collected;
 2. Remove protective sheeting, misting it first then folding it dirty-side inward;
 3. Clean from high to low, starting with walls, starting at the ceiling and working down to the floor either using a HEPA-equipped vacuum or by wiping with a wet cloth;
 4. Remaining surfaces must be vacuumed with a HEPA-equipped vacuum. For carpets and rugs, the vacuum must be equipped with a beater bar;
 5. Wipe all remaining surfaces (except carpets) with a damp cloth, and mop all uncarpeted floors using a bucket method or a wet mopping system.

Certification of firms

Firms will be required to be EPA certified. This requires having workers attend training classes, filling out an application and paying appropriate fees every three years. Firms must ensure that all workers conducting renovation activities are properly trained by EPA-certified training firms.

The program for New Mexico is administered by Region 6 of the EPA. For more information, visit www.epa.gov/lead or call 1-800-424-LEAD.

Summary of Construction Industries Commission Meeting

Our construction industries' rule making and disciplinary board met in September, and their agenda as distributed at the meeting is reproduced here for you to see what business they dealt with. NMHBA comments on topics of interest are included in italics.

AGENDA

I. Convene – Roll Call

Introductions

II. Approval of Agenda

III. Approval of Minutes

July 10, 2009 Regular Meeting

July 22, 2009 Special Meeting

IV. Date and Location of Next Commission Meeting

November 20, 2009 – Location TBD

V. Public Comment

VI. Old Business

a. Request Approval to Proceed to Public Hearing – Land Clark

NMAC 14.6.3 – Contractor Licensing Requirements: School Repair and Maintenance Technician Certification

b. Request Approval to Proceed to Public Hearing – Land Clark

NMAC 14.5.2 – Permits: School Repair and Maintenance

CID has developed NMAC 14.6.3 for School Repair and Maintenance Technician Certification as new license classification and NMAC 14.6.2 for permits. Land Clark commented these were for the 12 schools in the state where work is too small to hire a Journeyman. Voted to send to public hearing.

c. Update – Jerome Baca-Mechanical/Plumbing Bureau Chief, Rem Pacheco-Electrical Bureau Chief
Mechanical, Plumbing and ELI Continuing Education Unit Rollout

Mechanical Bureau Chief JT Baca and Electrical Bureau Chief Rem Pacheco gave updates of the Continuing Education (CE) requirements and Pacheco asked for approval of Electrical courses (most of which are online). Baca stated the effective date for Plumbing/Mechanical CE requirement will be Jan. 1, 2011. Pacheco announced the CE requirement is being expanded to Lineman 1 licensees effective Jan. 1, 2011.

VII. New Business

a. Discussion – Journeyman Ratio

Electrical – Rem Pacheco

Mechanical/Plumbing – Jerome Baca, Mechanical/Plumbing Bureau Chief

Sheet Metal – David McCoy, New Mexico Sheet Metal Contractors Association

Journeyman ratios were discussed as a method to reduce code violations. Pacheco said 20% of jobs have code violations, and this was attributable to the “large number of ‘unlicensed’ workers working under the supervision of one Journeyman.” They believe the solution to the Quality Control (QC) issue is setting ratios. Both also commented contractors were using the re-inspection process as a method to have their QC checked by “another set of eyes” and said CID shouldn’t be in the position of providing the “punch list” of corrections on a job. A survey of the CID and municipal jurisdictions in the room turned up that CID charges \$37.50 for re-inspections, and San Juan County charges \$75.00.

continued on page 8

continued from page 7

Commissioner Steve Crispin requested Baca & Pacheco bring a recommendation for increasing re-inspection fees to the next CIC meeting in Nov. Commissioners also approved task forces/TACs to look at Journeymen ratios. Everyone agreed each trade needed a different ratio; some suggested different ratios for residential vs. commercial within each trade.

- b. Request Approval of Continuing Education Courses and Providers

Rem Pacheco, Electrical Bureau Chief

- c. Request Approval to Proceed to Public Hearing – Lisa Martinez

NMAC 14.5.6 – Local Jurisdiction Inspection Programs

CID requested to proceed to public hearing with NMAC 14.5.6 Local Jurisdiction Inspection Programs. CID Director Lisa Martinez presented the issue as a benefit to clarify requirements for qualifications of inspectors. Regs are to go to public hearing in October or November.

- d. Request Approval of Variations to Local Government Pilot Programs – Local Program Multi-Jurisdictional Inspection Certification – Lisa Martinez

Pilot Project I: Rio Rancho/Town of Bernalillo/Corrales

Pilot Project II: San Juan County/Bloomfield/Aztec: County Inspections in Unincorporated Municipalities

Commissioners approved a Pilot program for RR/Town of Bernalillo/Corrales to share inspection services. It is to be a 1-year trial run requiring re-authorization from CIC to continue.

- e. Correspondence

Letter to Commissioners Dallago and Brogdon from Paul Bougeant

Pilot program for San Juan County/Aztec/Bloomfield was approved to continue sharing inspection resources. This pilot program would “legitimize” existing practice of 27 years.

- f. Compliance Bureau – Maria Lopez, Compliance Bureau Chief

- i) Request Approval to Proceed to Issue Notices of Contemplated Action

- ii) Request Approval to Close Compliance Cases

Compliance Bureau Chief Maria Lopez asked for approval to proceed to issue Notices of Contemplated Action against 14 licensees. The CIC also approved closing 55 compliance cases.

- g. Investigations Bureau – Maria Lopez, Compliance Bureau Chief

Stipulated Agreements

Ballew, Christopher	Gonzales, Abraham	Montoya, Aldred	Shanley, Jerry
Beall, Bobby	Gonzales, Martin	Montoya, Israel	Sidorov, Roman
Benda, Carl	Grella, Scott	Neil, Dottie	Smith, Kenneth
Benitez, Daniel	Griffith, Ronald	Ornelas, Ramon	Talavera, Ernesto
Blood, Dennis	Gurrola, Jose	Ortega, Johnny	Washburn, Ken
Brophy, Everett	Hallford, Tim	Ortero, Joe	Winter, Gerald
Captiva Concept	Houston, David	Paras, Gener	Zarrasola, Jose
Contreras, Mario	Jones, Mike	Porter, Paul	Zufelt, Cody
Dancer, Rick	Koehn, Myron	Rossi, Luiggi	
Everitt, Chris	Landstrom, Jon	Sanders, John	
Esquibel, Mario	Lewin, Eric	Scarafiotte, Tim	
Garcia, Roberto	Lovato, Victor	Segal, Nick	

Compliance Bureau also asked to have 46 Stipulated Agreements approved. All but 2 were approved – those for David McCall and Bill Wauson were tabled until Executive Session later in the meeting.

VIII. Executive Session Pursuant to NMSA 1978 10-15-1

Update, Pending Litigation: *Loma Linda Construction and Charles Bratton v. State of New Mexico, Construction Industries Division; CV2008-012554*

IX. Director’s Report – Lisa Martinez

Request Approval of Licenses Issued in July and August 2009

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Director Martinez reported:

- Code review is ongoing.
- During the 2010 Legislative session CID will introduced bills to: 1) Define employee/employer relationship for determining unlicensed contracting issues, and 2) Create an escalator on unlicensed contractors that would increase penalties.
- CID is researching specialty license classifications for inspecting elevators.
- There have been 16 permits since July for work in Eunice on uranium enrichment facilities.
- GPS units are fully activated, and one resulted in getting an allegation of speeding thrown out because the GPS unit showed not only was the inspector not speeding at the time, but he was in another town.
- Recycled Metals Act is working as intended.
- 5% + 13% budget decreases meant cutting travel and office supplies.
- Wayne Dotson is now officially Director of Manufactured Housing Division, and Kate Baca is handling complaints.
- July & Aug 2009 licenses were approved.

X. Other Business



Get Involved in NMHBA!

If you would like to become more involved in New Mexico Home Builders Association, start by volunteering to join a committee. NMHBA serves the entire state and we'd like a cross-section of New Mexico to be actively involved in our Association.

We currently are looking for members who are willing to participate in our 2010 Government Affairs, Building Issues, and Finance committees. The Government Affairs Committee focuses on the legislative and regulatory initiatives of NMHBA's Board of Directors. The Building Issues Committee's priorities include technical construction issues, building codes and current product issues. The Finance Committee reviews and oversees the financial workings of the Association.

All committee members are appointed by the NMHBA President.

If you have questions or are interested in joining a committee, please contact Nancy Barron at NMHBA – 344-7072 or 800-523-8421.

NOTICE TO ALL NMHB PAF MEMBERS

If you have contributed to New Mexico Home Builders Political Action Fund in 2009 and are interested in participating on the NMHB PAF committee, please contact Nancy Barron at nancy@nmhba.org. NMHBA will hold its Annual Meeting of the Membership on Saturday, November 7, at 1:00 pm. This meeting will take place during the NMHBA Board of Directors meeting at the Sheraton Albuquerque Uptown. NMHB PAF board members will be ratified at this meeting.

Please contact NMHBA office with any questions.

Feature Your Work on a Housing Journal Cover

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

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

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- If the photo was professionally done, please obtain permission from the photographer.

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NM Residential Building Permits – Now and Then


(YTD through August 2009 & through August 2008 & through August 2007)

County	2009	2008	2007
New Mexico - Balance of State*	594	705	1081
Bernalillo County	606	974	2088
Chaves County	17	25	40
Colfax County	3	11	28
Curry County	124	75	105
Dona Ana County	552	610	1051
Eddy County	56	86	74
Lea County	11	79	78
Lincoln County	40	72	124
Los Alamos County	1	4	21
Luna County	20	35	52
McKinley County	1	9	23
Otero County	1	57	127
Rio Arriba County	0	0	6
Roosevelt County	27	21	24
Sandoval County	406	539	800
San Juan County	141	199	277
Santa Fe County	68	108	221
Sierra County	1	2	3
Socorro County	4	9	14
Taos County	51	92	149
Valencia County	49	77	157
Total	2773	3789	6543


* Includes the following counties: Catron, Cibola, De Baca, Grant, Guadalupe, Harding, Hidalgo, Mora, Quay, San Miguel, Torrance, and Union

Source: U.S. Census Bureau

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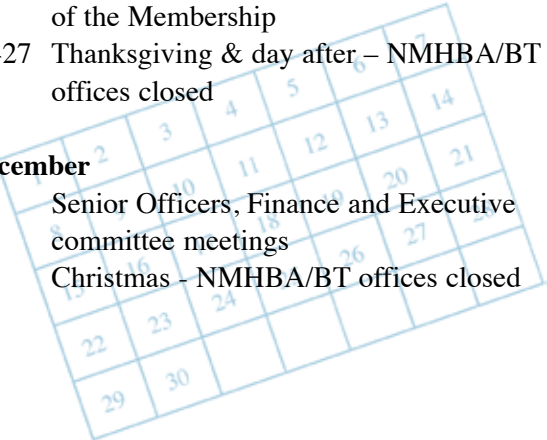
**2009 NMHBA
Meeting Calendar**

November

- 6 Senior Officers, Govt Affairs and BIC committee meetings
- 6 Awards Banquet/Installation Dinner
- 7 Board of Directors meeting/Annual Meeting of the Membership
- 26-27 Thanksgiving & day after – NMHBA/BT offices closed

December

- 4 Senior Officers, Finance and Executive committee meetings
- 25 Christmas – NMHBA/BT offices closed



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