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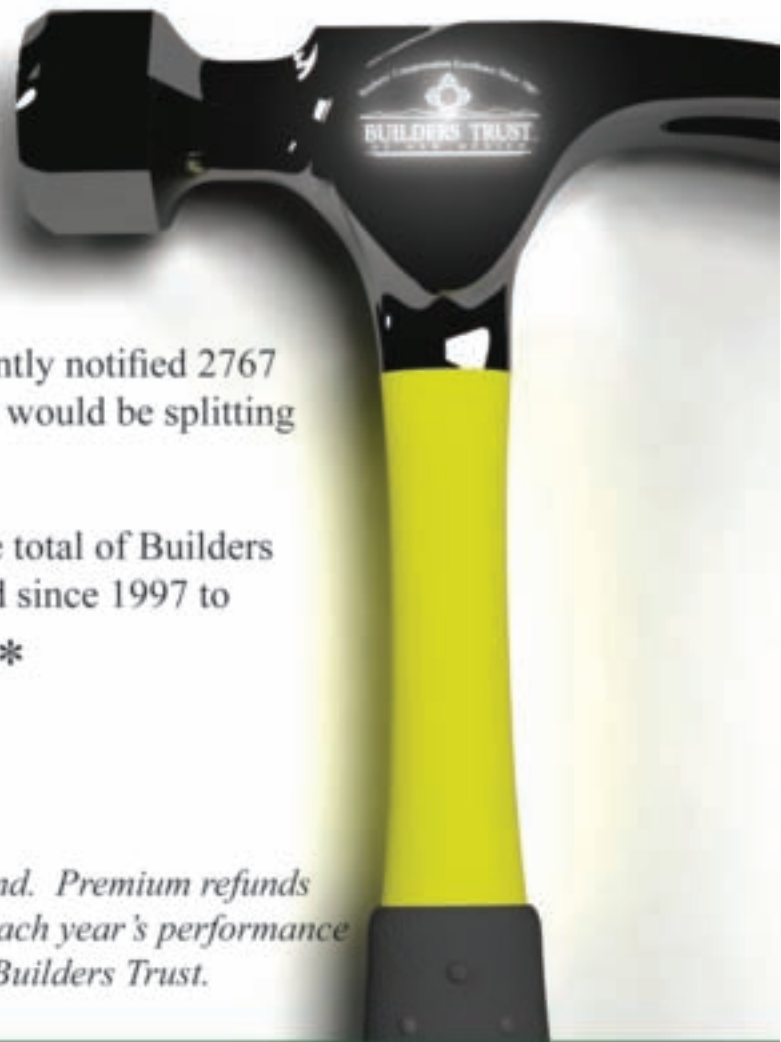
Volume 40 Issue 1

January 2010



- **NMHBA 2009 Annual Activity Report**
- **Meet the 2010 Local HBA Presidents**

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HBA of Eastern New Mexico, Tom Heap
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Regular Features

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About The Cover



Built by Durano Construction and located in High Desert Subdivision in Albuquerque, this new home was designed by *jim beverly company*, *fine home designs* to be the ultimate dream home for a couple with two teenagers. The goal was to make the house their final home. Therefore, it had to be durable, comfortable, energy

efficient and, of course, beautiful. The homeowners chose to build with ICF for durability, energy efficiency and its sound attenuation quality. The home achieved a HERS rating of 34, and qualified for the highest energy efficiency tax credit available through the State of New Mexico. The 5670 heated sq ft home has the energy footprint of a house half its size, thanks to its numerous energy saving features including 4KW photovoltaic panels with battery backup. This home was featured on the Planet Green Channel's "Renovation Nation" with host Steve Thomas.

Photography by markwilliamphotography.com

Membership Statistics

	Oct	Nov
Central New Mexico	786	776
Eastern NM	112	111
South Eastern NMHBA	120	121
Lincoln County	135	133
Southern	416	412
Southwestern NMHBA	44	42
San Juan County	202	203
Santa Fe Area	609	634
Otero County	<u>142</u>	<u>141</u>
Total	2566	2573



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A Message From The *President* PRESIDENT



Derrick Childers

Some Code Changes Promote "Best Practices"

It is hard to believe 2010 is already here. Many of us will look back on 2009 as not one of our better years. I think the best thing we can do is not look back but to go forward from here. We will do all we can at NMHBA to help make 2010 a better year.

We are continuing to work on the adoption of the 2009 I Codes. More than ever we need to not lose sight of affordable housing. I think economic recovery in the housing market starts with affordable housing. This is the first time since I have been involved in the code change process in New Mexico that "Cost Modeling" (where the cost of a proposed change is compared to the expected benefits) has been done. This is a great new tool to help assure new codes are cost efficient. We will keep working hard to be sure energy code changes for our new codes are cost effective and practical.

As I have been working on the code change committees, I have come to learn of many items in "Green Building" that are cost effective and should be used by all of us as good construction practices. With just a little extra work we all can do our part to help the environment and build more comfortable and energy efficient homes.

The first is to deal with air leakage. Air leakage addressed at the proper stages of construction is easy to do and very cost effective. Spray foam applied around all the penetration in exterior walls and penetrations in top and bottom plates of exterior and interior walls is fast and

easy to implement. Using IC-rated recessed lighting cans with seals at drywall, and sealing around all exterior doors and windows with a non-air permeable insulation are also good practices. I have seen the difference these changes make in a blower door test and they make a big difference in improving energy efficiency.

Next we should look more closely at thermal bypass. I knew very little about thermal bypass when I started this code change process and to tell you the truth I was a little intimidated by the idea. But I quickly learned it is not as bad as it might sound. First insulation should fill up the whole wall cavity. If not, drafts are created in the wall cavity and lower the energy efficiency. All tubs against exterior walls should be insulated under them and also have an air barrier installed. Air-permeable insulation installed in walls should be in contact on all six sides so air cannot draft through the insulation. This tends to get overlooked at soffits and knee-walls. Trusses should have heels built into them at exterior walls to allow for full thickness insulation at the edges.

Many of these items which I have just mentioned may become part of our new codes. The sooner we all start implementing these changes, the easier the transition into the 2009 IECC will be. I think we should all continue to do our part to help make housing affordable and energy efficient. NMHBA leadership will continue to be involved in the code change process and keep our members informed on all the new changes. The last thing we want is for our members to be caught not knowing the information they need. I will try my best to be sure that doesn't happen.





Jack C. Milarch, Jr.

Responding to the Stresses of Recession

I have been employed with New Mexico Home Builders Association through several construction industry recessions, since 1977, up to and including the current downturn. As a new hire with the state HBA long ago, it didn't take long for me to learn that the key ingredient in home building was not lumber – it was money - and the lack of money at reasonable rates was rapidly killing our industry in 1978. When interest rates went north of 20%, the local HBA held a “rally” to bring attention to their members' plight, with the slogan “we're mad as hell and we're not going to take it anymore!” I still have the pictures somewhere. Eventually Jack Stahl helped us persuade the Legislature to invest \$200 million of the state's money into mortgages, and that did a lot to tide our industry over to better times.

During the severe downturn in the mid 1980s our association again saw falling membership and rapidly falling dues income. By then I was the chief staff guy and for better or worse I had to be much more responsible for the business end of our organization and the people who were impacted. I remember during the bleakest part of that recession it was tough to think past survival mode. Just putting one foot out in front of the other and keeping a good attitude was tough. Keeping the bills paid was a real challenge.

While I acknowledge that it's difficult to think positively during stressful times it is worth remembering that one of the most valuable attributes of a small business is that you can be flexible and fast on your feet. Downturns and the stresses on you and your business can certainly cause

failure. Or they can cause creativity and change. Under the right conditions eventually the business can become even more successful than ever before. I have seen it happen many times. You might find a little of our own NMHBA history interesting and even inspirational.

Back in 1984 one of the big pressures on contractors was the fact that nobody would sell workers compensation insurance to them, and if they did the rates were simply outrageous. It was killing businesses all over the state. This was occurring at the same time our association was desperately looking for additional opportunities to attract members and add to cash flow. It looked like it might be the end for us too, but we decided to start several new ventures, including the one we now call Builders Trust. We started the Fund with member donations and borrowed money. The beginning was slow and unstable, but Builders Trust grew into the biggest success story in our 50-year existence, providing contractor specific coverage and returning unneeded premiums to our members of more than \$23 million to date. Would we have taken on the huge and risky project of starting our own insurance carrier without the motivation from being severely stressed by the economy? Probably not.

Following the founding of Builders Trust we also created a for-profit subsidiary, initially engaged in managing other associations for a fee. That too worked, and for a time we managed the N.M. Ready Mixed Concrete, Sand, and Gravel Association and the N.M. Mortgage Bankers Association. Those relationships added much needed cash flow while our Builders Trust venture gained traction. Eventually we spied another opportunity and, after I obtained my insurance agent's license in 1997, Association Services morphed into an insurance agency selling contractor license bonds. We now sell more license bonds than any other agency in New Mexico. That entity continues to positively add to NMHBA's cash flow to this day. Would we have undertaken any of our Association Services ventures without the pressures and stresses caused by another recession? Probably not.

Is it time for you to be thinking about morphing your business into something more suited and hopefully profitable for the future? One of the reasons I've become such a big fan of the International Builders Show is because I've seen how the Builders Show product displays and educational seminars offer such a wonderful

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opportunity to get ideas and information on changing your business model. The information and inspiration gained can help you to respond successfully to the stresses of change. My observation is for that purpose the Builders Show simply has no peer. Your association and the opportunities you have through participation in all that is available, including the Builders Show, can be your key to a successful response to the current stresses.

A new year is upon us and for most of us there is no escaping that this is a stressful time – for us and for our businesses. Everyone I talk to has their own story of how the recession is impacting them. We can all cite a list of friends and associates whose businesses have been hit by a knockout blow. I sincerely hope your family, friends, and faith are sustaining you personally. This recession is bad, but this too shall pass. And for those who can figure out how to respond successfully to the stresses and trials there is every reason to believe the future will be even better and more profitable than the past. Happy New Year!



NMHBA 2009 Annual Activity Report

The main priorities of New Mexico Home Builders Association (NMHBA) are legislative and regulatory in nature. NMHBA staff and lobbyists work to improve the home building industry statewide by working with legislators to influence laws pertaining to housing and by participating with state officials in monitoring and creating regulations that impact New Mexico builders.

- [NMHBA's 50th Anniversary](#) – An anniversary gala was held in Ruidoso in June to celebrate 50 years of serving the housing construction industry statewide. Many folks, including 16 NMHBA Past Presidents, took the time to commemorate the event and exchange memories with old friends.
- [Energy Efficiency](#) - NMHBA staff has spent, and will continue to spend, many hours on the green building issue, attempting to avoid the unintended consequences of political decisions. With the small number of new homes being constructed the focus needs to shift toward energy-efficient upgrades of existing housing stock. It is likely there will be more green remodeling work accomplished in the future.
- [Building Code Adoption Process](#) – The process for

modification and adoption of the 2009 Building Codes for New Mexico has been, and continues to be, an arduous process. Governor Richardson instructed his agency heads to be sure the new codes mandate highly energy efficient construction which the governor feels are needed to meet the “2030 Challenge” he has committed New Mexico to. NMHBA volunteers and staff have worked many hours evaluating and drafting code changes to be sure the final code is achievable and cost effective. The target date for full adoption of the new code is January 2011.

- [CID Issues](#) - NMHBA Executive Vice President Jack Milarch and lobbyist Randy Traynor continue to work with the Construction Industries Division (CID) to promote improvements in CID's processes to increase efficiency of inspections statewide. Additional progress has come through work on the state's adoption of the 2009 International building codes. It has become obvious to all involved in the code adoption process that CID must find ways to perform the extra code inspections required by the new codes while taking a budget “hit”.
- [Inspections](#) - Inspector shortages have ceased to plague municipalities around the state largely because of the building slowdown. Now the focus has shifted to efficiency of the processes and facilitating communication between municipalities so they can pool their resources in order to keep their local departments open when revenues are down and job vacancies are not being filled.
- [Housing Journal](#) – Our publication kept members up-to-date on Construction Industries Commission (CIC) meetings by printing all CIC meeting agendas, plus NMHBA notes on items of interest. Through the President's and the EVP/CEO's columns, members were informed of issues such as a recovery fund proposed by the Attorney General's office, handling the industry downturn, relationship-building with state legislators, the new code compliance bond, and important terms to know about energy efficiency. We also provided board directors, committee members, and Local EOs and Presidents with updates in our Weekly Update email.
- [Stormwater Runoff Regulations](#) - The Construction General Permit was extended without any amendments while the Environmental Protection Agency (EPA) completed its report on the regulation process. The report was released in October 2008, and pretty much confirmed our contention that the current regulatory process does not produce better water quality in the state's streams and rivers. The EPA moves slowly and is undertaking a review to look at other options such as regulating each

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speak Spanish) are for sale at \$60 each. Please contact Melinda at 505-344-7072 if you would like to purchase one.

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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.

Meet the 2010 Local HBA Presidents

Otley Smith - Central New Mexico

Otley Smith has owned O.L. Smith Contracting for the past 3 years and has participated in his Local for 10 years. He was a Parade of Homes award winner in 2002, 2004, 2005, and 2008, and is a Certified Green Professional. As 2010 President, Otley's goals are to increase membership participation, create a strong business and social network, and enhance educational opportunities for members in order to give them a competitive advantage in the industry. Otley encourages every member to get involved and know what resources are available through the Local, State, and National associations.

Tom Heap - Eastern New Mexico

Principle partner of Thomas Heap General Contractor, Tom Heap got his start in residential construction in British Columbia, Canada, in 1973. When he moved to California in 1976, Tom started in framing, advanced into spec building, and then graduated into custom homes and presold apartments. In 1997, he moved to the Portales/Clovis area and was hired as a building inspector. He has actively participated in his Local HBA for about seven years and has been on NMHBA's Building Issues and Government Affairs committees. He's also been a local and state board member and a National Director for NAHB. Tom was active in the I-Code hearings as a voting member and has been involved in construction mediation. His goals for his Local HBA include researching and promoting regulatory issues, networking builders and tradesmen, and promoting affordable workforce housing. Tom is a fifth generation Californian and has an uncle who was a state senator. Tom married Portales native Kenya Archer in 1973. They have two sons, ages 31 and 34, who live in the Dallas area, and they have 3 adventurous grandchildren.

Doug Thompson – Lincoln County

Doug Thompson is President of Thompson, Long & Co., Inc., which was founded in 2001. Active in his Local HBA since 2002, he became Secretary/Treasurer in 2006 and was a board member in 2007-08. In 2009, he was Vice President and this year is President. His goal as President is understanding and surviving the onslaught of anti-small business legislation emanating from Washington, DC. Doug is a Viet Nam veteran and a naval aviator.

Josh Rardin – Otero County

Josh Rardin has been in the construction trade for 15 years. He has owned Rardin's Construction for seven years and has been active in his Local for two years. As President in 2010, his goals are to increase membership and to try to get a state permit office located in Alamogordo.

Blake Barnett - San Juan County

Blake Barnett currently is employed by San Juan College, in his eleventh year as Coordinator and Instructor for the San Juan College Building Trades program in Farmington. His classes begin with basic architectural design and upon completion of the extensive two-semester program, the students will have constructed an entire house. There also is a high school program that brings together all area high school students. They too build their own house. Prior to his career as an instructor at San Juan College, Blake was a licensed general contractor involved in remodeling and new construction for a number of years. A two-time Past President of San Juan County HBA and an NMHBA Board member, Blake received his Bachelors Degree in Business Administration from The University of Texas in Austin in 1984 and is proud to be a lifelong resident of Farmington, graduating from Farmington High School in 1970. Recognizing we are in a drastically changing financial climate, his major goal in 2010 will be to maintain a high percentage of industry

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membership in the SJCHBA. To that effort the Local is stepping up the pace for their upcoming 2010 Builders Expo, in hopes of better highlighting the quality and skills of area industry vendors. Blake feels fortunate to have many dedicated volunteers that will contribute to making this year's event the best ever.

Dalinda Bangert - Santa Fe Area

President of EcoTerra Enterprises Inc. for two years, Dalinda Bangert has been involved with SFAHBA since 2002 and received their Builder of the Year award in 2008. During the last five years, she has chaired her Local's Parade of Homes and Government Affairs committees. Dalinda grew up in Wisconsin working during her summer breaks for her father who built log homes and had a saw mill and pallet factory. She received her degree in Architecture from the University of Oklahoma, and then worked in Chicago and San Francisco managing the construction of wireless antenna sites for Sprint PCS. After moving to Santa Fe, she worked for a large Santa Fe production builder for six years and had several positions with them, including purchasing manager and home building manager. She also built and sold a custom home during that time. As she saw changes taking place in regards to energy efficient building, Dalinda took the opportunity to fill a niche in the home building industry – that of a HERS rater, or home energy specialist. She's been a HERS rater for two years and has rated over 150 homes. Dalinda's goals for her Local are to provide educational opportunities for their members, especially pertaining to new energy codes; to continue to promote member participation by encouraging networking opportunities; and to market her association and its members as leaders in green building in New Mexico and beyond.

Jim Cardinuto – South Eastern New Mexico

A member of his HBA since 1991, Jim Cardinuto has been on the SENMHBA Board of Directors since 1992 and has been President of the Association since 2001. He received a contractor's license and opened his masonry business in 1992. His business does brick, block and stone on residential and commercial buildings. A graduate of Bergen Tech Voc High School in Hackensack, New Jersey, Jim has been involved with the Voc/Tech school process for the past 14 years and is grateful that the School has come about to keep the industry moving forward. Married for 34 years, Jim and his wife Carol have lived in Roswell for 32 years and have two sons. Michael (30) lives in Henderson, NV, and worked for Jim for four years as a bricklayer before moving out of town. Nicholas (28) is married, lives in Roswell, and is learning the trade as well as the business.

John Hadley – Southern New Mexico

Patrick Casey - Southwest New Mexico

Patrick Casey has owned C5 Construction for two years and has been involved in the construction industry since 1984. Active in his Local for the past five years, he has been on their board for four years. Patrick's goals as President include increasing membership, working towards a full service building department in Grant County, and increasing the Local's involvement in the community. He also wants to encourage local high school students to pursue careers in the building industry, and he would like to increase his Local's involvement with NMHBA. He and his wife Brenda have three children – Carley, age 14, and twins Patrick and Carson, age 11. He is a volunteer for Habitat for Humanity and the Girl Scouts.



Lobbying Tax Deduction for 2010 NAHB and NMHBA Dues

In 1993, the U.S. Congress enacted the Omnibus Budget Reconciliation Act that contained provisions affecting trade associations. The Act provided that taxpayers will no longer be able to deduct from their federal income taxes any portion of the association dues attributable to that association's "lobbying activities" as an ordinary and necessary cost of doing business.

For 2010, NAHB estimates that the non-deductible portion of **national** dues—the portion that is applicable to lobbying is 16%. Thus, for a member who pays their NAHB dues of \$150.00 in 2010, 16% or \$24.00 will not be eligible for deduction as a business expense. Similarly, for an affiliate member who pays their NAHB dues of \$5.00 in 2010, 16% or \$.80 will not be eligible for deduction as a business expense.

For 2010, NMHBA estimates that the non-deductible portion of **state** dues—the portion that is applicable to lobbying is 8%. Thus, for a member who pays their NMHBA dues of \$110.00 in 2010, 8% or \$8.80 will not be eligible for deduction as a business expense. Similarly, for an affiliate member who pays their NMHBA dues of \$40.00 in 2010, 8% or \$3.20 will not be eligible for deduction as a business expense.

For additional information on NAHB lobbying tax deductions, contact Tracy Spatz at: 1-800-368-5242, ext. 8152.



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watershed through Best Management Practices instead of local jurisdictions developing their own regulations.

- **Septic Tanks** - Many NMHBA members around the state are still building on lots where septic tanks are the only option. Following up on years of work on this subject, staff is monitoring the success/failure rates of Alternative Treatment Units installed in various portions of the state, and working with NMED to work out kinks in the process. This work will continue into future years, as tens of thousands of half-acre lots will be “buildable” after September 1, 2010 only if an ATU is installed.
- **Builders Trust/NMHBA Contest** - Once again several members were awarded a trip to the International Builders’ Show in Las Vegas, thus promoting the National Association of Home Builders’ premiere activity. Their impressions were published in the Housing Journal, helping to promote IBS as one of the benefits of association membership.
- **Potential Changes to Lien Law** – As usually seems to happen during economic downturns there has been more interest in our lien laws than we have seen in years. Staff and leadership met repeatedly with legislators, attorneys, CID and the Attorney General’s Consumer Protection Division to discuss high profile problems involving

unfinished homes and unpaid bills and the resultant flurry of liens. Until recently NMHBA leadership expected to see legislative activity on these subjects in the 2010 Session, however Governor Richardson has reportedly told his agency heads not to introduce bills this Session in order for Legislators to concentrate on the state’s fiscal crisis. We will monitor this subject and keep the membership informed.

- **Home Testing Program** – NMHBA arranged for several homes across the state to be tested for energy efficiency. Results varied and we feel it was a good educational opportunity for members in each of those locations, including Clovis, Silver City, and Farmington. It also provides a good snapshot of the state of energy efficiency currently in our industry.
- **Congressional Delegation Relationship-Building** – This year NMHBA leadership made a concerted effort to build and/or strengthen relationships with our state’s U.S. congressional legislators. Rather than just meet with them in Washington DC during NAHB’s Spring Board meeting, we attempted to set up multiple in-state appointments to discuss pertinent issues. Though we weren’t successful with all of the legislators, we feel it was worth the effort and have formed a relationship with several.



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NM Residential Building Permits – Now and Then

(YTD through November 2009, through November 2008, through November 2007, and through November 2006)

County	2009	2008	2007	2006
New Mexico - Balance of State*	802	850	1401	1662
Bernalillo County	838	1195	2361	3611
Chaves County	21	38	51	63
Colfax County	5	13	35	60
Curry County	175	107	130	238
Dona Ana County	761	778	1246	1911
Eddy County	67	104	96	75
Lea County	16	87	103	55
Lincoln County	56	88	159	207
Los Alamos County	2	6	21	49
Luna County	28	42	73	96
McKinley County	2	9	30	23
Otero County	3	65	149	186
Rio Arriba County	0	0	6	9
Roosevelt County	37	29	28	32
Sandoval County	491	644	1020	1105
San Juan County	188	259	357	407
Santa Fe County	93	134	266	395
Sierra County	1	3	3	2
Socorro County	4	10	14	24
Taos County	66	112	188	259
Valencia County	78	94	190	278
Total	3,734	4,667	7,927	10,747

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

Source: U.S. Census Bureau

Lead Safety Certification to be held in Las Cruces

The Building Industry Association of Southern NM in partnership with Santa Fe Community College is providing a “Lead Safety for Renovation, Repair, and Painting Initial Training Course” on January 28 from 8:00-5:00 p.m. at the Building Industry Association office in Las Cruces. This is the only course being offered in Southern NM and is accessible to association members for a discounted rate of \$300 per person. Members of the community at large are also eligible to take the course at a rate of \$350.

Beginning April 15, a new federal law based on the EPA's Renovation, Repair, and Painting (RRP) Rule and HUD's Lead Safe Housing Rule mandate will take effect. This new law requires contractors who perform renovation, repairs, and painting jobs in pre-1978 housing to become EPA Lead Certified Renovators. The new law also applies to work done on facilities occupied by children. Fines issued for uncertified contractors may be significant.

This course will provide the necessary training to meet the new federal requirement and teach safety in lead-based paint facilities. This course is primarily geared toward persons working in the fields of renovation, repair and painting. However, the course is also recommended to individuals working in social service organizations, state or municipal agencies, and home inspection contractors. Anyone requiring this training is encouraged to attend.

The course is limited to 25 participants. Registration is available in person at the Building Industry Association office - 2825 N. Main Street, Las Cruces, or by downloading a registration form online at www.biasnm.org. For more information, you may contact the BIA at (575) 526-6126.

**2010 NMHBA
Meeting Calendar**

January

- 1** New Year's Day – NMHBA/BT offices closed
- 19** NM Legislative Session begins
- 19-22** NAHB International Builders' Show – Las Vegas

February

- 3** Senior Officers and Board of Directors meeting/Legislative Dinner
- 4** Legislative bus trip to Santa Fe
- 15** President's Day – NMHBA/BT offices closed
- 18** Legislative Session ends

March

- 12** Gov't Affairs and BIC meetings
- 26** Sr Officers, Finance and Executive Committee meetings

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