

INDIANA BUILDERS ASSOCIATION
Legislative and Regulatory Report #20
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HIGHLIGHTS/NEWS

IBA SELECTED AS SUB GRANTEE FOR STATE'S WEATHERIZATION ASSISTANCE PROGRAM

On May 28, 2008 Indiana Builders Association was selected as a sub grantee of \$20,725,963.50 by the Indiana Housing and Community Development Agency to weatherize 3,285 Hoosier homes in 37 counties. The State of Indiana's Weatherization Assistance Program was made available through the American Recovery and Reinvestment Act of 2009. To view the State Plan or if you are interested in contractor training information or auditor training information visit <http://www.in.gov/ihcda/2523.htm>. For additional information or questions on IBA's proposal, please e-mail info@buildindiana.org. Final approval from the federal Department of Energy is pending and IBA hopes to begin work as a sub grantee in the next 30 to 60 days.

The IBA is forming a list of members who have registered to serve as an auditor or contractor for the Weatherization Assistance Program and ask that you submit your name and contact information to info@buildindiana.org. This list is completely separate from the Indiana Housing and Community Development Authority (IHCDA) and will not take the place of any steps required by IHCDA.

The IHCDA recently announced Ivy Tech Community College began contractor training for the Weatherization Assistance program on Wednesday, June 3, with an option of daytime or evening class formats. Classes will be held at the following Ivy Tech campuses: Columbus, Elkhart, Evansville, Fort Wayne, Indianapolis, Kokomo, Richmond, Sellersburg, Terre Haute, and Valparaiso. For additional details and to register, please visit <http://www.ivytech.edu/weatherization/>.

IBA BOARD OF DIRECTORS MEETING MONDAY, JUNE 8

IBA's Board of Directors will meet on Monday, June 8th from 4 to 6 p.m. at the Hilton Indianapolis North (8181 N. Shadeland Ave. 46250) instead of Tuesday, June 9th. Secretary of State Todd Rokita is the keynote speaker.

NEIGHBORHOOD STABILIZATION PROGRAM GRANTS ANNOUNCED

Lieutenant Governor Becky Skillman recently announced 21 community organizations in Indiana will share \$50 million to buy abandoned or foreclosed homes, demolish or redevelop vacant properties and help low- and moderate-income home buyers purchase properties. Funding for the grants comes from the Neighborhood Stabilization Program enacted last year.

For complete details on awards, please visit
http://www.in.gov/ihcda/files/6_3_09_NSP_Communities.pdf.

MORTGAGE LOAN ACTIVITY DECREASES

On a seasonally adjusted basis, the pace of mortgage loan activity decreased 14.2 percent last week, according to the Mortgage Bankers Association. Rates for 30-year loans increased from 4.69 percent to 4.81 percent. Fifteen-year mortgages were unchanged at 4.44 percent.

LEGISLATIVE

GOVERNOR TO CALL LAWMAKERS BACK TO WORK NEXT WEEK Governor Daniels announced his intentions this week to call legislators back to work for special session next Thursday, June 11th. The main objective is to pass a biannual budget although other issues will likely arise. The current budget sunsets on June 30 so lawmakers need to pass a budget and gain the Governor's approval by July 1st. It is unknown how long the special session will last and IBA staff will be monitoring issues debated.

GOVERNOR OUTLINES PROPOSED BUDGET

Governor Mitch Daniels outlined his proposed budget for the special session earlier this week to a bi-partisan group of legislators. The Governor is proposing to rely on federal stimulus dollars to give more money to public schools and higher education capital projects. In addition, the Governor is willing to spend money out of the state's \$1.3 billion in reserves, something he previously warned against but expects \$1 billion to be left in the bank. The proposal overall cuts state general fund spending at 2.5% below the current budget and higher education operating costs would drop 4%.

DELAY IN PROPERTY TAX REASSESSMENT IN DOUBT

Local assessors are scheduled to begin the first general reassessment of property on July 1 but some tax officials and lawmakers would like to delay the work. Only roughly a quarter of the state's 92 counties have mailed property tax bills this year, and some have not reconciled 2007 bills. Language to delay the start of reassessment was included in legislation that did not pass on the last night of regular session. Some are hopeful the language will be included in legislation during the special session although officials at the Department of Local Government Finance are telling assessors to begin preparing and assume the law won't be changed.

REGULATORY

COMMISSION ADOPTS NEW ELECTRICAL CODE

At its recent meeting the Fire Prevention and Building Safety Commission voted unanimously to adopt the 2008 National Electrical Code (NEC) as the Indiana Electrical Code, 2009 Edition (LSA Document 09-140) as published and to re-insert the following requirements:

210.8(B)(5) All 125-volt single phase, 15- and 20-ampere receptacles within 6 feet of a sink require ground fault circuit interrupter (GFCI) protection;

406.8(B) All 15- and 20-ampere, 125- and 250-volt nonlocking receptacles installed in wet locations shall be listed weather-resistant type;

422.52 Electric drinking fountains shall be protected with GFCI protection.

The rule moves to the Attorney General's office, then to the Governor's office and the Indiana Electrical Code, 2009 Edition is expected to be in effect in October 2009.

Commissioners also discussed the proposed rule amending the current Indiana Residential Code (IRC) (LSA Document 09-139) and chose not to move it forward. Instead, the text and public hearing comments will be forwarded to the recently established Residential Code Review Committee for its consideration.

Since the state removed the requirement for arc-fault circuit interrupters (AFCIs) and tamper-resistant (TR) receptacles due to their fiscal implications, IBA supported the proposed rules.

STATE'S RESIDENTIAL CODE REVIEW COMMITTEE TO DISCUSS FIRE SPRINKLERS

At its next meeting on June 11, the state's Residential Code Review Committee will review proposed code changes to delete the requirement for fire sprinklers from Indiana's next statewide residential code. The meeting is open to the public and will be from 10 a.m. to 4 p.m. at the Sterrett Center located at 8950 Otis Ave, Lawrence, IN 46216. The meeting notice, minutes, and agenda are posted at <http://www.in.gov/dhs/2494.htm>. Proposed code changes are posted at <http://www.in.gov/dhs/2495.htm>. To propose a code change, complete and return the Proposed Code Change Form 41186R to the state of Indiana. The form can be downloaded from the code services section of the state's website at <http://www.in.gov/dhs/2375.htm> or contact Carlie@BuildIndiana.org for a Word template.

COMMISSION CONSIDERS ASHRAE 90.1 FOR COMMERCIAL ENERGY CODE

The state is moving forward with the adoption of ASHRAE 90.1 for Class 1 structures and will hold two open meetings on June 18 and July 15. The comments will be summarized by staff and presented at either the August 4 or Sept. 1 Commission meeting. Staff will request permission to publish a proposed rule, with any additional amendments that the Commission requests from those proposed at the open meetings. After the proposed rule is published, there will be a public hearing, probably sometime in October. It is anticipated that the Commission will be presented with a final proposed rule at its November 3 meeting. Assuming the Commission approves a final form of the rule at that meeting, it will be effective in early 2010. The state currently uses the Indiana Energy Conservation Code, 1992 Edition.

POSSIBLE AMENDMENTS TO ASBESTOS MANAGEMENT RULE

The Indiana Department of Environmental Management (IDEM) is asking for public comment on posted amendments to rules concerning asbestos management. IDEM is considering six amendments which deal largely with various licensing procedures and definitions. To view the complete rule, please visit <http://www.in.gov/legislative/iac/20090603-IR-326090363FNA.xml.html>.

NAHB NEWS

HOUSE ENERGY BILL WOULD CREATE NATIONAL BUILDING CODE

The House Energy and Commerce Committee recently approved legislation, H.R. 2454, that would limit greenhouse-gas emissions and create a national building code. NAHB opposes this legislation on the grounds that it violates state and local rights to establish building codes and efficiency targets within their jurisdiction and it endangers housing affordability. To read the

legislation, [click here](#) and enter H. 2454 in the box at the center of the page. It is unclear when the bill will go to the House floor.

SOURCES FOR OSHA INFORMATION

IBA has been contacted by several members and local HBAs to report jobsites have been visited by the Indiana Occupational Safety and Health Administration (IOSHA). IBA suspects IOSHA may be stepping up enforcement on residential construction sites across the state. Below are several resources for additional information:

- INSAFE, a division of the Indiana Department of Labor - Provides free training and seminars as well as on-site consultation. INSAFE does not impose fines but instead offers educational services. For more information on INSAFE, visit <http://www.in.gov/dol/insafe.htm>.
- NAHB's "Home Builders Safety Program – This is a practical guide to understand how to develop and implement a total loss-control safety program and comes with a companion CD with a model safety program that lists safety work practices for the most common residential construction operations and can be easily customized to meet builders specific needs. Available for \$29.95 at http://store.builderbooks.com/cgi-bin/builderbooks/827?id=6T7TLntQ&mv_pc=44.
- NAHB's how to survive an OSHA inspection (attached) – This is a quick reference guide to prepare builders before they get inspected by OSHA.
- Other topic specific information (general safety, falls, scaffold, trenching) available from NAHB's BuilderBooks at www.builderbooks.com/safety.
- OSHA's Hazard Communication sample program – This publication includes a model hazard communication program to meet the requirements of the hazard communication standard. It is available for free from OSHA at <http://www.osha.gov/Publications/osh3186.html>.
- OSHA Top 10 most frequently cited construction standards, specific to Indiana (attached) – This is a list of OSHA violations that should be used as a guide to focus on the major construction hazards (e.g. falls, scaffolding, personal protective equipment, etc.).