

# Public Affairs Update

The Home Builders Association of Massachusetts (HBAM) engages in routine outreach to legislative, regulatory and judicial officials to ensure that Massachusetts continues to support the home building and remodeling industries. The following is a summary of some of the initiatives currently underway. For additional information or to volunteer, please visit the HBAM website at [www.hbama.com](http://www.hbama.com).

## HBAM supports building community with strong legislative agenda

At the launch of the 2009 legislative session, HBAM filed several bills designed to support increased housing production, improve the existing regulatory environment, remove barriers to development and further the Commonwealth's housing infrastructure. Among the bills filed were:

**Act Furthering Housing Production on Existing Ways (H. 1218)** extends the three years of protection from changes in local zoning for ANR (subdivision approval not required) lots to include protection from subsequent changes in dimensional requirements.

**Act Relative To Subdivision Regulations (H. 1982)** prohibits a city or town from imposing standards for the construction of roadways within a particular subdivision that exceed those commonly applied by that city or town on locally owned roads.

**Act To Promote Open Space Residential Development (H. 1219)** prohibits local zoning ordinances and by-laws from prohibiting or unreasonably regulating open space residential developments in residential districts.

**Act Relative To Standing To File Certain Appeals In The Superior And Land Court (H. 1695)** addresses frivolous third party appeals for zoning relief by requiring a person appealing the decision to outline the specific harm to his property. If the plaintiff identifies harm from traffic, drainage and other impacts of a technical nature, an engineer or other qualified expert must support the claim.

**Act Providing Training For Certain Local Boards And Commissions (H. 2003)** supports our ongoing effort to improve the local permitting process by requiring that members of local conservation commissions, boards of health, planning boards and zoning boards of appeal attend training programs to be offered, free of charge, by the Department of Housing and Community Development, the Department of Public Health or the Executive Office of Energy and Environmental Affairs, as appropriate.

**Act To Protect The Eastern Box Turtle (H. 3627)** addresses challenges associated with the Endangered Species Act by creating a special commission to study the development, implementation and financing of a conservation management plan to protect the eastern box turtle in the Massachusetts. Creating a clear, consistent approach for protecting the Eastern Box Turtle could lead to its eventual removal from the Endangered Species list.

**Act Requiring Notice And An Opportunity To Repair Certain Construction Defects (S. 661)** is based upon the National Association of Home Builders model law that has been enacted in 23 states to address homeowner concerns about construction defects. It outlines a timely process for filing suit and offers the contractor opportunity to assess, repair and/or refund the cost of the defect.

## “Stretch” Energy Codes Opposed

The Commonwealth has recently proposed an amendment to the State Building Code, the so-called “Stretch” Energy Code, designed to improve energy efficiency of new construction. HBAM has been on record as opposing this change, both due to the increased cost and the impact it will have on the uniformity of the State Building Code.

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Although well intentioned, the “Stretch” Energy Code undermines the integrity of the uniformity of the State Building Code. Its provisions—particularly as they apply to single-family home construction—will add substantial upfront cost to a new home without any immediate and measurable energy cost savings to homeowners, and may well prove to be an economic barrier to homeownership at a time when securing mortgage financing is particularly onerous for all but the very wealthy.

Though the “stretch” codes are voluntary on a statewide basis, the proposed amendment allows individual cities and towns to adopt its provisions for all construction within their borders. That would result in some municipalities requiring homebuilders comply with the energy provisions of the 7<sup>th</sup> Edition of the One and Two-Family Dwelling Code and others mandating the “stretch” energy code. Such an outcome—no matter how laudatory in its intent to promote energy conservation—will have the effect of undoing the uniformity of the State Building Code and will serve as a precedent for the Board of Building Regulations and Standards (BBRS) to adopt other “local option” provisions in the future.

Further, if adopted as currently written, the “Stretch” Energy Code will significantly increase the cost of building homes within the Commonwealth and will be a barrier to homeownership for thousands of young families, first-time homebuyers and others. The BBRS itself estimates that the “Stretch” Energy Code will add approximately \$10,000 of additional cost to a new home. The HBAM believes the actual cost will be significantly greater than that estimated by the BBRS.

The HBAM has urged the BBRS to reject the “local option” approach of the “Stretch” Energy Code and indefinitely delay the possible adoption of its provisions as part of the State Building Code until the true cost impact upon homebuyers, businesses and others can be determined. To date, HBAM efforts have resulted in over 150 letters and emails to the BBRS opposing the proposed stretch code; the deadline for comments has now been extended to April 28. Members who have not yet voiced their opinion and wish to do so should go to [www.hbama.com](http://www.hbama.com) for more detail on how to submit a letter.

## Stormwater Update

The Department of Environmental Protection (DEP) expected to finalize proposed revisions to the state’s stormwater regulations this spring. To address key concerns, particularly around predictability, cost and mitigation approaches, both HBAM and NAHB submitted detailed letters of concern. The HBAM letter included a case study commissioned jointly by HBAM and GBREB to highlight the impact of some of the proposed regulations. As a result, the DEP is postponing implementation and conducting further meetings with stakeholders; we hope these will provide an opportunity for our concerns to be more fully addressed.

## HBAM Adopts NAHB Green Building Guidelines

As a way to highlight our support for the Commonwealth’s energy conservation goals (and show that the “Stretch” Energy Code being considered is not the only approach to conservation) the HBAM Board recently decided to adopt the NAHB Model Green Home Building Guidelines. First published in 2005, the Guidelines were written by a group of builders, researchers, environmental experts, and designers to provide guidance for builders engaged in or interested in green building products and practices for residential design, development, and construction. The Guidelines were also written to serve as a “baseline” so that NAHB members could easily develop local green building programs.

Divided into two parts, the Guidelines cover seven areas, or guiding principles: Lot Design; Resource Efficiency; Energy Efficiency; Water Efficiency, Indoor Environmental Quality; Homeowner Education; and Global Impact. The Guidelines offer three levels of green building- Bronze, Silver, and Gold.

We anticipate that the Green Building program will offer a number of benefits to HBAM membership: opportunities for marketing new homes, a strong platform from which to discuss environmental issues with policy makers and a clear way to show consumers the value of new, energy efficient homes.

For more information, go to [www.hbama.com](http://www.hbama.com).