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Homebuilders Still Find Plenty of Demand in a Cooling Market
While rising mortgage rates have pushed sellers of existing homes to the sidelines, new construction is finding all the buyers it needs.

By Conor Sen, Bloomberg Report



Surging mortgage rates have finally cooled off the housing market. The cooldown, though, is coming unevenly, accentuating differences between the existing home market and new construction.

The supply of existing homes, while still below normal, is surging as sales decline. Homebuilder stocks

have slumped. Investors were braced for the worst when two major homebuilders last week reported quarterly earnings — along with their market outlook.

Instead, the companies were remarkably sanguine. While acknowledging that the market has slowed, Lennar Corp. and KB Home said that their businesses have been resilient, at least so far. The current economic environment, in which interest rates are rising but — importantly — the labor market remains solid, appears to be tougher for the existing-home market while homebuilders are able to muddle through.

(Cover Story – Continued on page 2)

In This Issue ...

Annual Golf Outing Forms - Sign up to Play & to Support

Private Residential Spending Inches up in May

Parade of Homes Builder Info

OHBA – Ready for Some More Campaigning?

Sedgwick – Safety in the Office & Safety Council Enrollment Deadline Approaching

Supreme Court Reining in EPA Could Affect Builders



(Cover Story – Builders Fight for the American Dream – Continued)

One significant distinction between the two markets is incentives: Homeowners sell for all sorts of reasons; they might not be able or willing to continue paying their mortgage, or they may want to take advantage of higher prices, or just move to pursue other opportunities.

Rising mortgage rates have changed the equation. Homeowners may postpone or refuse a sale to wait for better prices, or be unwilling to sell and purchase a new home at a higher mortgage rate. The economy is more uncertain, putting a chill on opportunistic moves.

Homebuilders, by contrast, exist to sell homes. If they're not selling, they're not making money. They're just as profit-motivated in a 6% mortgage rate environment as they were at 3%.

The second big difference is how the labor market impacts homebuilders and homeowners. KB Home noted that its typical buyer has a household income of \$125,000, a credit score around 730, and puts \$75,000 down when buying a home. Importantly, people still have their jobs and incomes, so that buyer pool still exists.

What's changed is how higher mortgage rates affect affordability, and that's where builders have levers they can pull. They can cut prices and offer sweeteners to buyers; change to a lower-cost product mix, or focus production on stronger markets. So even though buyer interest and home price growth has slowed, demand was so much higher than supply that there's still enough buyers around for builders to sell the number of homes they want to sell.

Ken Cleveland	1,082*
John Sumodi	344.5
Andy Leach	145
Bob Knight	97.5
Mike Hudak	54
Mark Zollinger	46
Doug Leohr	34
Russ Sturgess	29
Dave LeHotan	10
Mark McClaine	8
Ed Belair	7
Jake Lewis	4
Rex Gasser	4
Charlie Ash	3
Ryan Suppes	2
Ray DiYanni	1.5
Jason Cassidy	1
Sean Smith	1
Paul Spenthoff	1
Mark Strouse	1
Jeff Stuart	1

Above list has been updated via the most current NAHB Spike Club Roster Report

*Current Life Spike status

(Cover Story – Builders Fight for the American Dream – Continued on page 6)

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From the MCHBA Office ...

Members and Friends:

I would like to thank our members who have stepped up to sponsor our upcoming golf outing which I expect will be spectacular! We still have Par Level (hole sign) sponsorships and the Proximity sponsorship available so please let me know.

Builders - watch your email for information on the upcoming Parade of Homes this fall. I need to know asap if you are planning to enter your home(s) since with the political happenings this fall, television time is going to be tough to get if we wait until the 11th hour.

Watch for more information on our Tabletop Night Expo / Bourbon Tasting event - that will also be a stellar member night you don't want to miss.

We want to feature your business in Building Blocks so submit press releases, articles and other information on what you're doing, new product lines, and other newsworthy information.

If you need anything or I can be of any assistance, don't hesitate to contact me. I look forward to seeing everyone at the upcoming Golf Outing.

Susan Bloch

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2022 Save The Dates

August 25, 2022

**Annual Golf Outing at
Shale Creek - Details in this
issue of Building Blocks.**

October 1-16, 2022

**Fall Parade of Homes
Bourbon/Whiskey Tasting**
Tentative Date October
27 at Amy's Arbors Rustic
Event Center

December 8, 2022

Topgolf Holiday Event
Treat your employees,
vendors and friends to a fun
holiday event.

From the Executive Director

Members and Friends:

If you don't have your reservations in yet, I encourage all members to attend our upcoming annual golf outing at Shale Creek on Thursday, August 25. It is our biggest annual social outing and, from past experience, a great opportunity to network and have a boatload of fun with your fellow members. So get your reservations in now and be sure to sponsor a hole. Details on pages 7 and 12.

The Board of Directors continues to work on planning more member events this year to get everyone involved and help grow all of our businesses. We are looking to hold a tabletop display/bourbon tasting later in October. Details will be forthcoming so watch for more information on these and other opportunities.

We are also holding a Holiday Topgolf event December 8th. It's the perfect time to let your staff know how much you appreciate them and have a fun half day off at the outstanding Rockside Road Topgolf facility while enjoying a delicious BBQ lunch.

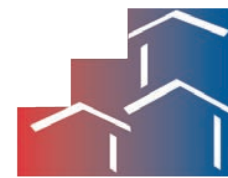
We are planning to hold a Building Codes lunch later this year on the new HVAC standards (new national minimum efficiency standards for air conditioners and heat pumps) that will go into effect on January 1, 2023. Watch for more details on this as well.

Respectfully:

Dave LeHotan
Volunteer Executive Director



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Parade of Homes

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LOTS & ACREAGE BOSTON HEIGHTS

VL 6327 Old Eight Rd.- approx. 1.92 acres. **\$179,000** & **VL Olde Eight Rd,** approx. 2.05 acres, **\$179,000.** If you've been looking to build the home of your dreams in the Boston Heights area, this is it! These beautiful, lightly wooded lots sit in a more rural setting yet are located in the highly desired Hudson School District and just minutes from Route 8, I-271, I-480 and the Turnpike. It's the best of both worlds. Purchase both lots together (3.97 acres) and expand your dream. **Gary Stouffer 330-805-6900 & Sharon Holderbaum 330-349-2599.**

FRANKLIN TWP.

VL Summit Rd.- Approx 40 acres, made up of 5 parcels, zoned Residential R-1 & R-3. Partially wooded & partially farmland. Fairly flat along Summit Rd and slightly rolling topography along Cline Rd. Call agent for approx. frontage info. Approx 8.5 acres of additional land available. One parcel in Brimfield Township, 3 parcels in Franklin Township. Public water & sewer in area, buyer to confirm availability & capacity. **\$2,254,000. Gary Stouffer 330-805-6900 & Tara Kleckner 330-289-1315.**

NORTH CANTON

8215 Arlington Ave NW: Approx 61.61 acres in Jackson Twp w/approx. 1,975' of frontage (on Arlington Ave) and 1,377' deep on the North Side. Large house on property built in 1861 offering more than 5,500 sq.ft. of living space, 5 bedrooms. Connected to the house is an office building with six separate office spaces and half bathroom. 4 car detached garage and storage outbuilding on property. **\$1,740,000. Gary Stouffer 330-805-6900, Sarah Halsey 330-268-0102.**

RICHFIELD Revere Schools

VL 4243 Brecksville Rd. \$152,500 & VL-4253 Brecksville Rd. \$165,000 – Almost 1 ac lot in highly sought-after Village of Richfield, situated within the top-ranked Revere Schools! Lot has pub water and sewer. Prime location off of Brecksville Rd. w/excellent

interstate & turnpike access, minutes from Ski Resorts, Metroparks and more. Buyer must use Petros Homes to build their home on this lot. Buyer can customize or modify one of builder's many home designs, utilize builder's architect to design their own, or bring their own floor plan. New home contract and lot contract to be executed simultaneously. Restrictions and architectural requirements may apply. **Gary Stouffer 330-805-6900 & Gina Luisi 330-814-4747.**

3526 Brecksville Rd: This commercial property is approx. 7.84 acres with the frontage measuring approx. 238ft and is close to I77 and 271. Public Water, Public Sewer and Gas available at the street. The property rises slightly upward from the street then levels out. The front 4 acres (approx.) is mostly cleared w/ the remaining acreage beautifully wooded, & a peaceful stream/ravine running North/South through the property. This parcel is zoned Office/Laboratory which comes w/ a variety of permitted and conditional uses. These uses include but are not limited to the following: Office Space, Research Laboratories, Licensed Child/Adult Day Care, Nursing Home, Assisted Living Facility, Churches, Library, Museum, Art Gallery, School/College etc. **\$380,000. Gary Stouffer 330-805-6900 & Sharon Holderbaum 330-349-2599.**

2706 Boston Mills Rd. - 4.190 acres. Richfield Township. Revere Schools. 2 parcels available for purchase separate or together: possibility of over 8 acres together. All builders welcome! **\$481,850. Robin Pickett 330-322-3181.**

2708 Boston Mills Rd. - 4.480 acres. Richfield Township. Revere Schools. Wooded, Private, Pond. Bring your builder to this fantastic setting. 2 parcels available to total over 8 acres. **\$515,200. Robin Pickett 330-322-3181.**

2884 Boston Mills Rd. - 5.12 acres. Wooded private setting with no deed restriction or HOA. Richfield Township. Revere Schools. Wooded, Private, Walkout basement homesite. **\$481,280. Robin Pickett 330-322-3181.**

www.StoufferRealty.com

SHARON TWP. Highland Schools

7022 State Rd: 7.35 acres for \$185,900. Zoned R-1. Beautiful wooded area w/ rock ledges along northern border. Turn this land into an ideal homesite with expansive views! **Gary Stouffer 330-805 6900 & Gina Luisi 330-814-4747.**

ROOTSTOWN

V/L Lynn Rd: Here's your chance to own approximately 10.5 acres of level commercial land in the heart of Rootstown! Zoned C-3 Highway Interchange/Planned Commercial Development. Principal uses include: Drive-thru, Restaurants, Hotel/Motel, Gas Stations, Auto Service Stations, Car Wash, Telecommunications Towers, Public Safety Facilities, etc. Rapidly growing area. Close to restaurants, shopping, gas stations and more. Easy access to I-76 and State Route 44. Property is visible from I-76. Frontage is approx 317 feet. **\$275,000. Gary Stouffer 330-805-6900 & Gina Luisi 330-814-4747.**

STREETSBORO

SR 43 Kennedy Rd: Approx 43 acres just waiting for you! This is the perfect location for an estate property or horse farm/facility. Currently zoned Rural Residential and located just north of Sugar Bush Knolls neighborhood, there are a lot of possibilities for this land. There is a producing oil/gas well on the property, in which all mineral rights would transfer to the new owner. Minutes away from shopping, restaurants and the Toll Road/Rt 480 interchange. **\$399,500. Gary Stouffer 330-805-6900 & Sharon Holderbaum 330-349-2599.**

UNIONTOWN

V/L 2512 Jomar St. - Approximately 1 acre of land at the end of a quiet street holds the potential for your dream home. This secluded lot is filled with beautiful, tall trees & slopes to the back, ideal for a walk-out basement. It has been soil tested and septic approved for a 4-bedroom home. **\$69,000. Gary Stouffer 330-805-6900 & Sharon Holderbaum 330-349-2599.**

Member News

Renewed Associates

ID Creative Group, Ltd. – Valley City
Ron Kreps Drywall & Plastering Co., Inc. – Youngstown

Renewed Builders

Bridgeport Custom Homes, LLC – Medina
Drees Homes – Brecksville



MEDINA COUNTY
Home Builders Association

Support Your Association

Remember, whenever possible, always try to do business with and patronize our Parade Sponsors, your Fellow Members and support your Medina County HBA & local community!

A sincere thank you to all of our members who reinvested! We appreciate your support and participation.

(Cover Story – Builders Fight for the American Dream – Continued from page 2)

It's different in the existing home market. Homeowners with jobs and comfortable mortgages don't have to sell. In the 2008 recession that wasn't the case — millions of people lost their jobs and adjustable-rate mortgages reset at higher interest rates, leading to a wave of forced selling. Motivated sellers had to accept whatever price they could get, which pushed prices lower than they would have accepted if they weren't feeling such extreme economic pressures.

Another 2022 dynamic is how supply chain problems have hurt the new home market more than the existing home market. If a homeowner wanted to sell in March, they could simply list it and sell it. Whereas builders weren't able to sell as many homes as they wanted because they've struggled to get the supplies to complete them. Perversely, that helps them now.

As recently as May, homebuilders were still limiting the number of homes they'd sell for strategic reasons. On their earnings calls last week, Lennar said it had 250 homes ready for sale at the end of May, and KB Home said it had 69. That's 319 homes in the entire country for two of the largest homebuilders. Even with buyer demand declining, there's still room for builders to maintain their sales pace given how production and inventory-constrained the industry has been — particularly when they're willing to adjust pricing as needed.

None of this may last. Over the next several months builders will catch up on production and mortgage rates will either rise or fall. Perhaps the labor market will worsen and introduce a new dynamic into both markets.

But for the time being, sales are still happening for builders, and they seem confident that will continue at least for the near term.

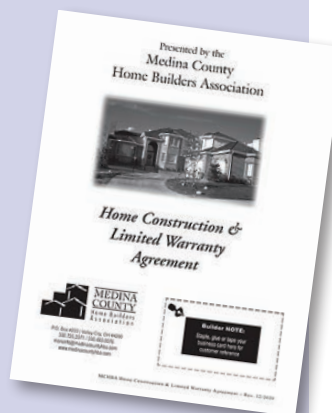
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The HBA has the professional business tools you need for home sales. The MCHBA Home Construction & Limited Warranty Agreement packages are available

for only \$35 each. Or, if you have your own contract and

you just need the Limited Warranty Agreement, the warranty with presentation folder are available for just \$25 each. We encourage you to use these tools for your protection, peace of mind, credibility in your home buyer's mind, plus they're a great resource tool for your customer to keep all their pertinent construction paperwork all in one handy location. Call the HBA today and order your professional home buyer warranty tools. Just one of your advantages of being a member.



2022 MCHBA Annual Golf Outing

RSVP NOW!

Thursday, August 18, 2022
Shale Creek Golf Club
5420 Wolff Road, Medina

Schedule of Events:

Registration – 8:45 a.m.

Shotgun Start – 9:30 a.m.

Social – 2:30 p.m.

Followed by Dinner – 3:00 p.m.

Golf Package – \$150 per person

Includes 18 holes of golf, half a cart, box lunch & dinner

Dinner Package – \$60 per person

BBQ Dinner Plate – Ribs & Chicken – Corn on the Cob

Herb Roasted Potatoes – Salad – Rolls – Dessert

Dinner Only – Name[s]: _____

Golf & Dinner:

Names [required]

Company

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BY AUGUST 8, 2022 to: MCHBA, P.O. Box #233, Valley City, OH 44280

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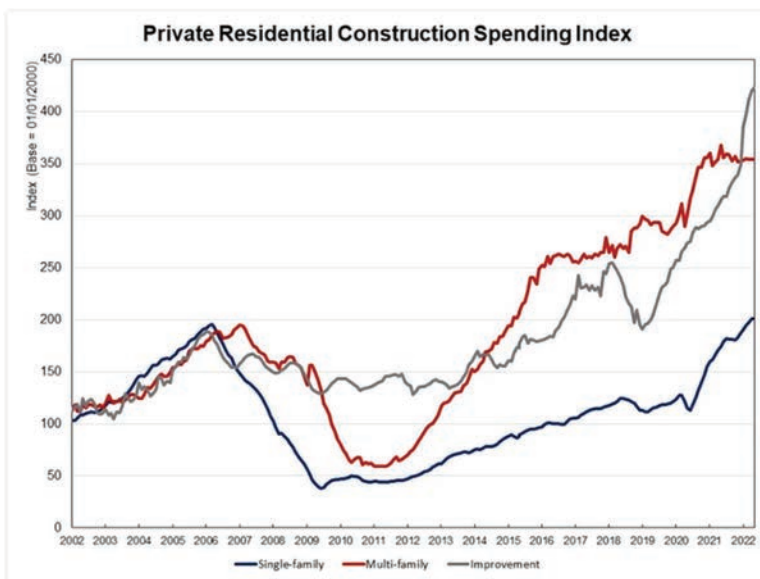
On Housing

Private Residential Spending Inches Up in May

NAHB analysis of the Census Construction Spending data shows that private residential construction spending stood at a seasonally adjusted annual rate (SAAR) of \$938.2 billion in May. It was 0.2% up over the upwardly revised April estimates of \$935.9 billion. On a year-over-year basis, total private construction spending was 19% higher.

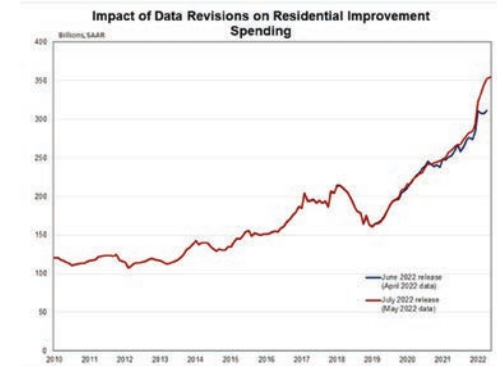
These monthly gains are largely attributed to the growth of improvement spending (\$354.9 billion SAAR), which was 34.2% higher than a year ago. Spending on single-family and multifamily construction remained virtually unchanged, as housing starts declined further and builder confidence weakened in May with home building facing higher interest rates and supply-side headwinds. Single-family construction spending was at a \$483.1 billion annual pace in May 2022, 15.1% higher over May 2021. Multifamily construction spending stood at \$483.1 billion, 3.6% lower than a year ago.

The NAHB construction spending index, which is shown in the graph below (the base is January 2000), illustrates how construction spending on single-family, multifamily have slowed down the pace since early 2022 under the pressure of supply-chain issues and elevated interest rates. Before the COVID-19 hit the U.S. economy, single-family construction and home improvement experienced solid growth from the second half of 2019 to February 2020, and the quick rebound since July 2020. New multifamily construction spending has picked up the pace after a slowdown in the second half of 2019.

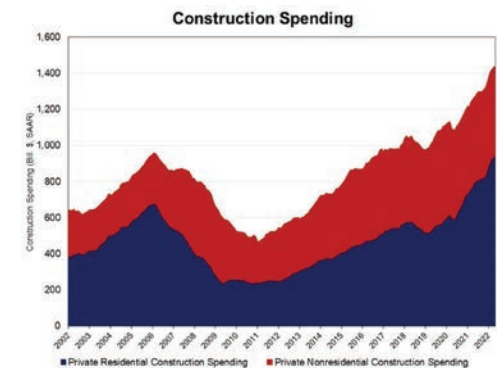


The Census Bureau also published significant revisions of private residential spending data, including single-family, multifamily, and home improvement spending

categories. The estimates for single-family and total private residential spending were revised upward since 2015. The chart below shows that revised residential improvement spending are substantially higher throughout 2021 and diverged noticeably in early 2022. The earlier release data showed a small dip in the first quarter of 2022. On the contrary, the revised estimates show significant increase in remodeling spending in early 2022.



Spending on private nonresidential construction increased 3.7% in May on an annual basis to a seasonally adjusted annual rate of \$497.8 billion. The annual nonresidential spending increase was mainly due to more spending on the class of power (\$19.4 billion), followed by the office (\$9.7 billion), and healthcare category (\$2.7 billion).



Should you participate



in the Parade of Homes?

If you're building homes, why wouldn't you?!?

And here's why ... It's been an incredibly crazy couple of years dealing with COVID, the roller coaster in construction material prices/availability, rising interest rates, our country's leadership turning a blind eye to the economy and the building industry, and yet ... the need for new housing continues to grow. We still get calls requesting information about our Parade of Homes - people are still looking and want to build their dream home.

Your Board of Directors encourages all builder members to seriously consider participating. Consumers are looking to compare builders and home styles, and since many still work from home, are looking to upsize with private home offices and other amenities to facilitate their new life style needs.

Have a house you've built but is already sold or not available? You can still feature that home in our Virtual Parade where you have all the visibility of a regular Parade model. The cost is only \$800 per home - just provide us with a video walk-through. Here's the scoop:

PARADE EVENT DETAILS

DATES: Sat., Oct. 1st – Sun., Oct. 16th
HOURS: Sat & Sun 12-5 pm, closed Mon-Fri
COST: \$1,500/physical model, \$1,200 per additional home from same builder
\$800/virtual model (*discount not available on virtual models / credit cards accepted*)

Planned Media Promotion / Advertising / Marketing:

- Virtual tour with map online (*each model has its own page complete with details & website links - all media driving visitors to the website*)
- Fox 8 (*targeted television advertising, New Day Cleveland spot, potential Live Facebook spot*)
- The Plain Dealer (*print/digital advertising*)
- The Post (*editorial and digital advertising*)
- On-line targeted marketing through searches & potential buyer demographics
- Potentially more (*media mix dependent on budget*)

Participation Deadline:

August 15, 2022 (*fees, entry form, floorplans & photos*)

NOTE: *Pre-Parade Safety Inspections will be conducted mid-September on physical models prior to event.*

For more info or to get your Parade Entry Form, contact Susan at the HBA office – 330-483-0075 or by email at susanb@medinacountyhba.com.



**MEDINA
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Ready For Some More Campaigning?

Likely no; neither am I. Not long ago we wrapped up a noisy and sometimes nasty primary election to nominate candidates for a general election this November. However, due to wrangling and arguing amongst Supreme Court judges and a politically charged redistricting panel, a federal court had to step in.

In short sum; every ten years the state must realign state legislative and congressional districts to comport with population changes as recorded in the recent decennial census. The duty to perform that process is a constitutionally created redistricting panel. The panel started drawing districts, and, a politically charged Supreme Court started rejecting them. In fact, five proposals were rejected on 4-3 votes of the court. In the meantime, the original primary date passed them by; and a special primary date for state legislators was set for August 2.

That is the simple explanation. What is most troubling is the demeanor of the two parties and the court is about 50 degrees less than hospitable. Only redistricting can create such an atmosphere. Who knew “gerrymandering” would be the topic of the day to cause such disruption?

Somehow, congressional districts slipped through and those primaries went on as scheduled. In August all 99 Ohio House seats are up as well as half the Senate (17 seats). Needless to say, just about all the players are angry. The new districts have created districts where incumbents now have primary opponents and some have to run against another incumbent (from the same party) ... so much for teambuilding.

Record low turnout is expected and none of the candidates will know their future until the votes are counted. Then it's off to the November General Elections.

Remember now, these are the folks who will make up the next General Assembly. I hope they can settle their hurt feelings and anger before they meet in January.



MEMBERS ...

I Challenge You to Help the Medina County HBA Grow & Double Our Membership!

Know someone interested in joining the Medina County HBA?

Doing business with companies that aren't members? They should be!

Let's get them to join our association. It's absolutely to their benefit.

Our Membership Application is available online or call/email me and we'll send out a member package.

Let's Work Together and Grow our Association this year! It's an ideal time to partner with other businesses



MEDINA COUNTY
Home Builders Association



Safety in the office

The office setting sure has changed over the past few years. Many of us are returning to the office full-time, others are working from home and some of us are working a hybrid schedule. No matter what our work schedule is we need to stay diligent about the office dangers lurking around the corner. Just because we were gone doesn't mean the dangers are gone. Let's review some of these hazards in the office setting.

Good Housekeeping is one of the keys to a safe office workplace. When you return to the office look for some of these potential dangers and be sure to report them.

- Keep walkways and hallways free of clutter, such as boxes and cords.
- If you see damaged flooring or carpet, report it immediately.
- Use a stepstool - not a chair - to reach items.
- Be sure to close drawers to prevent people from walking into them.
- When carrying material make sure it doesn't block your view.
- When closing drawers, be sure to use the handle to prevent pinching fingers.
- Always be aware of doors opening, walking around corners, and passing by cubicles.
- When stacking material, be sure the heavier items are stacked on the bottom.
- Wet floors, especially on tile, can be a serious slip hazard.

Fire safety is important to all employees. Review some of these fire hazards found in the office setting.

- Check cords and electrical equipment (coffee makers, toasters, microwaves, space heaters, etc.) for damage.
- Review your Fire Prevention Plan (FPP) and Emergency Action Plan (EAP) and the employee reporting procedure in the event of an emergency. (Don't forget to re-familiarize yourself with other office policies).
- Do not block exit routes, fire extinguishers or electrical panels.
- Do not allow trash to accumulate as this can add to fire.

Working safely at our desk or cubicle will help in reducing or eliminating potential ergonomic injuries. When working at your workstation remember these work practices.

- Use adjustable equipment, such as desk, chairs, and monitors.
- When sitting, be sure to keep your feet on the floor. Do not let them dangle over the floor.
- Ensure the monitor is correct distance for your vision.
- Be sure to take periodic breaks to give your body a rest.
- Place your keyboard and mouse correctly on your desk to prevent neck and shoulder pain.
- If typing from a document, use a document holder instead of looking down.
- If you have a new ergonomically safe workstation, understand how to use it.
- When sitting in your chair be sure not to lean too far forward or too far back.
- There are many stretching exercises that you can perform throughout the day.

No one office setting is the same so be sure to identify the hazards at your location. Consider creating a checklist and schedule a periodic walkthrough to identify any safety issues. Remember Office safety is everyone's responsibility and should be incorporated into your daily work practices.

For more information, please contact Sedgwick's Andy Sawan at 330.819.4728 or andrew.sawan@sedgwick.com

GET INVOLVED Opportunities:

Skins & Mulligans Available

----- Par Level / Hole Sponsor - \$100

Your company will be recognized with a sign at the putting green

----- Water Sponsor - \$150

Will receive recognition throughout the day by announcement

----- Box Lunch Sponsor - \$250

Will receive recognition throughout the day by announcement

----- Long Drive Sponsor - \$350

Sponsor gets announcement

----- Proximity Sponsor - \$350

Sponsor gets announcement

----- Putt Off Sponsor - \$350

Sponsor gets announcement

WIN BIG!!!

Lottery Basket [Valued at \$300+]
50/50 Raffle | Cash Prizes | Cool Stuff & More!



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MCHBA Annual Golf Outing Sponsorships & Promotional Opportunities

Sponsorship participation gives you an opportunity to get more involved with our biggest social event of the year and provides you with more visibility among your fellow associate and builder members! We appreciate your consideration and support of this fun annual not-to-be-missed event. Potential Members welcome!

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Safety Council enrollment deadline approaching

Thousands of Ohio employers benefit from the education, resource sharing and premium savings which result from actively participating in their local safety council monthly meetings.

BWC Safety Councils can help you:

- Learn techniques for increasing safety, health, and wellness in your workplace.
- Network and share best practices with other employers in your community.
- Identify resources to assist you in your accident prevention efforts.
- Access risk management information and strategies to reduce your worker's compensation costs

Safety Councils will be meeting in person again beginning in July 2022. Enrollment into a Safety Council program in your region can provide additional savings to your organization. It is designed to be an incentive program that enables employers to receive a rebate of 2% of their annual workers' compensation premium through program participation.

For public employers, the rebate is on the 2021 rate year premium. For private employers, the rebate is on the 2022 rate year premium. The deadline to enroll in the Safety Council rebate is July 31, 2022.

For more information on the program including the participation requirements, go to [SafetyCouncilMtgFactsheet.pdf \(ohio.gov\)](#). To locate the nearest Safety Council to your organization, go to [Safety council locations | Bureau of Workers' Compensation \(ohio.gov\)](#).

If you have any questions regarding premium installments or the true-up process, contact our Sedgwick program manager, Bob Nicoll at (330) 418-1824 or robert.nicoll@sedgwick.com



How the Supreme Court Decision to Rein in EPA Authority Could Affect Builders

By: Amy Chai, NAHB

The Supreme Court last week issued a decision that is generally positive toward NAHB's interests when it voted 6-3 to restrict the ability of the Environmental Protection Agency to regulate carbon emissions.

In the case of *West Virginia et al v. EPA et al*, the high court ruled that the EPA exceeded the authority of the Clean Air Act when it promulgated the Clean Power Plan (CPP) during the Obama administration. The decision's main relevance for NAHB is its discussion of an administrative law principle, the "major questions doctrine."

The major questions doctrine holds that unless Congress has clearly stated its intent for a federal agency to exercise its authority to regulate an issue, courts must reject the agency's approach. In this case, the Supreme Court said the EPA asserted "highly consequential power beyond what Congress could reasonably be understood to have granted."

The major questions doctrine is helpful to NAHB because it sets a higher bar for courts when faced with agencies using existing statutory authorities for novel regulatory approaches.

With regard to the CPP rule itself, the original rule had never gone into effect, and most of the deadlines and goals were met through market forces. In its original form, the CPP contained provisions that would have incentivized the adoption of stringent energy efficiency building codes for new construction.

While it was unlikely that the Biden administration would bring back the original CPP, the Supreme Court's ruling cements that reality, and EPA will be unable to set a section 111(d) rule that impacts NAHB members through demand-side efficiency requirements.

The Supreme Court's application and discussion of the major questions doctrine will be helpful to NAHB members in addressing agency attempts to create new regulatory programs that depart significantly from statute. ■



\$6,160

That's the average dollar value in recent years of NAHB services and advocacy victories – roughly \$6,160 per housing start for a typical home builder. This represents the value per start a typical builder will see in 2020 as a result of NAHB's efforts. Advocacy victories include:

- PRESERVATION** of options in building codes;
- REDUCTIONS** in builder taxes;
- AVAILABILITY** of flood insurance for new construction;
- PRESERVATION** of deductions for remodeling;
- HIGHER** loan limits that enable more new home sales.

NAHB has been a relentless advocate for the housing industry as social distancing has slowed the economy. Recent services and victories include:

- PROVIDING** resources to help keep workers safe;
- "ESSENTIAL ACTIVITY"** designation by the Department of Homeland Security.

NAHB is
Working to help you succeed.





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