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June, 2023

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FIRST ALERT

U.S. Supreme Court Curtails Clean Water Act in Sackett Ruling

The U.S. Supreme Court, in a sharply divided 5-4 opinion, ruled in favor of an Idaho couple and against the Environmental Protection Agency (EPA), establishing a more stringent test to determine whether the Clean Water Act (CWA) applies to a wetland. In what has become a decades-long battle over the interpretation of the



statutory meaning of “waters of the United States,” the Court adopted a new standard that the CWA will only apply to wetlands that have a “continuous surface connection” with a larger body of water.

Sacketts’ 15-Year Legal Battle Over Wetland

In 2007, Michael and Chantell Sackett purchased property near

Priest Lake, Idaho, and began backfilling the empty lot with dirt to prepare for building a home. The Sacketts received a notice from EPA to cease work because the lot contains wetlands protected by the CWA, which bars pollutants – including rocks and sand from backfill – into “navigable waters.” The CWA defines “navigable waters” as “waters of the United States.” 33 U.S.C. §1362(7). The basis of EPA’s reasoning in its notice to the couple was that the wetlands on their property fed into a non-navigable creek that then led into Priest Lake (a navigable, intrastate lake).

(Cover Story – Continued on page 2)

In This Issue ...

**Annual Golf Outing - August 24
- Info/Form**

**Hill ‘N Dale Upcoming Event -
October 4 - Info/Form**

Legislative News

**Sedgwick on OSHA’s National
Emphasis on Fall Protection,
Managed Care Best Practices
for Reporting & More**

OHBA Summer Board Meeting

OHBA’s Housing in the News

Fall Parade Info & More!



(Cover Story - U.S. Supreme Court Curtails Clean Water Act - Continued)

The U.S. District Court for Idaho issued a summary judgment in favor of EPA. The U.S. Court of Appeals for the Ninth Circuit affirmed the lower court, applying the test outlined by Justice Anthony Kennedy in the 2006 Supreme Court case, *Rapanos v. United States*, 547 U.S. 715 (2006), which looked to whether there is a “significant nexus” between wetlands and waters that are covered by the CWA, and whether the wetlands “significantly affect” the quality of those waters. On Thursday, the Supreme Court reversed the Ninth Circuit ruling.

New, More Stringent Test Outlined in Majority Opinion

Justice Samuel Alito (joined by Justices Thomas, Gorsuch, Barrett, and Chief Justice Roberts) opined that the majority’s view of the CWA shows the use of the term “waters” generally refers to relatively permanent bodies of water such as lakes and rivers. But when the law is read as a whole, Alito continued, it is clear that some “adjacent” wetlands will also qualify as “waters of the United States.” Under this test, wetlands that are entirely separate from “traditional” bodies of water will not qualify. The CWA will only apply if the wetlands are “as a practical matter indistinguishable from waters of the United States” because they have a “continuous surface connection” with a larger body of water, making it “difficult to determine whether the ‘water’ ends and the ‘wetland’ begins.”

Under this new test, the Sacketts’ prevail, as the Court found the wetlands located on their property to be “distinguishable from any possible covered waters.” Alito referred to Justice Kennedy’s “significant nexus” case in *Rapanos* as “particularly

John Sumodi	362.5*
Andy Leach	149*
Bob Knight	97.5*
Mike Hudak	64.5*
Mark Zollinger	48*
Doug Leohr	34.5*
Russ Sturgess	29*
Dave LeHotan	11.5
Mark McClaine	9.5
Jake Lewis	6
Rob Root	5
Rex Gasser	4.5
Tom Rafferty	3.5
Charlie Ash	3
Ryan Suppes	3
Sean Smith	2
Ray DiYanni	1.5
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 - Continued on page 5)

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From the MCHBA Office ...

Members and Friends:

Be sure to mark your calendars and plan to attend our 2023 events listed below. In an effort to support and give back to our community, we will be donating a portion of the proceeds of each of our events to a locally based charitable organization. For our annual golf outing, we will be donating to the Battered Womens Shelter of Medina County. If you are aware of a specific local charity that is in need of financial support, please let us know and we can potentially get them in our rotation of events.

We are working with NAHB and OHBA to help build our organization so if you do business with companies that are not members, please let us know so we can approach them on the benefits of membership and help our organization grow and become stronger. Thank you for your support and let me know how I can be of further assistance.

Susan Bloch

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2023 Save The Dates

August 24, 2023

**MCHBA's Annual Golf
Outing** Watch for more
information on this not-to-
be-missed annual event!

Sept. 30-Oct. 15, 2023

**MCHBA's Fall Parade
of Homes** Plan to enter
your next new home or
development.

October 4, 2023

**MCHBA's Hill-N-Dale
Shootout** Cost & more
information in this issue.

October 26, 2023

**BBQ, Bourbon Tasting
& Wine** More to follow.

From the Executive Director

Members and Friends:

Your Board of Directors has put together a spectacular calendar of events for the balance of the 2023 and I hope all of you will consider attending, sponsoring and getting involved. It will be a great year to participate at any level.

Our annual Golf Outing will be held at Shale Creek Thursday, August 24th. We plan to do some unique t-box games at each of the sponsored holes. Giveaways and prizes are encouraged! Get your reservations in now and plan to have a great day on the course.

Our Fall Parade of Homes will be held September 30th through October 15 this year. Builders ... we will be reaching out to all of you within the next few weeks with details and participation forms.

For the first time, we have scheduled a Hill-N-Dale Shootout outing on Thursday, October 4th for our sports enthusiasts. This outstanding venue has a 9 year waiting list so this will be an excellent opportunity to check this place out. There are limited spots so get your reservations in early. See pages 15 and 16.

Please see pages 13 and 14 for details on OHBA's Summer Board of Trustees Meeting on June 20-22 in Kent. This is the perfect time to learn more about OHBA and discuss any concerns you may have regarding our industry.

As always, we appreciate and value your membership. Let me know if there is anything I can do to help!

Respectfully:

Dave LeHotan
Volunteer Executive Director



**MEDINA
COUNTY**
Home Builders
Association



**MEDINA
COUNTY**
Home Builders
Association

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Charlie Ash
Jake Berger
Alison Hall
Mike Hudak
David LeHotan
Michael Martin
Rob Skidmore

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Douglas Krause
Jim Owen

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Mike Hudak
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John Sumodi

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Member News

Renewed Associates

Berkshire Hathaway Stouffer
Realty – Fairlawn
National Design Mart – Medina
Progressive Construction Group
– Valley City (previously
Progressive Poured Walls from
Hinckley)
Sturgill's Drywall, Inc. – LaGrange
Transfer Title Agency, Inc. –
Medina

Renewed Financial

U.S. Bank – Stow

Dropped Members

First Commonwealth Bank – Canal
Fulton



**MEDINA
COUNTY**
Home Builders
Association

**Thank you to our members
for renewing your
MCHBA memberships.**

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! Working with someone who is not a member? Let us know and we'll reach out to invite them to join our association! Application available online.

(Cover Story – U.S. Supreme Court Curtails Clean Water Act – Cont'd from page 2)

implausible” and that landowners would find it impossible to determine whether the CWA applied to their property.

The four dissenting justices, Sotomayor, Kagan, Jackson, and Kavanaugh, agreed that the CWA does not apply to the wetlands on the Sacketts’ lot, but disagreed with the majority’s reasoning. Justice Kavanaugh’s dissenting opinion, joined by the three liberal justices, argued that by narrowing the CWA’s coverage of wetlands to only adjoining wetlands, the Court’s new test will leave long-regulated adjacent wetlands no longer covered by the Clean Water Act, with “significant repercussions for water quality and flood control throughout the United States.” The dissent further contended that the ruling of the majority “departs from the statutory text, from 45 years of consistent agency practice, and from this court’s precedents.”

Impacts of the Ruling Will Extend Nationwide

The ruling will alleviate some burdens on landowners, including significant business interests looking to avoid a broadly sweeping law that could “criminalize mundane activities like moving dirt,” with supporters feeling that the decision will provide a “measuring stick” for landowners and businesses and give considerable

freedom to fill in wetlands without going through the federal permit process previously required.

Michael Regan, the administrator of EPA, said in a statement that the ruling “erodes longstanding clean water protections” and that the Agency will review the ruling and “consider next steps.” Any further federal agency actions or moves by individual states to strengthen their own environmental laws will be closely watched in the coming year as the impact of this ruling settles.

Ohio Will Still Regulate Many of the Wetlands No Longer Regulated by EPA

Although this ruling will eliminate federal jurisdiction of many wetlands in the state of Ohio, pursuant to Ohio law (ORC §6111.02 through ORC §6111.028) “Isolated Wetlands,” that is, wetlands that are not connected to other surface waters, are “waters of the State of Ohio” and will still be regulated by the Ohio EPA, Division of Surface Water. There are three levels of isolated wetlands permit review, depending on the size of the impact and the quality of the wetlands to be impacted. For impacts of less than 0.5 acres, a General Permit is available with submittal of the applicable fees and completion of a Pre-Activity Notice (PAN) to Ohio EPA. For larger impacts on isolated wetlands, a more detailed review process will be necessary. In all cases, a jurisdictional determination from the appropriate Army Corps of Engineers district will be required as a part of the application process.

For counsel on the application of the Clean Water Act on potential land projects, contact an attorney from Calfee’s Environmental Practice Group (Christopher Jones at 614.621.7004 or via email at cjones@calfee.com).



- o https://searchprod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/sb118/IN/00/sb118_00_IN?format=pdf

OHBA encourages you to contact your Senator asking them to pay attention to these housing issues and urge meaningful action. OHBA is meeting regularly on these issues, with more discussion on the property tax language this week. Stay tuned, and please feel free to contact OHBA with any questions at (614)228-6647.

DUALING APPROACHES TO ADDRESS HOUSING SHORTAGE CONTINUE

As the budget process continues, several approaches are being presented and discussed in the House and Senate as the response to housing need. It has also highlighted the resistance to promote housing in the state. While the provisions addressing the increased property taxes on subdivided residential property are currently in the House version of the budget (HB 33), two other proposals are also very much in the mix. Three of the approaches are highlighted below, and OHBA is meeting regularly with the legislature and stakeholders on the property tax language, as well as, alternative proposals.

- **HB 33 As Passed By the House** includes Property tax exemption: residential development land 83 R.C. 5709.56 Exempts from property tax the value of unimproved land subdivided for residential development in excess of the fair market value of the property from which that land was subdivided, apportioned according to the relative value of each subdivided parcel. Authorizes the exemption for up to eight years, or until construction begins or the land is sold. Does not apply to land included in a tax increment financing (TIF) project. There has been opposition from local government.
- **State LIHTC Program**-Proposed in the Governor's budget and modified in the House version of HB 33 before being sent to the Senate. Opposition from the Senate President makes it unlikely to survive in the Senate version of HB 33.
- **HOPE (SB 118)** Authorizes a nonrefundable, transferable income tax credit for the construction of new, or conversion of rental housing into, owner-occupied single-family home. Creates the Home Ownership Potential Energized (HOPE) program in the Department of Development, authorizing a nonrefundable income tax credit for the creation of certain owner-occupied single-family housing in municipalities in which a majority of the housing stock is rented.
 - 1) Allows such municipalities to exclude parts of their territory from credit eligibility.
 - 2) Limits credits to the lesser of \$50,000 or 50% of the cost to prepare a rental home for sale to an owner occupant or to construct a new home for owner-occupancy, with a \$100 million per fiscal year credit cap.
 - 3) Allows unused portions of the credit to be carried forward for five years, or to be transferred, in whole or in part. This is a recent proposal put forth by the Senate, but is in the mix of discussion for housing provisions to be included in the budget. The bill can be found at this link:

CSPA WILL CONTINUE TO APPLY TO HOME REMODELING AFTER OHIO SUPREME COURT DENIES JURISDICTION ON APPEAL

The Ohio Supreme Court announced today, it has accepted appeal in the Estate of Tomlinson v. Mega Pool Warehouse, Inc. ONLY to address Proposition of Law III, which addresses whether a civil litigant's constitutional right to a jury trial is violated where a trial court's local rule permits a party to withdraw a demand for a jury trial without consent of the parties.

Unfortunately, the first two propositions of law to address the application of the Consumer Sales Practices Act (CSPA) to home remodeling were not accepted for review. Given the Supreme Court decision, the prior appeals court decisions will stand. See the announcement below.

APPEALS ACCEPTED FOR REVIEW 2023-0230. Estate of Tomlinson v. Mega Pool Warehouse, Inc. Delaware App. No. 22 CAE 03 0020, 2023-Ohio-229. Appeal accepted on proposition of law No. III. Fischer, DeWine, and Stewart, JJ., would accept the appeal on all propositions of law. Kennedy, C.J., and Deters, J., dissent.

OHBA will continue to pursue alternative avenues, including potential legislative changes. Those performing home remodeling work are urged to review their contracts in light of the recent ruling.

(Legislative News – Continued on page 12)

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PHONES DOWN IT'S THE LAW



As of April 4, 2023, it is illegal to use or hold a cell phone or electronic device in your hand, lap, or other parts of the body while driving on Ohio roads. If an officer sees a violation, they can pull you over.

Drivers over 18 years old can make or receive calls via hands-free devices, including:

- ✓ **Speakerphone**
- ✓ **Earpiece**
- ✓ **Wireless headset**
- ✓ **Electronic watch**
- ✓ **Connecting phone to vehicle**

In most cases, anything more than a single touch or swipe is against the law.



CAN I STILL USE BLUETOOTH?

This new law allows drivers over 18 to make or receive phone calls using “hands-free” technology such as Bluetooth or integrated systems within the vehicle, as long as you don’t hold or support the device or manually enter letters, numbers, or symbols. If you must physically manipulate your device, you should pull over to a safe location and park your car before handling.

WHAT'S OFF LIMITS?

With very few exceptions, anything that involves using, holding, or supporting a device **while driving** is off limits. This could include:



Dialing a phone number



Sending a text message
voice to text is legal via “hands free” method



Updating or browsing social media



Video calls or FaceTime



Browsing the internet



Watching videos
GPS/navigational displays are allowed



Playing games

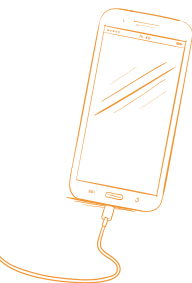


Recording or streaming video

Drivers can listen to audio streaming apps and use navigational equipment if they turn them on before getting on the road or use a single touch or swipe to activate, modify, or deactivate them.

Remember, drivers under the age of 18 are still restricted from using their devices in any way, including hands-free features.





EXCEPTIONS INCLUDE:

- ✓ Drivers reporting an emergency to law enforcement, a hospital, health care provider, fire department, or similar emergency entity.
- ✓ Drivers holding a phone to their ear only during phone conversations, if the call is started or stopped with a single touch or swipe.
- ✓ Drivers holding or using cell phones and other electronic devices while stopped at a traffic light or parked on a road or highway during an emergency or road closure.
- ✓ First responders (law enforcement, fire, EMS) using electronic devices as part of their official duties.
- ✓ Utility workers operating utility vehicles in certain emergency or outage situations.
- ✓ Licensed operators using an amateur radio.
- ✓ Commercial truck drivers using a mobile data terminal.

KEEP IN MIND — EVEN IF YOU CAN, THAT DOESN'T MEAN YOU SHOULD.

Looking at your cell phone while stopped at a light can potentially endanger your family, friends, and neighbors. Drivers have a responsibility to watch for people crossing the street or other drivers and bicyclists who haven't yet cleared the intersection. Ohioans are counting on you to pay attention.



ENFORCEMENT

When the new distracted driving law takes effect on April 4, 2023, the Ohio State Highway Patrol and local law enforcement will issue warnings for six months for violations as part of the effort to educate and help motorists adapt to the new law.

Beginning October 5, 2023, law enforcement will start issuing citations for violating this law.

PENALTIES

1ST offense

Two points assessed to license, up to a **\$150 fine**.*

2ND offense

Three points assessed to license, up to a **\$250 fine**.

3+ offenses

Four points assessed to license, up to a **\$500 fine**, possible 90-day suspension of driver license.

X2

Fines doubled if the violation occurs in a work zone.

For more information, visit:

PhonesDown.Ohio.gov

**Completion of a distracted driving course can help avoid the fine and points.*



Department of
Public Safety



Thursday, August 24, 2023 | Shale Creek Golf Club | Shotgun Start 9:30 am

ANNUAL MCHBA GOLF OUTING

**Skins & Mulligans
Available**

**Golf Package
\$150/person**

Includes:
18 holes of golf,
half a cart, Box
Lunch, Dinner &
2 Drink Tickets

**Sponsored Holes will
feature fun side
games**

**Dinner ONLY
\$60/person**

**BBQ Ribs & Chicken,
Corn on the Cob,
Herb Roasted
Potatoes, Salad,
Rolls, Dessert**

SCHEDULE OF EVENTS:

Registration - 8:45 am
Shotgun Start - 9:30 am
Social - 2:30 pm
BBQ Dinner - 3:00 pm
Announcements | Winning Team
Prizes | Lottery Tree | 50/50 Raffle

Shale Creek Golf Club
5420 Wolff Road
Medina, OH 44256

Please note: All fees are nonrefundable and no shows will be billed. A portion of the proceeds will go to benefit the Medina County Battered Women's Shelter. Please submit your completed registration form with check or credit card info **BY FRIDAY, AUGUST 18** to: MCHBA, PO Box 233, Valley City, OH 44280



MEDINA COUNTY HBA GOLF OUTING REGISTRATION FORM

Golf & Dinner (\$150 per person):

Names [required] _____

Company _____

Phone # to verify _____

Place me with a foursome _____

Dinner Only (\$60 per person) - Name(s): _____

Add-ons: Skins _____ [Add **\$20/team**] Mulligans _____ [Add **\$10/person or \$30/team**]

Billing: _____ Invoice me _____ Check [enclosed] _____ Credit Card [see below]

Credit Card # _____ Exp. Date _____

Name on Card _____ 3/4 digit code _____

PLEASE NOTE: All fees nonrefundable | no shows will be billed.

Please return completed form with your check or credit card information

BY AUGUST 18, 2023 to: MCHBA, P.O. Box #233, Valley City, OH 44280

Phone: 330.725.2371 or 330.483.0076 • Email: susanb@medinacountyhba.com

GET INVOLVED Opportunities:

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

Your company will be recognized with a sign at the assigned hole & you are encouraged to hold a fun side event at your hole [i.e., think t-box games] - your choice!

----- 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 - \$250

Sponsor gets announcement

----- Proximity Sponsor - \$250

Sponsor gets announcement

----- Putt Off Sponsor - \$250

Sponsor gets announcement

----- Golf Cart Sponsor - \$250

Sponsor gets announcement

----- Scorecard Sponsor - \$250

Sponsor gets announcement

----- 19th Hole Sponsor - \$250

Sponsor gets announcement

----- BBQ Dinner Sponsor - \$350

Will receive recognition throughout the day by announcement

----- Prize/Lottery Sponsor -

Donate lottery tickets, cash or gift cards for our lottery tree

Sponsorship participation gives you an opportunity to get more involved with our biggest social event of the year and provides you increased visibility among your fellow associate and builder members! A portion of the proceeds from this event will go to support the Battered Womens Shelter of Medina County. Potential Members always welcome to join us!

US SUPREME COURT RULES AGAINST GOVERNMENT IN SACKETT CASE

Late last week, the US Supreme Court unanimously ruled (9-0) against the government in *Sackett v. EPA*. The case revolved around the government regulation of a wetland near a roadside ditch. The major take aways from the Court's opinion include

1. The Significant-Nexus is not the appropriate test to determine the scope of the CWA: The Court basically says that the EPA employs the significant nexus test to create authority where it otherwise lacks. The judges were unanimous (9-0) on eliminating significant-nexus.

2. WOTUS Definition: The CWA's use of "waters" encompasses only those relatively permanent, standing or continuously flowing bodies of water forming geographical features that are described in ordinary parlance as streams, oceans, rivers, and lakes. "Waters of the United States" are relatively permanent body of waters connected to traditional interstate navigable waters.

3. Wetlands: As for wetlands, the CWA extends to only those wetlands that are as a practical matter indistinguishable from waters of the United States. This requires the party asserting jurisdiction over adjacent wetlands to establish first, that the adjacent body of water constitutes waters of the United States, (i.e., a relatively permanent body of water connected to traditional interstate navigable waters); and second, that the wetland has a continuous surface connection with that water, making it difficult to determine where the water ends and the wetland begins. Four justices (Kavanaugh, Kagan, Sotomayor, & Jackson) thought this definition was too narrow.

CSPA WILL CONTINUE TO APPLY TO HOME REMODELING

In the *Estate of Tomlinson v. Mega Pool Warehouse, Inc.* unfortunately, the first two propositions of law to address

the application of the Consumer Sales Practices Act (CSPA) to home remodeling were not accepted for review. Given the Supreme Court decision, the prior appeals court decisions will stand.

OHBA will continue to pursue alternative avenues, including potential legislative changes. Those performing home remodeling work are urged to review their contracts in light of the recent ruling. OHBA has collected numerous resources on the application of the CSPA, as well as, best practices. Please contact OHBA if interested in finding out more.

HOUSING ITEMS ALL PART OF BUDGET DISCUSSION; FINAL PRODUCT TO BE DETERMINED NEXT MONTH

As the Senate works through thousands of amendments before releasing its substitute version of the budget bill (HB 33) next week, many housing topics are in the midst of review and discussion. All of these topics and more will be discussed at the OHBA summer board meeting in June.

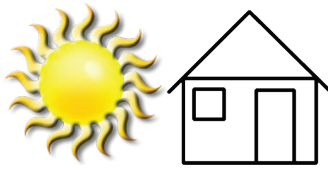
- State LIHTC
 - o A state LIHTC program is in the As Passed by the House version of HB 33. It is unknown whether any or all of this proposal will remain in the Senate version to be worked through in conference committee.
- Property Tax Assessment for Residential Development
 - o OHBA supported language is in the As Passed by the House version of Hb 33. There is support in the Senate, but it is still a topic of discussion with opposition from the County Auditors and Townships.
- SB 118 Income Tax Credit (Schuring, K.)
 - o To authorize a nonrefundable, transferable income tax credit for the construction of new, or conversion of rental housing into, owner-occupied single-family homes.
- SB 119 Solid Waste And Debris (Reineke, B.)
 - o To make changes to the laws governing the transfer and disposal of solid waste and construction and demolition debris, including increasing certain fees.
 - o OHBA has joined various business groups in opposition of the drastic increase in fees proposed.
- Referenda Signature Increase
 - o Amendment proposed to increase signature requirement to 25%
- Homeownership Savings Linked Deposit Program
 - o OHBA has partnered with eight of the state's leading real estate and business organizations encouraging the Ohio Senate to approve the Homeownership Savings Linked Deposit Program contained in the House of Representatives-passed version of the state operating budget. The program creates tax-advantage savings accounts that leverage above-market interest rates.

OHBA SUMMER BOARD OF TRUSTEES MEETING

OHBA Summer Meeting is scheduled for June 20-22 at Kent State University Hotel & Conference Center. Now is the time to sign-up for this event. Highlights of this meeting is listed below.

- Tuesday, June 20th – Golf at Congress Lake Club and Drinks and Dinner (Limited tee times available, must sign-up)
- Wednesday, June 21st – Membership Meeting, Combined Gov't Affairs Update and Cocktail Reception
- Thursday, June 22nd – Board of Trustees Meeting

If you would like to sign-up for any of these events, please contact OHBA at 614-228-6648 or mpatel@ohiohba.com. Hope to see you there! ■



OHIO HOME BUILDERS ASSOCIATION SUMMER BOARD OF TRUSTEES MEETING

June 20-22, 2023

**Kent State University Hotel & Conference Center
215 S. Depeyster St. – Kent, OH
330-346-0100**

The Trustees of Ohio Home Builders Association will be meeting and at this meeting you will obtain updated information on issues affecting the industry, network with your peers from Ohio and exchange viewpoints.

There are limited sleeping rooms available at **Kent State University Hotel & Conference Center in Kent**. The room rate is \$139 plus tax. If you need a room, contact the Conference Center at (330)346-0100. Reference Group Code **HOMEOH** to receive the \$139 plus tax room rate.

Room cut-off date is **May 14th**. **Reserve today if you need a room.**

Meeting registration can be emailed to build@ohiohba.com or faxed to (614)228-5149.



Questions, contact OHBA at (800)282-3403 ext. 1.

Thank you to our sponsors-





REGISTRATION FORM
SUMMER BOARD OF TRUSTEES MEETING
KENT STATE UNIV. HOTEL & CONF. CENTER
215 S. DEPEYSTER ST. – KENT, OH
330-346-0100
JUNE 20-22, 2023

TUESDAY, JUNE 20, 2023

☐ 11:00 a.m. GOLF- CONGRESS LAKE CLUB – 1 EAST DR NE, HARTVILLE
Limited foursomes, cost \$90-\$107 pay at the golf course.

☐ 6:00 p.m. DRINKS & DINNER – BRICCO KENT - 210 S DEPEYSTER ST.

WEDNESDAY, JUNE 21, 2023

☐ 11:00 – 1:00 p.m. EXECUTIVE OFFICERS LUNCH MEETING (*Open to Local EO's only.*)

☐ 1:00 – 2:00 p.m. MEMBERSHIP MEETING

☐ 2:00 – 3:30 p.m. EXECUTIVE COMMITTEE MEETING
(*Open to committee members and OHBA Past Presidents only.*)

☐ 3:30 – 5:00 p.m. GOVERNMENT AFFAIRS/BUILDING CODES/DEVELOPERS
AND REMODELERS MEETING

☐ 5:00 – 6:00 p.m. COCKTAIL RECEPTION

THURSDAY, JUNE 22, 2023

☐ 8:00 – 10:00 a.m. BOARD OF TRUSTEES MEETING

NAME _____

LOCAL ASSOCIATION _____

SEND TO:

Ohio Home Builders Association

E-mail: build@ohiohba.com

Phone: (800) 282-3403 Ext, 1

Thank you to our Sponsors –



MCHBA's Sports Event of the Year!

SAVE THE DATE!



**Wednesday
October 4, 2023**

Hill 'N Dale Club is a private club for sportsmen and their families offering a place to hunt, shoot, fish and enjoy the outdoors on a stunning, scenic property located off Poe Road in Medina Township.

Their shooting sports offer a variety of options from sporting clays, skeet, five stand and trap with over 30 different available stations.

Our MCHBA event will feature the following:

- 16 different stations
- Limit of 64 participants / 4 people to a team
- Shotgun start (event runs from 9am to 1-1:30pm)
- Per person cost includes course fee, 100 targets, shells, carts, and 2 people sharing a gun
- Box lunch served at their pavilion after shooting
- Station sponsorships and event sponsorship available

This private club, started in 1954, has a nine-year waiting list for membership so our event offers a unique opportunity to check this place out and enjoy a fun morning of shooting sport, meeting new and old friends, and enjoying good food.

Watch for more details on this exciting event in the next issue of Building Blocks!

3605 Poe Road | Medina, OH 44256 | 330-725-2097
www.hillndaleclub.com



RESERVE YOUR SPOT NOW!!!



MCHBA's Sports Event of the Year!

**Wednesday
October 4, 2023**

Shooting Team Participation [\$175 per member / \$200 per non-member - limited spots]:

Names (required)

Company

Phone # to verify

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Place me with a team _____

Sponsorship Opportunities: _____ Lunch Sponsor [\$300 - limit 1]

_____ Event Sponsor [\$1500 - limit 1] _____ Station Sponsor [\$300 - limit 16]

Package Discount: Sponsor a station and bring a 4-person team, take 15% off your total

Billing: _____ Invoice me _____ Check (enclosed) _____ Credit Card (see below)

Credit Card # _____ Exp. Date _____

Name on Card _____ 3/4 digit code _____

PLEASE NOTE: All fees nonrefundable | no shows will be billed.

Please return completed form with your check or credit card information

BY SEPTEMBER 27, 2023 to: MCHBA, P.O. Box #233, Valley City, OH 44280

Phone: 330.725.2371 or 330.483.0076 • Email: susanb@medinacountyhba.com

OSHA's National Emphasis Program

Fall Protection

On May 1, 2023, the Occupational Safety and Health Administration (OSHA) announced it began a National Emphasis Program (NEP) designed to prevent falls (<https://www.osha.gov/news/newsreleases/national/05012023>). Falls are among the most common causes of serious work-related injuries and deaths. According to OSHA and the Bureau of Labor Statistics (BLS), since 2014 there have been a total of 12,049 fatal workplace injuries due to falls. Of those 12,049 fatalities, 5,369 were "Fatal falls to lower levels" and 6,680 were due to "Slips, trips and falls." These injuries and fatalities are preventable, so a National Emphasis Program is necessary to ensure these hazards are being addressed. In fact, year after year, both Fall Protection – General Requirements (29 CFR 1926.501) and Fall Protection – Training Requirements (29 CFR 1926.503) are among OSHA's Top 10 Violations.

This NEP will establish guidelines for OSHA compliance and safety officers to initiate inspections under the scope of the NEP whenever they observe someone working at heights. This may occur during an inspector's normal work-day travel while enroute to, from or during other OSHA inspections. As with all NEP's, OSHA will have a 90-day outreach program for industry to focus on educating employers about effective ways to keep employees safe. Although this NEP is geared towards the construction industry, general industry and agriculture will be targeted as well.

Employers, according to OSHA, are required to keep a safe workplace for their employees by:

- 1) Providing working conditions that are that are free of known hazards,
- 2) Ensuring work areas and floors are clean and dry, as far as possible,
- 3) Selecting and providing required personal protective equipment at no cost to workers, and
- 4) Training workers about hazards in languages they understand.

In addition, employers should follow the guidelines below to prevent falls and help minimize inspections.

- 1) Ensure every floor hole into which a worker can accidentally walk is properly guarded. Using a railing and a toe board or a floor hole cover are acceptable means.
- 2) If there are open sided platforms, floors or runways, provide a guard rail and toe-board around them.
- 3) Regardless of height, if a worker can fall into or onto dangerous machines or equipment (such as a vat of acid or a conveyor belt) employers must provide guardrails and toe-boards to prevent workers from falling and getting injured.
- 4) Evaluate all other jobs that require fall protection that include safety harness and line, safety nets, stair railing and handrails.

As you can see, OSHA is taking injuries and fatalities due to falls, very seriously. They will be increasing inspections and enforcement at any time they see employees working at heights. Employers can minimize the impact of these inspections and enforcement activities and protect employees by following fall protection regulations for construction, general industry, and agriculture.

For more information on the National Emphasis Program on Fall Protection, go to the following link <https://www.osha.gov/fall-protection> or to view other National Emphasis Programs implemented by OSHA, go to <https://www.osha.gov/enforcement/directives/nep>. You may also contact Sedgwick's Andy Sawan at 330.819.4728 or andrew.sawan@sedgwick.com

Temporary employees and safety

Staffing agencies and host employers both have the responsibility of ensuring a safe workplace for temporary employees. Whether these temporary employees work seasonally or are permanent, they have the right to a safe workplace and proper safety training. To keep these employees safe, both the staffing agency and host employer must communicate with each other on appropriate training. Why is this important... because both parties can be held liable if OSHA believes safety was neglected. The following list identifies some of the shared responsibilities between the two party's when using temporary employees.

- 1) Be sure to communicate, identify and outline the safety goals each party is responsible for, such as training, education and awareness.
- 2) Although the staffing agency may not be an expert at a specific workplace, they should communicate with the host employer about the hazards that exist in the work environment so they can be communicated to their temporary employees.
- 3) Host employers should treat temporary employees as their own and train them just like any other employee.
- 4) Staffing agency should inquire about host companies training programs and ensure they are fulfilling their responsibilities.
- 5) Both parties should encourage temporary employees to speak up if they witness an unsafe work practice and/or condition.

Here is a list of some worker initiatives the temporary agency and host employer should consider before work begins.

- 1) The nature of the work. Consider low hazard positions since the temporary employees may be inexperienced.
- 2) Hazard Communication. Temporary employees have the right to know about the chemical hazards they may be exposed to.
- 3) Lockout Tagout. Temporary employees need to have a basic understanding of what lockout/tagout is and how to identify when a lockout/tagout is occurring.
- 4) Powered Industrial Trucks (PITs). Temporary employees must go through the same training and certification of a full-time employee if they are going to operate PITs.
- 5) Recordkeeping and Reporting. Serious injuries to temporary employees, whether under the supervision of the agency or host employer, must still be recorded on the OSHA log. The recording responsibility falls on the party who supervises the injured employee on a day-to-day basis.
- 6) Personal protective equipment. Ensure temporary employees are trained on the appropriate PPE for the work they perform.
- 7) Exposure to indoor and outdoor heat-related hazards. If temporary employees are exposed to heat-related hazards, they need to understand how to protect themselves in these situations.
- 8) Be sure you evaluate your facility for other hazards and communicate them appropriately.

As you can see, the responsibility for the safety of temporary employees falls on both the staffing agency and the host employer. Each party is responsible to offer training and to assure training responsibilities are fulfilled and documented. If these are not completed, unsafe work environments may exist resulting in a dangerous workplace and injuries. If you are a staffing agency or host employer, communicate with each other to make certain temporary employees are kept safe.

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

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 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. We frequently receive 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, they 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., Sept. 30th – Sun., Oct. 15th
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:

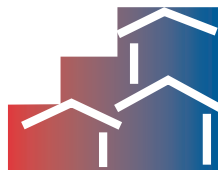
- Virtual tour with map online (*each model has its own page complete with details & website links - all media driving visitors to the website*)
- Fox 8 (*targeted television advertising, New Day Cleveland spot, potential Live Facebook spot*)
- The Plain Dealer (*print/digital advertising*)
- The Post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

Participation Deadline:

August 18, 2023 (*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
COUNTY**
Home Builders
Association

Premium installment & true-up reporting for private employers

Employers must pay premiums timely to the Ohio Bureau of Workers' Compensation (BWC) to receive and maintain workers' compensation coverage.

Through the year, employers have been making premium installment payments based on estimated payroll. As we near the conclusion of the 2022 policy year (July 1, 2022 through June 30, 2023), BWC will be requiring all employers to reconcile ("true-up") the payroll that was used to estimate their premium with their actual payroll for the policy year.

Important reminders

BWC mailed 2023 estimated annual premium notices along with your installment schedule around May 1, 2023.

- If you expect your payroll to change during the 2023 rating year from the estimate provided, you can call BWC at 800-644-6292 and request a change to your payroll and installment schedule.
- Failure to make installment payments based on the installment schedule can result in lapses in coverage, therefore make sure installment payments are paid by the due dates as noted on the installment schedule. The first installment payment will be due by mid/late June 2023.
- If you pay your full 2023 premium by the June installment due date, you can earn a 2% Early Payment Discount. There is no need to switch to an annual installment, but the premium must be paid in full by the due date. BWC will issue the 2% refund the following month.

BWC will mail notices regarding the July 1, 2022 through June 30, 2023 true-up around July 1, 2023. True-up reporting and payment is due by August 15, 2023.

- Failure to true-up and pay any additional premium will result in your policy being removed from all discount and rebate programs and it will remain ineligible for discounts and rebate in future years.

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.

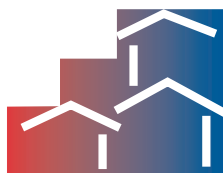


And we could really use your team's assistance!

We are excited to announce our 2023 Fall Parade of Homes and are planning for it to be a truly spectacular event. Builders rely on teamwork to build and complete their homes and teamwork to help bring their work to the public's attention. That's where you, our associate members, come in, and help us make a BIG difference.

What's in it for you? Besides helping the local industry which ultimately helps you, plus **great visibility** for both your company and the event ... here's the lowdown:

- **Business name and logo on the MCHBA website as a supporter of the event which links directly to your website;**
- **Business listed in press releases submitted to media;**
- **Logo on the map/model handout (printed & online);**
- **Listed in Building Blocks as a Parade sponsor for 3+ months; and**
- **Free 1/6 page ad in 3 issues of Building Blocks (size upgrade available).**



**MEDINA
COUNTY**
Home Builders
Association

PARADE DETAILS

DATES: Sat., Sept. 30th – Sun., Oct. 15th

HOURS: Sat & Sun ONLY 12-5 pm,
closed Mon-Fri

SPONSORSHIP: \$500 – You get everything listed. Want to do more? Contact the HBA directly. We sincerely appreciate your consideration as we depend on your Sponsorship dollars to help with marketing.

Planned Media Promotion / Advertising:

Virtual tour & map online (*each model has its own details page & website links - all media driving visitors to the website*); Fox 8 TV commercials, New Day Cleveland spot & Facebook Live segment; The Plain Dealer (*print advertising*); The Post (*editorial and digital advertising*); direct on-line marketing based on searches & demographics, & potentially more (*dependent on final available budget*)

Participation Deadline: August 31, 2023

***Don't miss this opportunity!
Call 330.483.0075 today or
email Susan Bloch at susanb@medinacountyhba.com.***

Managed care best practices for recordkeeping, documentation and injury reporting

The month of May is Open Enrollment – an opportunity for Ohio employers that have state-funded workers’ compensation coverage to select their Managed Care Organization (MCO). Sedgwick Managed Care Ohio is a key partner for our workers’ compensation program and happens to be Ohio’s largest MCO – by far – in both claims managed and employers served.¹

Recordkeeping and documentation

One of the roles of an MCO is to collect the essential data elements of a workplace injury to initiate a workers’ compensation claim. Depending on the approach to collecting and arranging this information, the MCO can be an excellent warehousing partner for injury-related data.

Sedgwick MCO provides clients a series of value-added reports designed to facilitate record keeping obligations of OSHA and PERRP. Many report options include an ongoing tally of lost workdays associated with each claim, as well as the number of modified duty workdays. Access to this information on a monthly, quarterly and especially an annual basis (early January) can help employers complete their OSHA 300 and PERRP posting that is due each February.

MCOs should also be able to account for additional datapoints to help determine whether a workers’ compensation claim is OSHA-recordable. For example, if medications are prescribed in the treatment of a workplace injury, it may be OSHA recordable despite having incurred no lost or modified workdays. Similarly, if treatment for an injury includes services that exceed what is considered first-aid in nature, the injury may also be recordable despite involving no lost time. An example of this would be a laceration that involves stitches, but the employee returns to work immediately. Referencing medical billing codes to identify specific covered treatments can be a simple way to gather information that simplifies the OSHA and PERRP reporting process.

Injury reporting

The claim filing process depends on information from multiple parties, including the injured employee and the treating physician. But Sedgwick MCO encourages employers to take action as quickly as possible after a workplace incident to control this vital early stage of the process. Establishing post-injury protocols that include thorough documentation of the incident, as well as compiling information required by BWC, can accelerate a sound claim allowance decision. Early clarity on the nature of incident and injury can help frame the scope of the claim and define the medical conditions that are included for treatment.

The First Report of Injury (FROI) is the standard BWC form that accommodates the required information and typically initiates a new claim. Many employers keep the FROI on-hand to serve as an incident report. Sedgwick Managed Care Ohio will provide clients with an Injury Reporting Packet, which can include the FROI and other forms and information to help guide both the employer and the injured employee through the claim process.

Many employers have developed an incident report that collects much of the information required for the workers’ compensation claim. Consider modifications to your incident report that may facilitate a more efficient

claim filing process. One of the best steps an employer can take to promote speed and accuracy in claim filing is to have an incident report completed quickly and sent directly to the managed care organization.

Contact Sedgwick Managed Care Ohio

If you feel there is room for improvement with your organization's injury management program, or if you can use assistance organizing data for OSHA recording, Sedgwick MCO can help. Every work environment is different, and Sedgwick can talk through your circumstances to build a process that works for you and your employees. Visit [Sedgwick MCO online](#) to explore performance metrics and service features, or reach out directly at ClientServices@Sedgwickmco.com.

1 – BWC Demographic Data, January 2023, and BWC Public Data SP23-01161 as of 3/21/2023.

OHBA EXECUTIVE VICE PRESIDENT'S COLUMN



By Vincent J. Squillace, CAE, Executive Vice President

HOUSING IN THE NEWS

By media accounts alone a housing crisis is well established and should be known to all. Even the New York Times has repeatedly written stories and issued opinions on the need to deal with the crisis. California of all places is urging the creation of badly needed middle income housing. Ok, now that we have all acknowledged a crisis exists, who will step up and do something meaningful?

Therein lies an enigma; should the government come to the rescue or should private industry fill the need? By judging the reactions from many in government, they are just not sure (I think they just don't know). Here, the governor has suggested creating a state LIHTEC program which will produce needed lower rent projects. The Ohio Housing Finance Agency has been tasked with creating a similar program for lower cost single family homes. Good idea but OHFA has near zero experience with single family production.

All this is fine and a recognition that the great deficit in Ohio is mainly attributed to dismal housing starts for decades. While our building code process works well in keeping costs to a minimum while still meeting federally set minimums, it appears the feds may be adding more costly energy standards. We agree with reasonable standards but when they impact affordability in a negative way, we just wonder how serious Washington DC wants to deal with the issue.

We are told the army corps of engineers is raising barriers to all sorts of development with a no growth attitude despite developers meeting state standards. Ohio's archaic zoning referenda laws are a major road block as well as a tax assessor

who seek increased property taxes for those who want to invest in the land and produce housing stock before the residents are housed.

While the Ohio legislature has been very open and willing to help, at this point, we do not see much sympathy from local government or residents who resist or just plain won't budge on approving moderate priced housing projects. We are told many industries who want to locate in Ohio recognize the lack of housing for their workers. Unless housing production increases that negative will hang over Ohio's attempt to bring more industry our way.

OHBA has consistently advocated for more agreeable growth regulations for many years. We continue that as our highest priority. Our membership supports those efforts as our industry association is strong so will our message be strong. We need your membership and contributions to enable us to continue our advocacy on your behalf as well as the state as a whole.

Please recruit a new member and attend our summer meeting where we will be discussing these, as well as other important industry topics. OHBA Summer Meeting is scheduled for June 20-22 at Kent State University Hotel & Conference Center. Contact OHBA at (614) 228-6648 for detailed information.



We have been serving professional builders for more than 90 years. Our business is all about serving you. We are a one-stop-shop for all your building needs, making sure you are set up for success before, during, and after your projects.

CARTER LUMBER MANUFACTURING

As skilled framing labor availability continues to decrease throughout our industry, prebuilt components are more important than ever for home builders. That's why we've **invested heavily** in our component manufacturing plants, to guarantee that in every market we service, our professional builders have the components they need, when they need them.

The **thirteen** component plants across our footprint are capable of producing roof trusses, floor trusses and wall panels for our customers. Our state-of-the-art facilities guarantee high quality production of trusses and wall panels.

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